

## **AGENDA**

**Wixom Lake Improvement Board  
6:00 P.M., Thursday, July 25, 2024**

**Billings Township Hall  
1050 Estey Road, Beaverton, Michigan**

1. Call to order
2. Pledge of Allegiance
3. Roll Call:  
Carol Ayers, Ray Drumright, Robert Kelley, Tami O'Donnell, Jeanette Snyder, Joe Sova, Terry Walters, Larry Woodard, Don Zakett
4. Review and set the agenda
5. Approval of the June 27, 2024 meeting minutes
6. Communications and reports of board members, committees, and consultants
  - a. Treasurers Report
  - b. Approval of invoices
  - c. Paul Hausler – Second quarter update
  - d. Letter from Tami O'Donnell
7. Old Business
  - a. Monty Wiseman – Venice Subdivision
8. New Business
  - a. Letter fro Keith Popour – President, Venice Subdivision Assn.
  - b. Mowing Issue – Kevin Lautner
9. Public Comment
10. Adjournment

Wixom Lake Improvement Board (WLIB)  
Meeting Minutes  
June 27, 2024

Meeting called to order at Billings Township Hall by Chairman Sova at 6:00 p.m.

Pledge of allegiance recited.

Roll call of board members.

Board members present: Joe Sova, Carol Ayers, Robert Kelley, Tami O'Donnell, Jeanette Snyder, Terry Walters, Larry Woodard, Don Zakett.

Board Members Absent: Ray Drumright.

Others in Attendance: Norma Stuart – Deputy Drain Commissioner for Midland County  
Lucy Zeestraten – Deputy Drain Commissioner for Gladwin County  
Paul Hausler – Progressive Companies  
Approximately 29 members of the public

**Approval of Agenda:** Agenda was presents with an opportunity to add items. Tami O'Donnell made a motion to add under New Business to set meeting dates for the remainder of 2024. Terry Walters seconded the motion. Roll call vote. Yes – Ayers, Kelley, O'Donnell, Snyder, Walters, Woodard, Sova, Zakett. No – none. Motion carried

**Approval of minutes** from May 22, 2024. Larry Woodard made a motion to accept the minutes, seconded by Robert Kelley. Roll call vote. Yes – Ayers, Kelley, O'Donnell, Snyder, Walters, Woodard, Sova, Zakett. No – none. Motion carried

**Financial Report:** A financial statement showing a balance of \$271,666.95 was presented. Robert Kelley made a motion to receive and file the financial report, seconded by Jeanette Snyder. Roll call vote. Yes – Ayers, Kelley, O'Donnell, Snyder, Walters, Woodard, Sova, Zakett. No – none. Motion carried

Invoices: Progressive Companies #197162 - \$4,996.25, Tami O'Donnell made a motion to pay the invoice, seconded by Carol Ayers. Roll call vote. Yes – Ayers, Kelley, O'Donnell, Snyder, Walters, Woodard, Sova, Zakett. No – none. Motion carried

FSBR #20798 - \$231.00, Carol Ayers made a motion to pay the invoice, seconded by Jeanette Snyder. Roll call vote. Yes – Ayers, Kelley, O'Donnell, Snyder, Walters, Woodard, Sova, Zakett. No – none. Motion carried

The Legal Opinion from FSBR is regards to entering a partnership agreement with the Wixom Lake Association(WLA) for mowing services was reviewed. Larry Woodard made a motion to accept and file the report as a privileged document. Robert Kelley seconded the motion. Roll call vote. Yes – Ayers, Kelley, O'Donnell, Snyder, Walters, Woodard, Sova, Zakett. No – none. Motion carried

Paul Hausler gave an overview of the mowing subcommittee meeting. An Invitation to Bid packet was put together for either open bidding or to award the contract to Wixom Lake Association(WLA). After much debate and research, the committee is making a recommendation to contract with Wixom Lake Association for the remainder of the 2024 year. Monthly meetings will be held to keep track of what has been done by the WLA and to approve for payment. The process would be that the WLA would set the areas to be mowed and then the contractor would decide what the cost of that area would be to mow.

Amy Bentley is WLA Vice President and gave an overview of what mowing has been done to date this year. All of Heron Cove has been completed, a large canal on Eastpointe, which is east of Wyman almost completed, except for the north end due to rain.

Jeanette Snyder asked if the WLA is being paid to do this work. Tami O'Donnell stated that the WLA will not be charging the WLIB to administer the mowing project. Jeanette asked what the cost of this mowing would be through the end of the year. Paul Hausler stated that he would be inspecting the work that will be invoiced to make sure it is correct before payment. Tami O'Donnell stated that the money committed last year from mowing but not used was \$60,000 for canals and \$60,000 for the main lake. She would like to use those funds for the mowing through the WLA through the end of the year.

Don Zakett asked if there are provisions in the contract for either party to terminate the contract without penalty. Paul Hausler stated that yes, there is a provision for termination of the contract, it is item #4 on the contract.

Tami O'Donnell made a motion for WLIB accept the recommendation from the mowing subcommittee to contract with WLA on mowing the bottomlands of the Special Assessment district through the end of 2024, not to exceed \$120,000. Jeanette Snyder seconded the motion. . Roll call vote. Yes – Ayers, Kelley, O'Donnell, Snyder, Walters, Woodard, Sova, Zakett. No – none. Motion carried

Jeanette Snyder made a motion for the mowing subcommittee asked about updating the bid form to send out for bids for the mowing. Tami O'Donnell stated that bids have already been received. Shoreline Brush Hog (Scott Szczepanski), Britt Heinz Tree Service, and LNT Services, LLC (John Marsh). Jeanette Snyder asked Paul Hausler for his professional recommendation. Paul Hausler stated that the only concern he has is with the payment unit cost. He thinks selecting an area, determining cost and the after it is mowed and inspected for payment.

Jeanette Snyder made a motion for mowing subcommittee to update contract with guidance from Paul Hausler by week of 7/8/24. Carol Ayers seconded the motion. . Roll call vote. Yes – Ayers, Kelley, O'Donnell, Snyder, Walters, Woodard, Sova, Zakett. No – none. Motion carried

Don Zakett asked about doing a drone flight of the entire lake, including the canals. Paul Hausler stated that it would cost \$8,000 to do the fly over and process the data. Don Zakett made a motion to hire Progressive Companies to perform a drone fly over survey of the WLIB jurisdiction by the end of July 2024. Carol Ayers seconded the motion. Tami O'Donnell stated that she did not think we needed to spend the money on a drone fly over when we can see that there are trees growing in the lake and canals. Roll call vote. Yes – Ayers, Kelley, Snyder, Walters, Woodard, Sova, Zakett. No – O'Donnell. Motion carried

**Old Business:** Monty Wiseman, 5314 S. Pine St. – stated that the cattails are coming back in Heron Cove and Venice Subdivision and Pleasure Drive. Spray seems to be good for only 2 years. We have not had a good freeze in 2 years and have not been able to mow. He wants to see mowing twice a year in the canals and more spraying.

**New Business:** The schedule for the remainder of 2024 was discussed. The following dates were chosen for the monthly meetings. July 25, August 22, September 26, October 24, November 14 and December 12. Larry Woodard made a motion to adopt the dates for the monthly meetings. Robert

Kelley seconded the motion. Roll call vote. Yes – Ayers, Kelley, O'Donnell, Snyder, Walters, Woodard, Sova, Zakett. No – none. Motion carried

**Public Comment:** John Marsh, 3093 N. M-30 – Thanked the Board for making the decision to mow. He has been mowing in a lot in the townships and it is much easier for Casey to spray when he can see what he is spraying.

Terry Wheeler, 4217 S. Oak Dr. – The sprayed with helicopter last year, weeds are growing, but too many trees in the way. Wants to see more spraying done with the remaining funds.

Shana Hockemeyer, 4157 S. Oak Dr. - Wants to thank the mowing company and would like to see maps of the areas mowed put on the website. She would like to see more spraying.

Emma A., 3525 East Pointe Dr. – She has been mowed, does not know what to do about cattails and fragmities.

Jeanette Snyder made a motion to adjourn, seconded by Carol Ayers. Meeting adjourned at 7:48 p.m.

Respectfully submitted,

Joseph J. Sova  
Midland County Drain Commissioner

## Wixom Lake Improvement

891-000-001.155

DATE	VOUCHER #	ORDER #	EXPLANATION	DRAW	CURR. TAX	DEL. TAX	INT.	BALANCE
<b>2024</b>			Brought Forward					59,286.74
1/2			Terry Walters Dec board mtng	26.91				59,286.74
1/4	144102		Billings Township 12/1-12/15		40,173.75			99,460.49
1/9	144185		Tobacco Township 12/16-12/31		10,525.18			109,985.67
1/24	144505		Tobacco Township 1/1-1/15		2,359.63			112,345.30
1/25	144530		Billings Township 1/1-1/15		37,065.80			149,411.10
1/29	JE9-12326		Corrections from 12/18/23 Payroll	0.01				149,411.09
1/31	JE9-12410		Interest				36.35	149,447.44 <b>b</b>
2/7	144881		Tobacco Township 1/16-1/31		2,711.67			152,159.11
2/12	144976		Billings Township 1/16-1/31		30,106.49			182,265.60
2/21	145160		Tobacco Township 2/1-2/15		4,726.12			186,991.72
2/29	JE9-12411		Interest				86.50	187,078.22 <b>b</b>
3/5	145722		Billings Township 2/1-2/15		48,607.20			235,685.42
3/5	145723		Billings Township 2/16-2/29		6,038.28			241,723.70
3/7	145784		Tobacco Township 2/16-2/29		5,214.75			246,938.45
3/11			Terry Walters Dec board mtng	26.91				246,911.54
4/17		2024-007	Joe Sovia April board mtng	25.00				246,886.54
4/17		2024-008	Terry Walters April board mtng	26.91				246,859.63
4/17		2024-009	Carol Ayers April board mtng	25.00				246,834.63
4/17		2024-010	Ray Drumright April board mtng	25.00				246,809.63
4/17		2024-011	Robert Kelley April board mtng	25.00				246,784.63
4/17		2024-012	Larry Woodard April board mtng	25.00				246,759.63
4/17		2024-013	Progressive AE Inv# 196084	5,135.00				241,624.63
4/17		2024-014	PLM Permits Inv# 6000399	950.00				240,674.63
4/17		2024-015	Gladwin Treasurer Adm fees Inv# 111	200.00				240,474.63
5/23		2024-028	Ray Drumright May board mtng	25.00				240,449.63
5/23		2024-029	Robert Kelley May board mtng	25.00				240,424.63
5/23		2024-030	Joe Sovia May board mtng	25.00				240,399.63
5/23		2024-031	Terry Walters May board mtng	25.00				240,374.63
5/23		2024-032	Larry Woodard May board mtng	25.00				240,349.63
5/23		2024-033	Glenn E. & Vicki L Turskey	69.53				240,280.10
6/3			Midland County Drain Commission		31,358.03			271,638.13
6/20			Robert Kelley Void ck. 2022 JE9-11198		25.00			271,663.13

Wixom Lake Improvement

891-000-001.155

6/28		2024-046	Terry Walters June board mtng	25.00				271,638.13
6/28		2024-047	Joe Sovia June board mtng	25.00				271,613.13
6/28		2024-048	Carol Ayers June board mtng	25.00				271,588.13
6/28		2024-049	Larry Woodard June board mtng	25.00				271,563.13
6/28		2024-050	Robert Kelley June board mtng	25.00				271,538.13
6/28		2024-051	Progressive AE Inv# 197162	4,996.25				266,541.88
6/28		2024-052	Fahey Schultz Inv# 20798	231.00				266,310.88
6/28	148495		2023 Delinquent Tax Settlement			23,516.44		289,827.32
								289,827.32
								289,827.32
			Balance	12,010.61	218,911.90	23,516.44	122.85	289,827.32
			2023 Assessment to Collect	\$214,778.17				
			Assessments Collected 2023	\$3,176.62				
			Assessments Collected 2024	\$211,045.31				
			Difference of	\$556.24				



# Fahey Schultz Burzych Rhodes PLC

4151 Okemos Road  
Okemos, MI, 48864  
www.fsbrlaw.com  
O: (517) 381-0100

## INVOICE

Invoice Number	21551
Invoice Date	6/28/2024
Due Date	7/28/2024
Matter	Wixom Lake Improvements

### Bill To:

Wixom Lake Improvement Board  
220 W Ellsworth Street  
Midland, MI 48640

### Time Entries

Time Entries	Billed By	Rate	Hours	Sub
6/3/2024 Conference with co-counsel re: contract issues	Stacy L. Hissong	\$285.00	0.30	\$85.50
6/3/2024 Prep. for/Attend Meeting re: Mowing Coordination	Amanda J. Knutson	\$210.00	1.00	\$210.00
6/11/2024 Prepare Legal Opinion re: Mowing	Amanda J. Knutson	\$210.00	3.50	\$735.00
6/12/2024 Revise Legal Opinion re Contracting with Lake Assn	Kyle A. O'Meara	\$250.00	1.00	\$250.00
6/12/2024 Prepare Legal Opinion re: Mowing; Corr. w/ KAO re: Same	Amanda J. Knutson	\$210.00	0.90	\$189.00
6/13/2024 Review/Revise and Finalize Legal Opinion; Corr. w/ Board Chair re: Same	Amanda J. Knutson	\$210.00	0.40	\$84.00
		<b>Time Entries Total</b>	<b>7.10</b>	<b>\$1,553.50</b>

Total (USD)	\$1,553.50
Paid	\$0.00
Balance	\$1,553.50
I-20798 Previous Balance	\$231.00
Total Outstanding	\$1,784.50

Please remit payment to: Fahey Schultz Burzych Rhodes PLC, 4151 Okemos Road, Okemos, MI 48864



Joseph Sova  
Wixom Lake Improvement Board  
220 West Ellsworth Street, Rm 229-30  
Midland, MI 48640

July 1, 2024  
Project No: 55290102.0  
Invoice No: 00198532

Project 55290102.0 Wixom Lake

Email Invoice: [JSova@co.midland.mi.us](mailto:JSova@co.midland.mi.us); [lzeestraten@gladwincounty-mi.gov](mailto:lzeestraten@gladwincounty-mi.gov); [NStuart@co.midland.mi.us](mailto:NStuart@co.midland.mi.us)

**Professional Services through June 30, 2024**

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Phase 024 2024 - 2028 Contract

**Fee**

**Professional Personnel**

	Hours	Amount	
Totals	39.75	6,615.00	
Total Labor			6,615.00
Total this Phase			6,615.00
Total this Invoice			<u>6,615.00</u>

**Outstanding Invoices**

Number	Date	Balance
00197162	4/1/2024	4,996.25
Total		4,996.25

STANDARD PAYMENT TERMS: Invoices are due upon receipt. Unpaid invoices shall bear interest at a rate of 1 percent per month if not paid within 30 days of the date of the invoice.



# WIXOM LAKE BOTTOMLAND MANAGEMENT PROJECT SECOND QUARTER 2024 UPDATE

PREPARED FOR:

**WIXOM LAKE IMPROVEMENT BOARD**

**GLADWIN & MIDLAND COUNTIES, MI**

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The bottomland management project on Wixom Lake focuses on the control and removal of nuisance woody plant growth with the select use of herbicides and mowing and/or mulching of remaining biomass. The program is administered by the Wixom Lake Improvement Board. Management efforts are coordinated with the Four Lakes Task Force and the Wixom Lake Association to avoid redundancy and ensure proper timing and sequencing of efforts. The current project is being financed mostly through funds collected from special assessments as approved during public hearings in September of 2023. Below is a list of frequently asked questions along with a summary of activities during the second quarter of 2024.

## ***Who oversees the plant control program?***

Plant control activities are coordinated under the direction of the lake board's environmental consultant, Progressive Companies. Biologists from Progressive Companies use drone and ground-based GPS-guided surveys of the lake bottom to identify problem areas, and detailed treatment and mowing maps are provided to the plant control contractors. Follow-up surveys are then conducted to evaluate treatment effectiveness and the need for additional treatments and/or mowing.

## ***Who conducts the herbicide treatments?***

Herbicide treatments of the Wixom Lake bottomlands are conducted by PLM Lake & Land Management.

## ***Who determines when and where treatments and mowing will occur?***

The timing and scope of treatments is based on the most appropriate management during the target plants growth cycle. The ultimate goal is to have the bottomlands management work completed immediately prior to refilling of the lake.

## ***What plants are targeted for control?***

The bottomland plant control program on Wixom Lake focuses on nuisance woody species and invasive plants, such as *Phragmites australis* (common reed) and purple loosestrife. Invasive plant species have the potential to spread quickly to adjacent wetland areas if left unchecked.

## ***Is a permit required?***

In Michigan, a permit must be acquired from the Department of Environment, Great Lakes, and Energy (EGLE), before herbicides are applied to inland lake bottomlands. The permit lists the herbicides that are approved for use, dose rates, use restrictions, and indicates specific areas of the lake where treatments are allowed. In addition, a federal permit under the National Pollution Discharge Elimination System (NPDES). The NPDES permit is also administered through EGLE. Permit requirements are designed to protect public health and the environment.

## ***Can I apply herbicides myself?***

If you have a permit from EGLE, you can treat your own shoreline, but we don't recommend it. In most cases, it is best to have herbicides applied by a licensed professional applicator rather than attempting to apply herbicides yourself. If applied improperly, herbicides can do more harm than good.

**For more information visit the Wixom Lake Improvement Board website at [www.wixomlakeimprovement.info](http://www.wixomlakeimprovement.info).**

# WIXOM LAKE BOTTOMLAND MANAGEMENT PROJECT SECOND QUARTER 2024 UPDATE - PAGE TWO

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In the second quarter of 2024, the Wixom Lake Improvement Board (WLIB) formed a mowing committee to discuss options for mowing the bottomlands of Wixom Lake in the most efficient and expedited manner while maintaining control and oversight of the project. The committee recommended that the WLIB contract with the Wixom Lake Association after consultation with an attorney to determine the legality of this process according to provisions of Part 309 (Inland Lake Improvements) of Act 451 of 1994, as amended (The Natural Resources and Environmental Protection Act). The WLIB and WLA are currently finalizing this contract.

## ***How will this process be implemented?***

An updated drone survey of Wixom Lake's bottomlands is being conducted by Progressive Companies to provide the most recent condition of the bottomlands. This data will be used to identify areas of the lake needing additional work (either mowing or in some cases herbicide treatments followed up with mowing). Follow-up surveys are then conducted to evaluate treatment/mowing effectiveness and the need for additional treatments and/or mowing.

## ***Once areas are determined, who does the mowing?***

A map of the areas to be mowed under contract with the WLA will be presented to a representative of the WLA and they will visually inspect the area to be mowed and determine a cost of mowing based upon consultation with the WLA's mowing sub-contractor(s). The mowing will then commence once the cost is agreed upon by the WLA and the WLIB. Following mowing, the area mowed will be inspected and payment recommendations will be made based upon a review of the daily log forms (completed by the mowing sub-contractor) and a visual review of the completed work.

## ***What is the prioritization for determining areas to be mowed and/or treated?***

Accessibility and equipment types needed to achieve the end result will be the primary determining factor for selecting areas for mowing and or treatment. Secondary prioritization will be the most problematic areas that may need multiple uses of different techniques in order to achieve desirable results. Final prioritization will be determined by EGLE's fill permit requirements. The EGLE fill permit is required to refill the lake once the dam construction has been completed and inspected. Again, the ultimate goal is to have the bottomlands management work completed immediately prior to refilling of the lake.

For more information and updates on the project, visit the Wixom Lake Improvement Board website at [www.wixomlakeimprovement.info](http://www.wixomlakeimprovement.info).

Dear WLIB Board Members,

I am sorry that I could not attend tonight's meeting. I am moving our daughter all week from Ithaca NY to Philly. I have asked Gladwin Counties Executive Secretary to the Commissioners to attend on behalf of gladwin county.

I wanted to express a few comments, to the board in relation to making a decision on the contract with WLA.

1. I fully support that this is the smartest and most cost-effective way to start accomplishing this large task of mowing.
2. As county Commissioner for this District, I field many questions on the status of preparing our lake for water, as well as what is being done to control the growth. By accepting this pilot with WLA, WLIB will show they have good faith towards the process of preparing the lake bottom.
3. I strongly encourage the WLIB board to accept this contract as presented by WLA so that we can move forward. This will allow our taxpayers to see results and let them move forward as well.

Regards,  
Tami O'Donnell  
Gladwin County Commissioner  
District 3



June 27, 2024

Wixom Lake Improvement Board

Dear Board Members,

As President of the Venice Subdivision Association, our members and I are once again coming to you for our concern with the canals and the cattails growing out of control. 2 years ago the spraying of the cattails worked, however there is new growth daily and before it gets worse we'd like to have you continue the spraying and continue it every 2 years if needed.

Monty and Jill Wiseman have presented facts and figures to your board over and over and has actually begged for help in canal clean-up. He has shown your board that the monies generated from our weed assessments is more than enough to cover the spraying and control of growth.

We ask what your plans are moving forward for the canals? The tree growths? The time for waiting for this and that is over, this needs to be done NOW. The volunteers can only do so much and with the age of many of them, it's very hard work and therefore need your help in getting these things done.

Thank You.

Respectfully submitted,



Keith Popour, Pres.

Venice Subdivision Association

