



Minutes of **PUBLIC HEARING for Softwater Lake S.A.D.**
Held **JUNE 11, 2015**

Township of Springfield

Laura Moreau, Clerk

Call to Order: Supervisor Walls called the June 11, 2015 Special Meeting of the Springfield Township Board to order at 7:05 pm at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

Roll Call:

Board Members Present

Collin Walls	Township Supervisor
Jamie Dubre	Township Treasurer
Laura Moreau	Township Clerk
Marc Cooper	Township Trustee
Judy Hensler	Township Trustee
David Hopper	Township Trustee
Dennis Vallad	Township Trustee

Board Members Not Present

None

Public Hearing:

Hearing of Practicability – Softwater Lake

Supervisor Walls explained the reason for this hearing is to receive comments from the public regarding continuing the Special Assessment District and assessment for Softwater Lake weed control. Comments at this hearing should pertain to the project, the preliminary plans, the cost estimate and/or re-establishing the district. A second public hearing will be held at a later date to hear comments regarding the assessment roll – how much each resident will have to pay.

Supervisor Walls further explained what the Township is allowed to do as it relates to project plans and holding the public hearings. As part of the project approval process, the Board must approve a resolution determining the district boundaries, direct the Supervisor to make a tentative assessment roll and set the date for the public hearing on that roll.

Supervisor Walls noted that objections may be filed in writing at this hearing or at the assessment roll hearing. If a resident decides they want to appeal the assessment, they must appeal in writing at either hearing or the State will not consider the appeal.

The Softwater Lake special assessment has been unique in that originally the assessment was based on harvesting every year. Later it was determined that harvesting was no longer necessary and a chemical treatment plan was developed which was also less costly which allowed the collected funds to last through this year, 2015 (the assessment was for years 2006 through 2010).



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The proposal being presented tonight is a 4 year assessment for treatment years 2016 through 2019. The proposed assessment roll for all 4 years is \$40,000 or \$10,000 per year - the previous assessment was \$43,805. The treatment plan suggested is similar to the past plan which includes a variation of treatment options based upon the specific conditions of the lake and what's needed. Included in the contract is vegetation and water quality monitoring annually.

Supervisor Walls showed on the displayed map who is included in the district.

Three written communications were received. One from Mrs. Wallace, 7199 Blue Water, which stated she accepts the project; one from Maria Mark, 7163 Blue Water, who requested a reduction in her assessment because she is on the canal and its in very poor condition; and one from Joyce Gibbs, 7243 Blue Water, who also lives at the east end of the canal and requested an exemption from the assessment because she has no view of the lake.

Supervisor Walls opened the public hearing at 7:15 pm.

Karen Mann, 7241 Blue Water, commented she is at the very end of the canal too and all she can see of the lake is "gunk"; she would like to be exempt from the assessment as well. It was her opinion previous treatments have done nothing to correct the poor condition of the canal.

Joyce Gibbs, 7243 Blue Water, said that since she has paying the assessments, has seen no improvement, the lake has actually gotten much worse. When the weeds were harvested, they were not removed and ended up at the end of the canal where she lives and promoted other undesirable growth. She commented that it seems everything property owners do on the lake ends up at the end of that canal; she believes there should be some responsibility for keeping that canal clean and its not being done, because of that her property value has gone down. The lake no longer has the pristine water it once had.

Sharon Steinhelper, 8851 Cedar, asked if tonight's discussion or approval pertains to how much the assessment is going to be? Supervisor Walls replied, no, the discussion is on the district and the treatment plan. She commented the lake is a mess, it's muddy and full of algae; and good plants have been destroyed. She would like it if part of the assessment was focused on how to save the lake, finding someone to help with this and to find out how much it would cost; it was once a beautiful lake.

Chuck Steinhelper, 8851 Cedar, said he believes that since homeowners are spending this much money, shouldn't there be a second opinion? The lake is the worst it has ever been; if people start requesting to be exempt from the assessment, who will then be left to pay for treatment.



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Sue Postemski, 8887 Cedar, also commented the quality of the lake has deteriorated and understands the concerns of those who live at the end of the canal. She asked if people on the canal become exempt from the assessment, will the canal still be treated and what affect would that have on the rest of the lake?

Supervisor Walls closed the public hearing at 7:24pm.

Treasurer Dubre addresssed some or the questions from the public hearing:

- * The Eliza Lake SAD was newly established under Act 188 whereas the Softwater Lake SAD under Act 188 has been around for a long time and it was her opinion has a far better management plan. Softwater Lake is monitored annually where Eliza Lake is not.
- * Eliza Lake is assessed on 36 parcels, Softwater Lake is assessed an many more.
- * The lakes in this area are shallow which means they will always have a number of issues and how much are people willing to put into them – depending on how much is put into them will be how much you get out of them.
- * Again Softwater Lake is monitored closely and treatment adjustments are made within the determined capacity which is why the previous assessed funds were able to last so long.
- * The contractor that does Softwater Lake is very reputable, is used by numerous other lakes and is recognized as a service provider for lakes – the contractor for Eliza Lake only does that lake in this area.
- * Regarding the canal, the assessment for those parcels was once factored at a higher rate but has been reduced because is was recognized the benefit had been diminished.
- * Given she still sees a number of residents are still living on the lake that have been there awhile must say something about the lake.
- * And, because this SAD is established under Act 188, the Township does not know if something is not working. She asked that if there is a problem, residents call the Township and they will be directed to who to call to get issues resolved.

It was noted by a resident that Mel Walters is doing a very good job and that it is very challenging to try and treat the algae problem in the canal.



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Supervisor Walls asked that the assessment roll hearing be deferred until the August 13th Board meeting at 7:00pm. This will allow more time to talk to Mr. Walters and the contractor to find out what is being done and to look into some of the homeowners concerns mentioned tonight.

Treasurer Dubre noted a change to Resolved 1. – year 2019 needs to be added to the treatment years.

- * **Treasurer Dubre moved the Resolution with the two (2) corrections noted – adding 2019 in Resolved 1 and adding the date for the Special Assessment Roll hearing as August 13, 2015 at 7:00pm. Trustee Hopper supported the motion. Vote on the motion. Yes: Cooper, Dubre, Hensler, Hopper, Moreau, Vallad and Walls; No: none; Absent: none. The motion carried by a 7 to 0 vote.**

A member of the public asked if a meeting could be held with the contractor to discuss the treatment and why the lake seems to be getting worse. Supervisor Walls replied that can be done but not at the public hearing scheduled for August 13th.

Adjournment:

Supervisor Walls adjourned the meeting at 7:36pm.

Collin W. Walls, Township Supervisor

Laura Moreau, Township Clerk

**Charter Township of Springfield
RESOLUTION
2015-11**

Resolution of the Township Board of the Charter Township of Springfield, determining to undertake an improvement project and to establish and maintain a Special Assessment District to pay costs associated therewith and approving the plans and estimates of costs thereof, to be known as the *SOFTWATER LAKE SPECIAL ASSESSMENT DISTRICT*.

At the regular meeting of the Township Board of the Charter Township of Springfield, County of Oakland, Michigan, held on the 11th day of June, 2015, at 7:00 p.m.

PRESENT: Cooper, Dubre, Hensler, Hopper, Moreau, Vallad and Walls

ABSENT: None

The following preamble and resolution were offered by Dubre and supported by Hopper.

WHEREAS, the Township Board of the Charter Township of Springfield, Oakland County, Michigan, has previously created a Special Assessment District to finance weed and algae control in Softwater Lake, the term of which has expired, and the Board wishing to consider its renewal and;

WHEREAS, after due and legal notice, the Township Board of the Charter Township of Springfield held a public hearing on the 11th day of June, 2015, at 7:00 p.m. for the purpose of receiving comments regarding the improvements and the Special Assessment District to be established therefore;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. In accordance with the provisions of Michigan Public Act 359 of 1947, as amended, and Michigan Public Act 188 of 1954, as amended, the Township Board of the Charter Township of Springfield hereby determines that financing weed and algae control in Softwater Lake for 2016, 2017, 2018 and 2019 is reasonable, necessary and in the interest of the public health, safety and welfare of the inhabitants of the Charter Township of Springfield and shall be done.
2. The Township Board of the Charter Township of Springfield hereby approves the plans, specifications and estimates of costs in the sum of \$40,000 for treatment years 2016, 2017, 2018 and 2019. The aggregate of all such costs will be spread against the Special Assessment District hereby established.

3. The Township Board of the Charter Township of Springfield hereby establishes a Special Assessment District for the purpose set forth in paragraph one (1) hereof and names the Special Assessment District "SOFTWATER LAKE SPECIAL ASSESSMENT DISTRICT." It includes the property described in Exhibit A attached hereto.
4. The term of the Special Assessment District shall end on December 31, 2019, or at such earlier time as the Township Board may deem prudent.
5. The Township Supervisor is hereby directed, in accordance with Michigan Public Act 188 of 1954, as amended, to make a Special Assessment Roll in which shall be entered and described all of the parcels of land to be assessed, with the names of the respective owners thereof, if known, and the total amount to be assessed against each parcel of land, which amount shall be the relative portion of the whole sum to be levied against all parcels of land in the Special Assessment District as the benefit to the parcel of land bears to the total benefit to all parcels of land in the Special Assessment District.
6. When the Township Supervisor completes the Special Assessment Roll, he shall affix thereto his certificate stating that it was made pursuant to this resolution of the Township Board of the Charter Township of Springfield that in making the Special Assessment Roll he has, according to his best judgment, conformed in all respects to the directions contained in this resolution and to the statutes of this state.
7. The Township Supervisor shall file the Special Assessment Roll, with his certificate attached thereto, with the Township Clerk, who shall then present the same to the Township Board of the Charter Township of Springfield.
8. The hearing on the Special Assessment Roll shall be held on the 13th day of August, 2015 at 7:00 p.m. at the Township Hall, located at 12000 Davisburg Rd. Davisburg, MI 48350.
9. The Township Clerk is hereby directed to give notice of the hearing as required by law.
10. In order to appeal the amount of any special assessment, affected owners or parties with an interest must protest the proposed assessment. This may be done by appearing in person at the hearing, having an agent appear at the hearing on behalf of an owner or party in interest or by filing a protest by the hearing date, by letter addressed to the Township Clerk at the above address. An owner or party having an interest in the real property affected by the special assessment may file a written appeal of the special assessment with the Michigan Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment is protested at the hearing held for the purpose of confirming the special assessment roll.

EXHIBIT B

Persons present at the Public Hearing or who submitted letters protesting the assessment:

Joyce E. Gibbs, 7243 Blue Water

Karen A. Mann, 7241 Blue Water

Maria Mark, 7163 Blue Water

Sally D. Wallace, 7199 Blue Water