

Forest Lake Spillway Report
November 1, 2023
By: Dan LeFevre

We continue to make significant progress since our last update on September 27th. GEI is gathering and analyzing data to finalize the design. A 90% design package was submitted to EGLE last month, and we expect the final design to be submitted in mid-November. We published minimum general contractor qualification requirements at the end of October. Bid submittals are expected by early January. A hearing is scheduled for November 29th to establish the special assessment district boundaries and notice letters are going out to all property owners in the district this week. The plan remains to start the spillway reconstruction project in the spring and complete by the end of August 2024.

However, there have been changes.

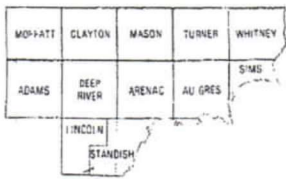
Most notably, we received a revised project cost estimate of \$10 million on October 13th with a new \$1 million estimate for addressing ground water that they believe is likely to pool at the toe of the spillway, and another \$2 million in additional estimated construction costs. As noted previously, we expect to receive construction bids in January and our full project cost will be clarified less than 90 days. Two months ago we socialized the idea of asking USDA-NRSC for an increase in our existing \$3.2 million in federal grants, and after discussions we all agreed to wait until construction bids are received before requesting an increase. Based on current estimates it appears the project could potentially qualify for up to \$4 million in additional grants on top of the \$3.2 million already awarded from USDA; \$3.3 million from the State of Michigan (EGLE/MEDC/MI Dept. Treasury); \$50,000 Chippewa Indian Grant; and \$655,000 from FLPOA. We expect to formally request the USDA increase in January and will also explore other contingency options such as county bonds backed by the new Special Assessment District that is petitioned for approval on November 29th. Ideally, we will fund the project entirely with grants as has been our goal for at least the last two years.

Another significant change occurred last week when the County Commissioners adopted a new resolution (attached for reference) that changed the lake level board. In the last week I have had extensive conversations with FLPOA and FLLAB Directors, attorneys for Arenac County, the EGLE Dam Safety Director, and our project engineers. We all seem to agree on the following strategy:

1. FLPOA should engage an attorney experienced in Michigan Part 307 law to help us work with the County to proceed;
2. Finalizing the project design and the bid process must proceed as scheduled;
3. The November 29th hearing to establish Special Assessment District boundaries remains a critical project milestone;
4. Requesting an increase in the USDA grant must occur shortly after construction bids are received;

The FLPOA BOD has contacted four qualified attorneys and we plan to consider engaging Part 307 counsel at our November 4th meeting.

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ARENAC COUNTY BOARD OF COMMISSIONERS

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ARENAC COUNTY BOARD OF COMMISSIONERS

**AMENDED RESOLUTION TO INITIATE ACTION
TO AMEND LAKE LEVEL ORDER**

FOREST LAKE

RESOLUTION NO. 2023-13

At a meeting of the Arenac County Board of Commissioners, Arenac County, Michigan, held on

_____, 2023 at _____, Eastern Standard Time;

PRESENT: _____

ABSENT: _____

The following resolution was offered by: _____ and supported by: _____

WHEREAS, Forest Lake, located in Moffatt Township, Arenac County, Michigan has an established normal lake level by the Arenac County Circuit Court and

WHEREAS, the primary mechanism to fund infrastructure and activities to maintain Forest Lake's court-ordered normal level is by special assessments using a lake level special assessment district established by the Arenac County Circuit Court. See e.g., MCL 324.30711; and

WHEREAS, Board of Commissioners have been informed there are prior court orders relating to Forest Lake's normal level delineate the boundaries of a lake level special assessment district to fund maintaining Forest Lake's normal level.

WHEREAS, based on the facts above, the Board of Commissioners desires to approve hiring legal counsel and necessary engineers to assist with filing a petition in the Arenac County Circuit Court to establish and confirm the boundaries of a Forest Lake - Lake Level Special Assessment District and to make any other necessary amendments to its lake level order.

I, the undersigned, the duly qualified and acting Clerk of Arenac County, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Arenac County Board of Commissioners at a meeting held on the _____ day of 2023, and that notice of said meeting was given in accordance with the Open Meetings Act, and further certify that the above resolution was adopted at said meeting.

Dated: _____

Nancy A. Selle, County Clerk
Arenac County