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.





ARENAC COUNTY BOARD OF COMMISSIONERS

P.O. Box 747 • 120 North Grove Street • Standish, MI 48658 (989) 846-6188

District #1 Sally Mrozinski - Vice-Chairperson District #2 Lisa Salgat District #3 Bobbe Burke
District #4 Harold Woolhiser - Chairman District #5 Jim Hergott

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, helon		
	, 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.

NOW THEREFORE, BE IT RESOLVED

COUNTY OF ARENAC)

- 1. Legal Counsel and Engineers Special Assessment District: Arenac County may retain legal counsel and engineers to prepare the boundaries of a recommended Forest Lake —Lake Level Special Assessment District and for any further services that are necessary related to maintaining the normal level 'of Forest Lake. These include engineers from Spicer Group, Inc., and GEI Consultants, Inc., and legal counsel of Fahey Schultz Burzych Rhodes PLC. Further, said legal counsel may file a petition in the Arenac County Circuit Court on behalf of Arenac County to establish and confirm the boundaries of a Forest Lake Lake Level Special Assessment District and to amend the lake level order to ensure that the lake level order specifies the correct lake level elevation and accounts for any seasonal or other lake level variations. See MCL 324.30707(5) (circuit court has continuing jurisdiction).
- 2. An advisory committee named the "Forest Lake Level Authority Board" consisting of: (1) a member of the Arenac County Board of Commissioners appointed by the County Board of Commissioners; (2) the Arenac County Drain Commissioner; (3) a member appointed by the Moffatt Township Board; (4) a member appointed by the Clayton Township Board; and (5) one member of the Forest Lake Property Owners Association appointed by the Forest Lake Property Owners Association may meet to discuss matters related to the Forest Lake and its lake level and provide input and recommendations to the Arenac County Board of Commissioners for matters regarding Forest Lake.

3. Costs of Activities: All costs associated with the activities authorized above shall be

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 theday 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	
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