

MARCH 10, 2022

The Houghton Reso

\$1.00

County passes first step in Houghton Lake SAD process

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The Roscommon County Board of Commissioners, at a March 2 special meeting, voted unanimously to adopt the Houghton Lake – Lake Level Delegated Authority resolution.

The resolution, the first step in a number of steps that must be taken to establish a lake level control structure maintenance special assessment district (SAD) at Houghton Lake, named the Roscommon County administrator/controller as the county's delegated authority for Houghton Lake under Part 307 of the Natural Resources and Environmental Protection Act.

"This is only the first step in a long, long process," Chairman Bob Schneider (District 3) said.

As explained during past meetings, the delegated authority, in this case Controller Jodi Valentino, who would act as the point person for the SAD, will work with Attorney Stacy L. His-son of Fahey, Schultz, Burzych,

Rhodes PLC, as the process of establishing the SAD continues. The purpose of the SAD, as explained by Schneider in past meetings, is to create a funding mechanism for the maintenance of the lake level control structures. The plan is to first establish a SAD at Houghton Lake, then create one at Higgins Lake and then Lake St. Helen, as all three have lake level control structures.

The resolution also includes the authorization of the county's retained legal counsel (Fahey, Schultz, Burzych, Rhodes PLC), "to file a petition in the Roscommon County Circuit Court to amend the lake level order to establish a special assessment district for Houghton Lake."

Also included in the resolution is the approval of an expenditure no more than \$10,000 for "activities to maintain Houghton Lake's normal level, including, but not limited to, updating its lake level order to establish a special assessment district

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County passes first step in Houghton Lake Improvement Board

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including specifying boundaries and performing maintenance and repairs on lake level infrastructure.”

Prior to the vote, during public comment, Roscommon Township Supervisor Diane Randall asked the board to consider postponing the vote on the resolution until more people returned to the area from their winter homes. She said the county should also consider the establishment of a professional lake manager. She also recommended the creation of a commission including the drain commissioner, the county administrator and John Hines of the Houghton Lake Sewer Authority, as there are so many waterway-related issues in Roscommon County.

“I’d be happy to spend money toward that,” Randall said. “I think that would be something toward our future for all of our waterways and I think that’s what we need to do. I think there’s so many issues that happen in our county with the water that we need to have someone to look forward to, someone to talk to.”

Roscommon Township Clerk Carie Milburn called the county’s lakes, rivers and creeks one of the most important commodities in the county. Milburn suggested that the lake level infrastructures should have been considered as part of the county’s American Rescue Plan (ARP) money.

She also suggested the use of a preliminary study “to find out the cost and establish where the district is going to be” in relationship to the SAD. Clerk Milburn said the ARP money could be used to have a preliminary study completed. She also suggested implementing a millage and “giving the residents a chance to have a say because I think you’d be surprised a lot of people would vote for a millage to help the lakes.”

Clerk Milburn also agreed with Randall’s point that many people are not in the area and now might not be the best time to act on the resolution.

Confusion about HLIB and county SAD

Houghton Lake Improvement Board Secretary/Treasurer Norm Fullmer told the Resorter March 1 there seems to be “a lot of confusion” in the community between the HLIB special assessment and the county’s lake SAD.

He said some of that confusion is because the county is using the HLIB’s already-established special assessment district as a starting point for its lake SAD.

Fullmer said there is also confusion about what the HLIB handles. He said the HLIB does not deal with lake levels, problems with geese or swimmer’s itch. He said the HLIB’s main focus is invasive aquatic plant life in Houghton Lake.

During the March 2 special meeting, business owner Nicki Flood, who identified herself as new to the area, said “we never received a letter” and said she found out about the day’s special meet-

ing through Facebook. She said as a new business owner who is putting money into the community, it would be “helpful to know when we are going to get assessed another tax or fee upon us because we’re wanting to make a change here and we certainly want the lake to be profitable for everyone, but just a surprise is a little bit concerning.”

Flood apologized for not knowing much about the program, as a new community member and said “that letter never even reached us.”

“We couldn’t even check into anything because we didn’t get any information,” Flood said.

During the March 2 special meeting, Fullmer addressed Flood’s comments.

“I think the lady who mentioned the letter may have been confused with the Houghton Lake Improvement Board letter that went out,” Fullmer said.

He provided Flood his phone number, asked that she call him and said he would be sure a copy of the HLIB letter would be given to her.

“There has been continuing confusion because the Houghton Lake Improvement Board is reestablishing their district for the next five years. I’ve gotten a fair amount of pushback. A lot of it is confused with property taxes and so I understand it’s confusing. But am I correct in that you guys, the board, hasn’t sent out any letters to the public?” Fullmer asked.

Schneider said the county has not sent out letters to the public.

Fullmer told Flood the letter she was inquiring about was from the HLIB.

Maintenance needs

Commissioner Marc Milburn (District 4) asked Hissong what would happen if the board tabled the resolution.

Vice Chair David Russo (District 1) said EGLE (Michigan Department of Environment, Great Lakes and Energy) permits have been issued and permit renewals have already taken place in regard to the maintenance that needs to be completed at the Houghton Lake lake level control structure.

Russo said the issue with the repairs needed at the Houghton Lake lake level control structure have been ongoing since May, 2021, and information on the maintenance needs have been reported in the Resorter several times.

“We have a problem with the dam and we need to move forward,” Russo said.

Commissioner Milburn then asked Hissong to comment on if there would be an advantage to asking voters to consider a millage.

Hissong said “Part 307 requires a special assessment district” and she recommended the county follow the requirements of Part 307, which does not allow for a millage, but does for a SAD. She said an advantage of a SAD is that the Department of Natural Resources (DNR) would be required to pay into the SAD, however, through a millage the DNR would not.

Houghton Lake SAD process

First step

Hissong then spoke to comments about public input. She said the resolution is just the first step in the process and members of the public would have time to give input on the SAD through public hearings, which the public would be made aware of through mailed letters. Hearing information would also be published in the Resorter.

She said if the board did not move on the resolution, then the upcoming steps would be delayed in Circuit Court, which would push out the public input hearings to a time when residents are gone for the winter months. She said her office would work hard to ensure the public input meetings take place during the summer when residents are in the county.

Hissong then addressed Clerk Milburn's comments on the preliminary study. She said it is clear that Clerk Milburn read Part 307.

"That preliminary study is normally performed when the lake level is established in the beginning and is the cost of a project to actually construct the lake level control structure that established the lake level and that has already taken place. So for purposes of just establishing the boundaries, a study is not necessary to be performed before that. That is something that we would work with the delegated authority to get the boundaries right," Hissong said.

Hissong said her office is in the process of setting up meetings with townships to get their input on the SAD boundaries.

Possible actions

Commissioner Ken Melvin (District 2) asked what would happen if they did not act on the resolution. He said EGLE permits have already been delayed. He asked what actions EGLE could take if the county did not move forward and take actions to fix the Houghton Lake lake level control structure.

Hissong said there are things that could take place if action is not taken.

She said if improvements were not to take place, fines could be issued and EGLE could request a drawdown of the lake. She said she was not suggesting that would happen, however, those are the means available to EGLE.

"If EGLE is telling you and your engineers are telling you that you have a public safety issue that needs to be addressed immediately, you need to do it," Hissong said, even if there are or are not fines being put forth.

More public comment

After the vote on the resolution passed, additional public comment was made. Randall said if the board was concerned about EGLE permit renewals, EGLE could have been contacted and action on the resolution could have been postponed until the county found out if EGLE would extend the permits.

Russo said the county has been dealing with the damage at the Houghton Lake lake level control structure since May, 2021, and management of the

lake level is being handled with only two gates as three gates are "completely shut off."

"We have to move forward and fix the control structure and there's grants out there right now," Russo said.

Valentino said Randall could share with her residents that the resolution passed at the day's meeting was the first step in the process of forming the SAD and residents have at least three other times for public input. She said that input will be presented in front of a third party – the Circuit Court.

Valentino said movement has to be made so public input can be made in front of the Circuit Court during the summer months.

Randall then brought up the idea of a millage for the control structure.

Valentino said the problem is that the county is not going to be able to pass a county-wide millage just for Houghton Lake or just for Higgins Lake. She said the commissioners only have the authority to propose county-wide millages.

Member of the public Eric Ostergren then commented on what he called Melvin's "problem" and the board's inabilities with managing the lake level of Higgins Lake.

"I support this resolution that you just passed, but I ask that you also consider adding Higgins and Lake St. Helen to what you are doing, although Lake St. Helen is currently managed much better than Houghton or Higgins. If the money is available through grants as it appears it is now, it would be financially irresponsible for you not to do so," Ostergren said.

Ostergren also asked that Melvin tell why the Higgins Lake dam committee was disbanded in 2010 just after Spicer Group made the recommendations for improving the established legal lake levels and why he opposes managing Higgins Lake closer to the legal lake levels. He said he agreed with Randall's suggestion for the lake committees, as he said they need to be re-established and would take some heat off of the commissioners.

Clerk Milburn again asked if ARP money was considered for the maintenance of the Houghton Lake lake level control structure. She said the main issue seems to be that the lake level control structure is broken and it needs to be figured out where the money is going to come from to make the repairs. She also referenced Valentino's comments that a county-wide millage would not work.

Clerk Milburn suggested that if a county-wide millage for "lake management and support," that would put money back into the waterways, was proposed to voters, it would be beneficial. She also said that "we could even try to get one on the ballot before this process is done and maybe it can still work that way and we can see if the residents would vote for it, so they would have a voice."

The commissioners last met March 8 for a regular meeting. The next regular meeting will be held March 23 with a 9 a.m. work session and a regular meeting to follow at 10 a.m.