



## MEETING SUMMARY OF THE CHARTER TOWNSHIP OF TEXAS FLOODING TASK FORCE MEETING HELD ON JULY 18, 2019

A meeting of the Charter Township of Texas Flooding Task Force was held on July 18, 2019, commencing at approximately 10:30 a.m. at the Texas Charter Township Hall.

### 1. INTRODUCTIONS

Supervisor John Hinkle opened the meeting thanking everyone for taking the time to attend and inviting the Task Force members to introduce themselves. The following members of the Task Force were present:

- Engineer Tom Smith, Prein & Newhof
- Derek Haroldson, DEQ
- Travis Bartholomew, RCKC Deputy Director
- Jack Levy, Sen McCann District Manager
- Clare Todd, Bass Lake Representative
- Aaron Collins, Bass Lake Representative
- Len Bosma, Eagle Lake Association
- Kalamazoo County Commissioner Christine Morse
- Mike Ryan, Congressman Upton's Dist. Director
- Dan Moyle
- Representative Sean McCann
- Mike Corfman, Kalamazoo County Emergency Management
- Nick McLaughlin, Pine Island Lake Representative
- Kendra Gwinn, Portage Public Services Director
- Jim Roberts, Crooked Lake Association
- Russ Walters, Crooked Lake Association
- Dian Latora, Pine Island Development Representative
- Mark Rose, Vineyards Representative
- Texas Township Trustee Tim Brown
- Texas Township Superintendent Julie VanderWiere
- Texas Township Supervisor John Hinkle

### 2. FLOODING STATUS

Supervisor Hinkle advised that he had received a request from Gerry Robbins to become a member of the Task Force, representing the residents on N. Eagle Lake Drive that are also being impacted from the pond North of OP Avenue flooding. He stated he would allow Gerry Robbins to report on the flood status then the Task Force could decide later on in the meeting if he should become a member.

Jim Roberts (Crooked Lake Association) reported that Crooked Lake is down 7 inches. The lake goes down  $\frac{3}{8}$  inch –  $\frac{1}{2}$  inch per day while we are pumping. Evaporation usually brings the lake down  $\frac{1}{4}$  -  $\frac{1}{2}$  inch per day.

Dian Latora (Pine Island Development) reported that Pine Island is remarkably lower nearly 1 ft. However there are 13 basements still flooded. She was also told that someone was hospitalized due to a leg infection after they entered the flood water. She has not been able to confirm this yet but calls have been made to the Health Department to have the water tested.

Mark Rose (Vineyards Development) reported that Pine Island Lake has just about stopped flowing over PQ to Eagle Lake. The pond through his yard has also just about stopped flowing. He is guessing that the ground water level is starting to go down.

Amy Coon (Eagle Lake Association) reported that Eagle Lake is down also. Evaporation or not it is down  $\frac{1}{2}$  inch from May 16<sup>th</sup> and down  $4\frac{1}{2}$  inches from May 30<sup>th</sup> and from the June 20<sup>th</sup> rain event it is down 7 inches. She



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reported that she is taking the measurements for Eagle Lake and if anyone has questions about the measurements they should just ask her.

Nick McLaughlin (Pine Island Lake) reported that Pine Island Lake is down 4-5 inches and he is grateful for that.

Gerry Robbins (N Eagle Lake Drive) reported that he and approximately 10-12 neighbors are dealing with flooding from two fronts; Eagle Lake and the pond North of OP Ave which has continued to flood for over 1 year. RCKC has had to raise his road 3 times approximately 3 feet total in the last several months and they have a drainage district project that can't move forward. He has talked to Jeff VanBelle to determine if there are alternate options for the drainage project. He advised that the street side of the flooding is lower in the last few weeks.

Russ Walters advised he wanted to address the accuracy of the measurements. He stated that these measurements were informational up until the Township Board decided to adjust the pumping rates. Now decisions are being made based on the measurements and they need to be accurate. He suggested that the measurements need to be verified at least before the Township Board meetings. We need to have a common starting point.

Julie VanderWiere advised that she has already implemented a verification procedure. The measurements will be verified by her or Township Staff once a week.

Amy Coon responded that since the pumps were turned on Crooked Lake has gone down 7.12 inches and Eagle Lake has gone down 4.5 inches. We need to ensure that we are using the same reference points.

Len Bosma asked if Tom Wheat maintains the google drive?

Tom Wheat responded the DEQ permit requires measurements be taken. We are using volunteers to take and record those measurements. That is the data we are relying on to determine parameters of the permit. He advised that we could post the tabular (number) data as well as the graphical forms on the website if that would help.

### 3. TOWNSHIP BOARD GUIDANCE ON PUMPING RATE FROM EAGLE TO CROOKED LAKE

Tom Wheat reported that at the July 8 Township Board meeting there was discussion on the pumping rates. The Engineers were seeing a noticeable difference on the draw down rates at the equal rate (1000/1000 gpm). We talked to the Board and were given permission to amend the pumping rates to make the draw down the same. From 6/26/19- 7/6/19; Crooked Lake came down .24 feet (which is approx. 3 inches) and Eagle Lake came down .11 feet (which is approx. 1.32 inches). For one week during the adjusted rate (1250/750 gpm); Crooked Lake came down .20 feet and Eagle Lake came down .18 feet.

Tom Wheat stated that Tom Smith used those numbers to update the projected model draw down. Crooked Lake still gets to their goal several months before Eagle Lake. We will be recommending to maintain the current rate to the Township Board but to continue to closely monitor.



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Tom Wheat responded to a comment about evaporation being the cause for the lakes going down. He confirmed that we are seeing a lot of evaporation due to the hot days which is good. It all helps.

Russ Walters asked if Tom Wheat decided what starting point is being used so everyone is on the same page?

Tom Wheat responded that we are looking at draw down rate not a starting point. The graphs we have show the trend but the tabular form will show the exact information.

Russ Walters commented that we need to quell the rumors.

Jim Roberts added that he would like Chuck Buxton to address the Task Force.

Chuck Buxton (Crooked Lake Association) stated that he reviewed the data from a high point. The official gauge was installed at Eagle Lake on June 28<sup>th</sup>. On that date, Eagle Lake measured 903.74 WSE and is currently 903.36 WSE. Eagle Lake is down 4.8 inches and Crooked Lake is down 5.4 inches. June 26-July 7<sup>th</sup> pumping equal volumes; Eagle went down 1.1 inch and Crooked went down 3 inches. 7/10-7/16 with the adjusted pumping rates; Eagle went down .13 feet and Crooked went down .16 feet. He would like the rates to remain at the current rate for a little while longer to obtain more information.

John Hinkle commented that we are dealing with a lot of variables. We need grace and understanding. Amy has taken more sacrifice than anyone else. We appreciate and rely on those volunteers and rely on the Engineers. We need to give grace and trust the Engineers. We are all in this together.

Tom Wheat commented that he appreciates and agrees with that. Chuck's info fits with our info as well. This is a highly dynamic system. It was the wisdom of the Township Board to review at every Board Meeting. We should celebrate the water is going down.

#### 4. FLOOD MITIGATION PROJECT UPDATE

Tom Wheat reported that the backwash waters from the filters are going back into the lake. We tested raw lake water, finish water and backwash water. RLS and Prein & Newhof tested the water. These results were submitted to DEQ and a determination that no NPDES permit would be required. The amount of solids going back in the lake are minimal. This does require a DEQ permit revision and that has been submitted to DEQ.

We have changed the measuring point at the Bass Lake Outlet because the CMP culvert has been damaged affecting the measurements. There is a concrete culvert between the lake and the CMP culvert, which DEQ will allow us to use as a measuring point from this point forward.

Crooked Lake Market ramp paving is scheduled for next week but will be contingent upon rain and the Temporary Pole Barn has been built. There appears to be a reduction in noise.

The GEI Monitoring report received yesterday indicates that there is beginning signs of stress in the wetland in Bentwood. Derek Haroldson is going to accompany GEI on their field visit next week. The cause of the stress is



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not known at this time. It could be the beaver, extra water from rain or from pumping or the extreme heat. Balkema installed a screen on the 8<sup>th</sup> Street Culvert that is put in place at night and removed during the day to prevent a beaver from building a dam inside the culvert. We know that prior to the beaver dam the water increase in the wetland was very marginal.

Derek Haroldson stated in general the Google Drive is working well. The data is being entered timely. He did indicate that the Bass Lake tab seemed to have some issues. Derek stated that the GEI report on 7/10/19 noted some signs of stress. The last few reports have shown some signs of stress in woody wetland areas and this may be expanding to other sights as well. They are starting to see some plant stress. He will be joining GEI on their field visit Monday and he may bring along a wetland specialist to determine what species are being affected and determine a course of action. They will need to determine what are the impacts and what are the options. This may include pumping cessation or reduction or both. Residents from Bentwood have contacted DEQ Deputy Director expressing concerns as well as Derek. Derek stated that the gains must not come at the detriment to downstream.

Tom Wheat indicated that Monday is the day we turn off the pumps for the 48 hour rest time. He asked Derek if he would like the pumps to remain on until they could do their inspection. Derek indicated that he would let Tom Wheat know for sure but that he did not think that would be necessary.

Commissioner Morse asked how they would know if the stress is due to the pumping or something else?

Derek Haroldson advised that they do not have a baseline and that he is seeing the same thing in other wetlands currently. Wetland is 6 inches higher but due to all the rain it would be higher than usual anyways. We do not know exactly what the status is at this time.

Commissioner Morse asked if they would look at other wetland areas to make a comparison.

Derek Haroldson indicated that they would do that.

Commissioner Morse stated that this must be a pragmatic approach.

Len Bosma asked Derek to please balance decisions with the absolute decimation of the other wetlands. There are trees that have fallen into both lakes and 10-1000's trees that have died as a result of the flooding.

Derek Haroldson responded it is not simple and they can't have a narrow assessment. They have to be comfortable with any decision made.

Gerry Robbins commented that his property has shown stress in 6 months not in 2 months. This is a short amount of time to start showing stress.

Jim Roberts commented that Crooked Lake is losing all sorts of trees and shoreline. These trees are 12-24 inch in diameter. He used to own the Bentwood wetlands, during dryer times the seeds grow and the wetter times the trees die. Wetlands are hardy and will come back.



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Russ Walters commented that Bentwood residents should not be punished. He asked that we continue to dialogue with them.

Jim Roberts responded that we could always hard pipe into the culvert to prevent damage to the wetland.

Derek Haroldson responded that would change the model and the permit and would be a significant change. He followed with these are good points and EGLE will look at other reference sites for comparison.

Clare Todd asked if the stress on the wetlands could be from the water quality? She advised that there was an oil sheen slick by her dock this morning.

Tom Wheat responded that there are 0 hydro carbons coming from Eagle/Crooked Lake, as indicated by the test results. It could be from the recent 8<sup>th</sup> Street road project.

Derek Haroldson commented that you can tell it is motor oil sheen if you put your finger in it and it reforms. If it does not, it is not motor oil sheen.

Jim Roberts stated that he would like to thank the Bass Lake residents and BSA for being part of the solution and not the problem.

Aaron Collins commented that the Bass Lake culvert has been fluctuating up and down. We will be discussing this after this meeting with the Township.

Derek Haroldson responded that RLS tested the TSS (total suspended solids) in the backwash water. He took the results to the experts and they advised this was not something that would require a NPDES permit.

### **5. UPDATE FROM COUNTY EMERGENCY MANAGER, MIKE CORFMAN**

Mike Corfman advised that his office has received many questions on declaring a local state of emergency. He advised that we must follow Act 390 of 1976, Michigan Emergency Management Act. Mike read excerpts from the act.

When a disaster occurs and goes beyond the local municipality resources the act allows the government of enter into contracts to repair infrastructure to maintain health, safety and welfare of the community. Under extraordinary circumstances the Governor can fund assistance to the Municipality through a grant but it is not to exceed 10% of their general fund budget or \$250,000 whichever is less. There must be a demonstration of exhaustion of local effort. The City of Portland was just denied assistance for their State of Emergency Declaration because they could not demonstrate exhaustion of local effort.

Gerry Robbins asked if Kalamazoo County EM Office had input with the Governor's Office. He questioned if the Governor's Office made decisions on tax abatement?



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Mike Corfman responded that the Act does not provide private assistance. Once it is at a Federal level it could involve private assistance. When a local state of emergency is declared the County EM Office would complete a damage assessment. They may look at private property damage at that time.

Len Bosma asked what Kal County EM plan of action or recommendation was to move forward?

Mike Corfman responded that since this started they have been in direct contact with the Township. The key words here are *EXHAUSTION of LOCAL EFFORT*. At this time nothing in the ACT would be beneficial to declare the state of emergency. The Township has not asked for assistance to help mitigate. It would need to be beyond both the Township and County.

Gerry Robbins stated that most disasters occur within minutes or hours. This is A-Typical. The Governor declared a disaster in the Bay City area. Our situation is the drainage of funds over time.

John Hinkle responded that we have been in contact with our Legislature/Representatives. We have received no encouragement. We have spent \$250,000 from our General Fund. However you can't put a dollar amount on the stress that this has placed on so many residents.

### 6. UPDATE FROM CONGRESSMAN UPTON'S OFFICE

Mike Ryan, Congressman Upton's District Director, explained that their office is working on getting a FEMA Insurance expert to come to the Township to answer questions.

### 7. UPDATE FROM LONG TERM SOLUTION COMMITTEE

Len Bosma explained that the committee met on 7/16/19. They discussed filters, route, cost, easement and SAD in addition to the Legal Lake Level Process, use of augmentation wells, petition drive and need for legal advice. The committee also discussed requesting the Township provide funding for the up-front costs. He felt the meeting went well and the results were positive. He feels they have moved the ball ahead.

Tom Wheat is recommending the use of horizontal wells on both Eagle and Crooked Lakes; which will eliminate the need for a filtration system. Tom has also provided a proposed route but easements will be required. In order to approach the property owners for the easements property valuations should be completed first. The estimated cost of the long term project is between \$1.5 and \$2 million dollars.

The timeline is still rough at this point as there will need to be a transition between the short term and long term solutions.

Len Bosma advised that Jeff VanBelle is envisioning a 3 tiered SAD.

Clare Todd asked if the Long Term is continuing the Short Term solution. She commented that there needs to be transparency.



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Tom Wheat explained that the concept is the same as the Short Term; however we will be using Horizontal Wells in both Eagle Lake and Crooked Lake. The Horizontal Wells are placed in the ground next to the shore line and will utilize ground water. The amount of flow will be significantly less and will be designed as a gravity flow system, which will not require any powered equipment. The water will be filtered by the Earth.

Jim Roberts stated that Bass Lake should have a seat on the Long Term Sub- Committee.

Tom Wheat explained that the long term solution mimics what was happening before the short term solution was put in place. The horizontal well will just aid the process. The water in the control structures is ground water near the lake and this already is occurring naturally.

Len Bosma commented that the Legal Lake Level brings concerns over the augmentation wells. Jeff VanBelle is willing to sign a MOU for pumping operations of those wells. He added that Eagle and Crooked Lakes will work together to make this happen but they are not ready for a petition drive yet. He then invited Clare Todd to join the sub-committee.

Russ Walters asked about the SAD that will be created. Will it be by benefit?

Tom Wheat answered that the SAD that is set up for the pumping project is for one project and one cost. The Long Term will likely be considered as one project as well.

Jim Roberts asked Derek Haroldson if the City of Portage was pumping into the sanitary sewer system?

Derek Haroldson responded that Portage is not pumping yet, in spite of the Mlive report. They did get permission from COK to pump into the sanitary sewer system.

Tom Wheat commented that Texas does not have the capacity to pump into the sanitary sewer system and the cost would be prohibitive.

Jim Roberts commented that he and Russ represent Crooked Lake. They have gotten a lot of push back after the last board meeting. We thought it was based on pumping rate not on draw down rates. Many residents are upset about the change.

John Hinkle responded that we are trying to do what is fair and right. We have to make the decision that is most fair. This is not based on absolutes. We are trying to do it right and what is fair.

Jim Roberts responded the deal was about the rate not draw down. That is why there is so much anger.

Russ Walters commented that people feel that they were being deceived. Fairness is in the eyes of the beholder.



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### 8. QUESTIONS/COMMENTS

Gerry Robbins commended that the abandoned homes are an impact on the township. He asked what the total loss figure was that the Township determined for FEMA.

Tom Wheat responded that Tom Smith would have that figure.

Julie VanderWiere responded that the figures the Township collected were not complete. Many people responded that they could not determine the extent of damage until the water levels receded.

Jim Roberts made a motion that was carried, supported by Len Bosma, to add Gerry Robbins as a member to the Task Force.

John Hinkle commented that the Township Board has discussed the reduced land values. The Township Assessor did lower assessments what he could do legally.

Christine Morse commented that we did talk about draw down and she thanked Mike Corfman for sharing the information on the State of Emergency.

Nick McLaughlin commented that adding the tabular data in addition to the graphs would be helpful.

Len Bosma commented that the Long Term Committee is concentrating on moving the ball along.

Russ Walters commented that we need to continue to make this project successful and need to meet the challenges.

Travis Bartholomew stated that the Township approved more funding for emergency stabilization. A temporary lift was constructed over O Avenue near Glenwyn. RCKC is currently monitoring Selah Ct. as it appears the water is going down. RCKC continues to monitor all of the current roads closed due to flooding.

Tom Wheat commented that he missed the veliger testing. He explained that we had GEI test the filtered water for presence of veligers/zebra mussels and none were located.

Tim Brown stated that in the Long Term Solution we should evaluate not doing the petition and use the County Commission.

Len Bosma stated that both lakes have a subcommittee and are researching the best approach to take on the Long Term Solution.

**The next Task Force Meeting was scheduled for Thursday, August 29, 2019 at 10:30am.**

Submitted by Superintendent Julie VanderWiere