

March 2, 2022

The Roscommon County Board of Commissioner's met on Wednesday, March 2, 2022 for a Special Meeting. The meeting was held at the Roscommon County Municipal Building, 500 Lake Street, Roscommon, MI 48653 and was accessible online via Zoom. Chairman Robert E. Schneider called the meeting to order at 1:00 p.m.

The Pledge of Allegiance to the Flag of the United States of America was recited.

Present: Robert E. Schneider, Kenneth Melvin, David Russo, Marc Milburn, Timothy Muckenthaler

Absent: None

Motion by Milburn, Second by Russo, to approve the Board Agenda. On Roll Call: Ayes: Russo, Schneider, Milburn, Muckenthaler, Melvin. Nays: None. Motion Carried.

Public Comment: Eric Ostergren spoke regarding the lakes. Roscommon Township Supervisor Diane Randall spoke regarding a Lake Manager. Nicki Flood spoke regarding the lake. Carie Milburn spoke regarding lake project funding. Norm Fullmer, HLIB, clarified mailings from his organization. Marc Milburn spoke regarding the timing of the resolution presented. Russo spoke about the timing of the resolution presented. Attorney Stacy Hissong spoke regarding special assessments.

Unfinished Business/New Business:

- a. **Houghton Lake – Lake Level Delegated Authority** – Commissioner Melvin pondered whether EGLE will allow the issues with the lake level control structure to be postponed. Hissong mentioned that fines could be issued for Public Safety violations.

Motions/Resolutions:

1. Motion by Russo, Second by Melvin, to adopt Resolution No. 2022-03-01 'Houghton Lake Delegated Authority':

'HOUGHTON LAKE – LAKE LEVEL DELEGATED AUTHORITY'

WHEREAS, Houghton Lake, located in Markey Township, Denton Township, Roscommon Township, and Lake Township, Roscommon County, Michigan has a normal lake level established by the Roscommon County 34th Circuit Court ("Circuit Court") under Part 307 of the Natural Resources and Environmental Protection Act ("Part 307"). See MCL 324.30701, *et seq.*; and

WHEREAS, Part 307's primary mechanism to fund infrastructure and activities to maintain Houghton Lake's normal lake level is by special assessments using a lake level special assessment district established by the Circuit Court. See generally MCL 324.30714.; and may utilize legal counsel and engineers to perform services; and

WHEREAS, a review of Circuit Court orders relating to Houghton Lake's normal level found that a lake level special assessment district to maintain Houghton Lake's normal lake level has not been established. Moreover, there needs to be maintenance on lake level infrastructure requiring annual expenditures in excess of \$10,000. See e.g., MCL 324.30722(4); and

WHEREAS, based on the facts above, the Roscommon County Board of Commissioners desires to: (1) approve annual expenditures of over \$10,000 for activities to maintain Houghton Lake's normal lake level; and (2) approve filing a petition in the Circuit Court to establish a lake level special assessment district for Houghton Lake.

NOW, THEREFORE, BE IT RESOLVED:

Delegated Authority: The Roscommon County Administrator/Controller shall serve as the County's delegated authority for Houghton Lake under Part 307. See MCL 324.30702(2).

- **Over \$10,000 Expenditure:** The Roscommon County Board of Commissioners approves annual expenditures of over \$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 including

specifying its boundaries and performing maintenance and repairs on lake level infrastructure. MCL 324.30722(4).

- a. **File Petition:** The Roscommon County Board of Commissioners may utilize legal counsel and engineers to perform services related to updating Houghton Lake's lake level order, preparing boundaries of a recommended Houghton Lake – Lake Level Special Assessment District under Part 307, and any further services that are necessary related to maintaining the lake's normal lake level. Further, the Roscommon County Board of Commissioners specifically authorizes retained legal counsel to file a petition in the Circuit Court to amend the lake level order to establish a special assessment district for Houghton Lake. See MCL 324.30707(5) (Circuit Court has continuing jurisdiction).
- b. **Costs of Activities:** All costs associated with the activities, including retaining all necessary consultants (legal counsel and engineers) to establish a lake level special assessment district, authorized above, shall be reimbursed by a lake level special assessment district to the extent permitted by Part 307.

On Roll Call: Ayes: Schneider, Milburn, Russo, Muckenthaler, Melvin. Nays: None. Motion Carried.

Public Comment: Supervisor Randall spoke regarding the Houghton Lake Delegated Authority resolution. Eric Ostergren spoke regarding lake levels and the Houghton Lake Delegated Authority resolution. Administrator/Controller stated that there will be more opportunities for the public to voice their opinions. Carie Milburn spoke regarding funding.

Motion by Milburn, Second by Russo, to adjourn meeting. All Ayes. Motion Carried.
Meeting adjourned at 1:41 p.m.

Robert E. Schneider, Chairman

Michelle M. Stevenson, County Clerk/Reg. Of Deeds