

HIGGINS LAKE PROPERTY OWNERS ASSOCIATION
ANNUAL MEETING – JULY 19, 2008
Roscommon High School

The Annual Meeting of the HLPOA was attended by 119 registered members and guests. The meeting was called to order by President Pat Springstead at 9:05 a.m. Attending Board members were introduced by Pat as follows: Pat Springstead-President, Mary Jane Hartman, Herb Weatherly, Stan Cooke-Treasurer, Bill Case, Rick Meeks-Vice President, Laurie Smith Tudor-Secretary, George Scofes, Marv Bolton, Ed Trautz. Pam Mills, Administrative Assistant, was also introduced. Absent from the annual meeting were: Sue Balger and Brad Gibson.

Pat asked for a motion to approve the Minutes of the July 21, 2007 Annual Meeting. Motion was made, seconded and passed.

Election of Directors: Pat Springstead made recommendations for re-nomination to the board for Sue Balger, Bill Case, George Scofes, Ed Trautz and Herb Weatherly for additional three-year terms ending July 2011. Pat called for additional nominations from the floor and there were none. A motion was made and seconded to approve these individuals for reelection to the Board. Motion carried.

Treasurer's Report: Stan Cooke presented the 2007 Financial Report. He made a motion for approval of these expenses, motion seconded and passed. The income for 2007 was \$94,392, which was 132% above budget. Total expense was \$61,593, which was below budget. Net income for 2007 was \$32,799. There were 748 members at the end of 2007.

Audit Committee Report: Rick reported that the Audit Committee reviewed the Treasurer's books and found everything in order.

HL PAC Report: Pat Springstead, Vice Chair of the Political Action Committee (PAC) gave the HLPOA Report. Pat once again encouraged members who own property at Higgins Lake to homestead their property so they can exercise their right to vote. The PAC will be very active in the upcoming election. Statewide elections will not have as much impact locally as they have in the past, so PAC will concentrate support on the local positions. Pat noted that the HLPOA membership has been extremely generous in their giving to the PAC. We are looking for the best people for the elected positions and undertaking to find prudent, open-minded and fair individuals. After the August primary a list of suggested candidates for support will be sent to the HLPOA membership, both via email and letter.

Higgins Lake Foundation Report: Vicki Springstead, Chair of the Foundation introduced members of the Foundation who were present. She began her report by highlighting HLF funded projects.

The Legion Wastewater System which will provide better health for the lake will be completed later this year and it will come in under budget. Recognition was given to Paul Tatro, Ned Wicks and Bill Case for their part in oversight of this project. Another current project mentioned is the Higgins Lake Boat Wash, which is being managed by the HLPOA and funded in part by the HLF. The HLF continues its working relationship with Huron Pines through the lake steward program which educates and encourages individuals to use greenbelting for their shoreline. The Foundation offers 50/50 cost-sharing (up to \$1,000) for this. You may contact either the Huron

Pines or the HLF office for more information. The HLF produced a homeowners' manual with helpful information on caring for Higgins Lake; these are available at the foundation office. In cooperation with the HLPOA a one-day Higgins Lake Saver Program was conducted for the fourth grade students at Roscommon Elementary School at the MacMullan Center. The annual fundraiser, Awareness Day will be on August 9 at the MacMullan Center. A new presentation this year will feature "quiet" water craft demonstrations, which will include windsurfing and kayaks.

Public Relations Committee: Pat introduced Laurie Tudor Smith as the chair of this committee and he recognized Laurie and thanked her for the positive image that she provides for all of the areas in which she is involved.

Laurie reported that she maintains the HLPOA website; it offers a color version of our current newsletter, information on lake levels, water testing, legal updates, etc. She reported that the 2008-2009 member directory should be produced and distributed soon.

Some of the projects which the HLPOA supports are Project Graduation, which provides a safe place for graduates to celebrate; the Gerrish Township Shop-With-A-Cop program which provides Christmas for families in need. The HLPOA works closely with local organizations and foundations, especially the Higgins Lake Foundation and the Roscommon County Community Foundation. Their continued support for the HLPOA efforts is greatly appreciated.

This year's Michigan Lakes and Streams Association conference provided some useful information for future projects, as well as opportunities to network with other organizations with the mutual goals for maintaining the water quality of our inland lakes.

Laurie and other HLPOA board member were involved in a question and answer session with a group of seniors from Ohio. She also highlighted events at the Higgins Lake Saver program for the Roscommon Elementary students. This program was a great educational tool for the students and is planned to be an annual event.

Laurie reported that the HLPOA board attends meetings at all levels and spends countless hours with local officials and property owners for the purpose of fulfilling the HLPOA mission which is to protect, preserve and enhance the quality of Higgins Lake and its surrounding watershed.

Friend of Higgins Lake Award: Bill Case gave an historical and personal commentary and presented a plaque to this year's award recipient, Herb Weatherly, to honor his extraordinary service to HLPOA, the local community and the preservation of Higgins Lake. Herb thanked everyone for this noteworthy award.

Environmental Committee: Rick Meeks, Chair of the Environmental Committee, defined the committee focus as twofold; to prevent invasive species from getting into the lake and curtail the reintroduction of them, the other is the restriction of nutrients into the lake. Rick introduced Marv Bolton to report on the invasive species activity.

Marv commented that treatment procedures for Eurasian milfoil are working. According to a Huron Pines study the use of benthic barriers used to destroy the milfoil are effective. Areas where the barriers had been used to eliminate the milfoil are clear after two years. Marv took a moment to thank the volunteers for their time and equipment to maintain this project. Without

them it would not be possible to manage. Members were told of a sign-up sheet available at the meeting for anyone interested in volunteering to help with the milfoil project. In addition to the benthic barriers it was necessary to use chemical treatment on three areas that were too large or too deep to use the barriers effectively. Marv reported that the chemicals used to treat these areas are the same ones used at the boat launch sites. Research was done to procure the safest yet most effective chemicals possible. The treated areas will be monitored to determine whether the chemical treatment was successful. An additional project undertaken this year will be the removal some woody debris that provides a good habitat for milfoil.

Rick returned to the podium and introduced Laurie Tudor for a report on the boat wash. Laurie stated that this project would be a stellar example of how both the public and private sectors can work together to accomplish a goal. The collaborative effort was made possible by the donation of land from the DNR for construction of the boat wash. Laurie thanked individuals from both the DNR and the North Higgins Lake State Park for their cooperation. The financing was provided by funds from the HLF, RCCF, Entrust and others. The HLPOA will be the project manager which means that they will be responsible for construction and maintenance of the boat wash. This project is seen as a first line defense against milfoil and other invasive species that might otherwise be introduced to Higgins Lake or taken to another lake. The boat wash, once it is operational, will be available in the summer months.

Rick reported on water testing. We are part of the Michigan Lakes & Streams Association and DEQ water quality monitoring program, which was established in 1974. The testing is done in the North and South basins of the lake. Tests are conducted throughout the summer, at two-week intervals. Tests for phosphorous levels are so low that they are difficult to calculate. The test for oxygen levels showed such high levels because we don't have a lot of vegetation on the lake bottom which robs the oxygen from the water. Chlorophyll levels are small. Rick commented that the deep parts of the lake remain very clean and clear, but our concern is for the shallow, near-shore areas which are showing increased levels of nutrients. One area of concern is the amount of phosphorous in the lake; a primary source is from chemical fertilizers. We encourage property owners to use non-phosphorous fertilizers. Shoreline erosion also produces additional nutrients in the lake.

Rick introduced the topic of lake level. Historically the lake level was set in 1926 by a court order. The current level was not determined by any type of scientific study, but rather an arbitrary number. To determine a lake level in present day, we would have to determine the ordinary high water mark which is used because lakes are not equal in all areas. Shoreline erosion is the result of not using an ordinary high water mark for determining levels. Rick noted several examples of shoreline loss over the past and up to this last winter. Rick explained his how lake level is affected by rainfall, evaporation and use of the dam. After the examples and explanation were given he suggested that we need to look at the current summer lake level from an ecological perspective, not a political or necessarily popular perspective. Pat returned to the podium and announced that a question and answer period would be held at the end of the meeting for audience input.

Legislative Report: Pat Springstead introduced Bob Frye, Michigan Waterfront Alliance (MWA), to report on activities in Lansing. Bob began with a history of how the MWA was established. In the mid-1990s the HLPOA approached the Michigan Lakes and Streams Association (ML&SA) at their annual meeting and asked their board of directors to form a group to lobby for inland lakes at a statewide level. The MWA is a relatively young organization in the

process of determining how to make it work. Bob reported that there are four lake organizations (HLPOA, ML&SA, Walloon Lake and MWA) which have lobbyists in Lansing. With the help of these lobbyists the recent road end bills were blocked in the Senate. There are several other issues that will require lobbying in Lansing. The MWA is seeking additional big lakes to join their group because of the visibility they have in Lansing. He commented that the HLPOA is the largest lake group lobbying in Lansing. Bob also noted the Higgins Lake Land Conservancy questionnaire available for members to complete.

Legal Report: Rich Jaskowski reported on enforcement of previous decisions of the court regarding violation of Jacobs restrictions at road ends. In the past 12 months we have not had the problems of enforcing the court decisions as in the past with regard to road ends. Rich reported on his involvement in the past year with two cases that had not had Jacobs decisions applied to the road ends.

1) The first is Hitchcock Road. A part of this road is in Pine Bluffs and the rest in unplatted. The unplatted portion has not been deeded away so a group of backlot owners asserted private rights and ownership of this portion of property. The Pine Bluffs Association brought suit to stop this backlot group. The case is still pending but we were successful obtaining a summary disposition that removes overnight mooring at this portion of road end. A trial is scheduled in mid-August to address the remaining shoreline issues.

2) The second is Maplehurst Road. Initially it was thought that Maplehurst was a section line road; not created through plats. It was discovered that Maplehurst was created through two separate plats, Sunset Shores and Pinecone Beach. In order to enforce Jacobs at the end of Maplehurst Pinecone Beach Association was formed to bring this issue before the courts. At a recent court appearance Jacobs ruling was granted to this road end.

Bill Carey presented his portion of the legal update. Bill reported that they have had consistent success.

Still pending is the last of the Jacobs cases; it is Higgins Lake Shores. It has gone through the trial court and is awaiting an appeals court date. It is expected that the conclusion will be the same as other Jacobs' cases.

Bill reported that a noteworthy victory has to do with private funneling (Sunseekers). This case involved 8 families who bought a 25-foot lot for the purpose of creating a dock and mooring rights. This was challenged based on Lyon Township zoning ordinances. This challenge was successful but was reversed in the Court of Appeals. The Court of Appeals decision was challenged in the Supreme Court; the Supreme Court agreed to hear the appeal and upheld the lower court decision.

Another case is Sovereign Park. A group of non-riparian property owners in the subdivision are asking the judge to rewrite the rules of use for the subdivision. The original plat language establishes what can and cannot be done with roads within the subdivision. This group is asking the judge to change that language. The lakefront owners disagree with this request. Mr. Carey suggested that if this challenge is not met with strong opposition it could set a precedent for other subdivisions around the lake.

The HLPOA is not directly involved in this case but closely monitored Sam-O-Set Blvd. in Lyon Twp. This road runs along the lakeshore. Most of the (adjacent) riparian property owners use a portion of Sam-O-Set as beachfront in a way that does not interfere with the road. The Road Commission challenged the right of a single landowner to use that portion of Sam-O-Set for his own use, even though it was acknowledged by all that he was not interfering with the operation of the road. This case went before Judge Baumgartner and he does agree and did rule that (1) the landowner involved would have exclusive riparian rights adjacent to the boulevard and (2) as long as the undeveloped portion of the roadway was not being used for the operation of a road or road maintenance that the landowner could use it for private purposes. Bill Carey called for questions from the audience.

President Springstead returned to the podium and asked for any questions from the audience on any subject. The audience was extremely interested in talking about shoreline erosion and the vast majority of the members spoke in favor of a healthy lake level that would prevent shoreline erosion.

The meeting adjourned at 11:40 a.m.

Respectfully submitted,

Pam Mills
Administrative Assistant