

**Boardman River Dams Committee
Meeting Minutes
October 24, 2006; 6:00 – 8:00PM**

I. Attendees:

Bob Allen, Dennis Aloia, Ron Alpers, Tom Barker, Robin Beardsley, Susanne Biteman, Anne Brasie, Mark Breederland, Eric Clore, Lew Coulter, Beverly Cuthbert, Tim Dunlop, Diane Dusendany, Brett Fessell, Kathy Finch, Todd Kalish, Joe Kaltenbach, Leslie Knopp, Russ Knopp, Kyle Kruger, Herb Lemcool, Jim McIntyre, Vanessa McCray, Al Morse, Jack Murray, Troy Naperala, Scott Parker, Jim Pawloski, James Pryor, Gabe Schneider, Sandra Sroonian, Sharon Wise, Dale Worfel, John Wyrwas, Peter Zirnhelt

Please refer to the meeting agenda and supporting documents which were reviewed at this meeting. Minutes, agendas, and supporting documents are located on the website: <http://www.theboardman.org>

II. Boardman River Dams Committee Statement of Purpose: Reviewed

“To engage all interests in assessing and recommending the fate of the dams on the main stem of the Boardman River based upon a thorough analysis of options, including long and short-term economic, social, environmental, aesthetic, transportation and ecological impacts upon the community, individuals and riparian owners.”

III. Project Facilitator’s Report**Proposed Process for Review and Approval of Meeting Minutes**

Proposed Process Presented: “The minutes of each meeting of the BRDC, the IT or BRDC/IT will be reviewed, amended if necessary, and approved by consent at the next meeting of the BRDC. Draft meeting minutes will be posted to www.theboardman.org no later than two weeks after the meeting; finalized minutes will be posted after approval of the BRDC.”

Discussion: How are amendments to be submitted? Proposed amendments can be submitted electronically prior to the meeting or at meeting. Submitting in advance will allow PowerPoint slide to be created with suggested amendment(s).

Decision: Suggested amendments and approval of minutes will take place following Purpose Statement at each meeting. Process approved by consent.

Discussion: What is the best agenda format and process flow for BRDC meetings? Strategic agenda? Standard agenda for each meeting? “Old Business” suggested to come after minutes discussion and approval; things that did not get resolved at previous meeting or need follow-up.

Follow-up Action: Pros and cons of varying agenda formats will take place at the November workshop. A recommendation generated by workshop participants will be presented at the November BRDC meeting for discussion.

Answer Re: Are Hydro Licenses Asset Owned By City

City Manager states licenses to generate power are not asset subject to voter approval before relinquishing. This opinion is based on the City Charter, and previous Circuit Court decision on brick portion of power plant and is not subject to vote. A copy of the ruling was requested, but not provided due to research fees that would be incurred. Instead the City Clerk provided a letter and copy of the relevant section of the City Charter (179B).

Discussion: If the BRDC wants a copy of the ruling, the facilitators will request it for the November meeting. Who rendered opinion that a vote is not required?

Follow-up Action: The facilitators will follow-up with Richard Lewis for further clarification. A request will be made to the City Manager's office for a copy of the ruling, as suggested by the City Clerk.

Review and Discuss Compiled Questions for DEQ

Questions submitted to date were reviewed (please see Project Facilitators Report for listing). BRDC members were asked to review and submit additional questions. Additional questions can be submitted by writing on the blue sheet of paper provided at the meeting, sending email to Jennifer, or calling the project office or facilitators.

Discussion: Obviously list has questions that cannot be answered by DEQ. The list will have to be sorted through to determine with questions should be addressed by the DEQ and which should be submitted to other entities. Many of the questions have to do with bottomlands, or are redundant, or will be answered as a result of the studies... BRDC members were asked, "Do you want to request written response first, then convene a panel if necessary? Attendees discussed various proposed processes. Implementation Team individuals has answers to many of the questions, can they put the answers together in written format and posted? Is there a "Frequently Asked Questions" section of the website where those questions that have been answered can be posted?

Follow-up Action:

- Jim Pawlowski will answer all the questions he can for DEQ, email to Leslie to have posted to website.
- Other experts will be requested to answer any questions applicable to their field of study, then posted to website.
- A separate document will be provided at the November meeting that will provide questions/answers.
- All questions and answers will be posted on the FAQ section of the website, and in Archives section.
- Anybody who requests to receive the document by mail will be mailed a copy of the completed Q&A.
- Can FAQ question be included as insert with Township/City electric bills and tax bills? Communication Team is pursuing this idea already as a means to communicate information and will make a recommendation.

Review Feedback to Date On BRDC Processes And Plan To Address

Discussion: The Project Facilitators will review minutes of previous meetings to identify and compile concerns and ideas. BRDC members are encouraged to continue to submit concerns and ideas via meetings, email, mail or telephone. Please submit additional thoughts by October 31.

Follow-up Action:

- BRDC members who attend the November 4 workshop will add to the compiled list.
- At the November 4 workshop, BRDC members will identify solutions to concerns and implementation plans for feasible ideas. The results of this work will be presented to the full BRDC for discussion at its November meeting.
- BRDC members are encouraged to submit additional concerns and ideas via email, mail or telephone by October 31st.

Review Draft Agenda for Facilitation and Leadership Workshop

When: November 4, 2006, Saturday, 9:00-3:00 at Hagerty

Who: Anyone who is interested, please attend. RSVP Jennifer for accurate lunch and material count.

Purpose: To develop collaborative leadership for the project, and build participant's facilitation skills while engaging in production discussion and planning.

Workshop Goals are to:

1. Train a core of facilitators who will play a vital role in leading the Boardman River Dams Committee for the duration of the project.
2. Develop strategies to propose to the full BRDC for:
 - How the BRDC will work collaboratively with all stakeholders;
 - What knowledge, expertise and education should be developed in this process; and,
 - What processes and procedures will best serve the BRDC and enable it to achieve its purpose.

Discussion: Reviewed workshop information, encouraged all to attend, especially committee chairs.

Follow-up Action: BRDC members requested to contact Jennifer Jay if they would like to attend.

Review and Discuss Future Meeting Locations, Transportation And Evaluation

Meeting Location Options Presented:

Civic Center – is available November 28th; likely okay through February; no charge

Traverse Area District Library – available November 28th, May & June, but no other; no charge

Discussion: Better parking is available at the Civic Center than at the library. Need to provide our own refreshments. Continuity of location is very important, and it may be worth the expense to meet at Hagerty. Questions arose as to the cost of holding the meetings at Hagerty – with or without refreshments. Todd Kalish reported that the cost is approximately \$500 per meeting. Hagerty Room 112 has no charge; but is not always available; and the capacity is only 35-40. Can we explore options to get rooms at Hagerty at lower cost? What about Garfield Township Hall? Elk's Club?

Decision: BRDC will meet at Hagerty Center in November.

Follow-up Action: Facilitation Team will review options for other community locations with little or no cost; report back to BRDC at November meeting.

Discussion of Future Meeting Dates: Is the 4th Tuesday the best day and time for BRDC meetings? Is there a need to meet in December (12/26)? When will the Varnum report be ready. Leslie Knopp reported that the report from Varnum is not expected before January due to the complexity of title searches.

Decision:

- No changes suggested; stay with 4th Tuesday of each month.
- No regular meeting will be held in December. If an additional meeting is necessary to finalize a contract with ECT, one will be scheduled on or before 12th of December, with two weeks' notice provided. If a special meeting is not scheduled for the purpose of finalizing the ECT contract, then there will be no meeting in December.

Transportation Option Presented: BATA will provide transportation to BRDC meetings. The cost is \$1.00 each way – Keystone Road, River Road routes – must have enough interest to do this. BRDC members are encouraged to contact Jennifer if interested or if they know of someone who would be interested.

Evaluation Options Presented: Sample evaluation forms to assess the effectiveness of BRDC meetings were provided (See Project Facilitators Report document). The purpose of using an evaluation form is to get more feedback that will aid continuous improvement.

Follow-up Action: BRDC members are requested to review samples and offer input on additional items or questions to be included.

IV. Review and Approval of September 26 Meeting Minutes

Discussion: Suggestion to remove use of acronyms in minutes, or spell it out the first time used. Suggestions was made to provide an updated glossary of acronyms and post to website.

Decision: Motion was made and supported to approve September 26 minutes; no objection heard; BRDC consent to motion to approve minutes with changes suggested.

Follow-up Action: An updated glossary of acronyms will be created, provided at the next meeting, and posted to the website.

V. Scoping Team Report

The Scoping Team met on October 11 via conference call, and reviewed the ECT scope of work and contract. The team met again on October 18 in person to further review contract with ECT, attendees included Army Corp and Laura Heintzelman from Great Lakes Nonprofit Institute. A revised version of the documents has been sent to the Scoping Team for further review. The team will be looking over the documents over next few weeks and providing comments to ECT.

Scott Parker provided a brief overview of events during October:

- 10/6 Submitted draft contract package, including budget and recommended initial funding allocations
- 10/17 Alternative budget and revised funding allocations submitted
- 10/18 Meeting with Scoping Team – additional questions arose
- 10/23 Revised contract package submitted; still under review

Scott reminded everyone contract development is still a work-in-process with the Scoping Team. An approved contract to address all of the items in the Scope of Work is the overall goal of the effort. Work for the engineering and feasibility study will be authorized by individual Work Orders as funding is identified, and will include a specific scope with identified deliverable(s). The Contract acknowledges that portions of the Scope may be completed under separate contracts with Partner Organizations but provides for coordination. Billing and financial reporting will be tailored to meet requirements of individual grantors. ECT will keep the BRDC informed of progress being made to the overall scope and will make sure that everything is documented as we go through process. The budget range is \$1,400,000 (maximum) to \$850,000 for the total required effort, including work provided in kind and work done by other organizations. The original budget discussed was developed by the US Army Corps of Engineers (Corps) and was estimated at approximately \$860,000. ECT's estimate is higher due to the larger scope of work that includes societal and economic impacts. ECT will work with partners to avoid duplication wherever possible.

Existing grant fund sources will be allocated as follows:

Work Order #1: \$200,000

Source: Tribal Grant

Work effort: Environmental and Engineering baseline studies

Work Order #2: \$125,000

Source: City, County, and P&L Funding

Work effort: Economic, Societal and Engineering studies – to develop baseline

Discussion: Who initiates work orders? Fiduciary agent is the NMC; work orders are issued and coordinated with BRDC. URS will have technical coordination role as well. Specifics still have yet to be developed; intent is that either a smaller technical team will be formed to oversee work order process, or the Implementation Team (IT) or BRDC will oversee the process. Monthly reports and updates will be provided to the BRDC. Suggestion made that it would be logical to have IT review and issue work orders.

According to the BRDC process document, the IT has to approve any expenditures of BRDC. The Corps and ECT will initiate work orders and identify the next steps in the process. ECT ensures requirements of grants are met for usage. Clarified that NMC Foundation is the fiduciary for the funds.

VI. Finance Team Report

Herb Lemcool reported on the current status of funding and summarized key issues from the Finance Team meeting on October 19. (Meeting notes attached.)

Total grant funds: \$464,000

Spent to date: \$155,912

The draft contracts/costs estimates from ECT were reviewed and discussed. A final recommendation from the Scoping Team anticipated by end of October with a funding gap of \$400,000 - \$600,000. The Finance Team will develop strategies to pursue needed funding.

Discussion: Need to identify who current funders are and who the contact is, so this information is available to whoever is working on project. Sharing this information will also provide a means of identifying and documenting the funding process so the wheel does not need to be re-invented for any other community that may find themselves in this position.

Follow-up Action:

1. Finance Team will recommend a process for authorization of expenditures.
2. Identify who will authorize expenditures from NMC Foundation after T. Ervin's departure.
3. Post financial report on web site.

VII. Property Ownership Issues Team Report (No Report From Varnum Law)

Jim McIntyre reported on the meeting of the Property Ownership Issues Team held October 23. (Meeting notes attached.) The members of the team present voted unanimously not to have Varnum present at the BRDC meeting on October 24 due to costs and the fact the report is not yet complete. Delays in completing the report are due to complex title searches; Varnum received the first search, which consisted of approximately 180 documents last week after ordering in August. Early review indicates mix of interests, potential competing claims. The next meeting is anticipated in January 2007, providing the searches are completed and sent to Varnum. Jim reported that the meeting was very interesting and informative. Minutes are in BRDC packets and all members are encouraged to review.

Discussion: Original deadline was 90 day commitment. Should a letter be drafted to reinforce 90-day commitment and expectations? Varnum has been dependent on other agencies to obtain answers and documentation. A typical title search covers 40 years; for this project the title company had to go back to 1880's. Varnum is using a title company suggested by the BRDC. Varnum has been pressuring title company, and reported that they think the company has been doing very good job; this is just a very complex project. Varnum received 180 documents last week; and were ready to present on 10/23/06. BRDC members did not choose to send a letter to Varnum at this time as they are moving along as fast as they can.

VIII. Communication Team Report

Sandra Sroonian reported on the meeting of the Communication Team held October 23. (Meeting notes attached.) Goals the team has identified for Winter 2006/2007 are to:

- Establish awareness of the project among members of the general public (buzz).
- Establish links to people who are members of key citizen and civic groups.

For example, Leslie gave presentation last week to the Traverse City Hiking Club and requested they designate one person of their group as a contact person. The focus of the Communication Team effort will be to take information to people and to establish relationships with people who may be interested in learning more or getting involved. Get out and talk! Get people talking to each other about this project!

Resolution on Process from August BRDC Meeting

Presentation of Sequence and Rationale: Leslie Knopp explained the sequence of events leading to IT decision to take no action on the resolution:

1. Communication Team (CT) writes resolution after discussion of challenges of public involvement, project credibility.
2. CT decides to present resolution to BRDC for affirmation, doesn't anticipate or desire IT action, but learns it will be required.
3. BRDC approves resolution.
4. CT considers resolution may likely be rejected by IT, undermining initial intent, which was to make statement representative of BRDC members.
5. IT Meeting on September 14: CT recommendation is, "The IT takes no action on the resolution, but agrees to allow the resolution to stand on its own merits, representing the views of the BRDC on this issue."
6. IT accepts recommendation.

Rationale:

- Forced acceptance or rejection by IT may have negated opportunity for BRDC to be heard on this issue.
- BRDC discussion was minimal, no discussion of impact if IT rejected resolution.
- CT members wanted to ensure BRDC was heard on the issue, and this compromise appeared to be the best solution.
- Some people thought CT overstepped its bounds by coming up with resolution, by altering resolution, etc.

Resolution Content:

"The members of the Boardman River Dams Committee, in the interest of an open and transparent public process to study all options before determining the fate of the Boardman River dams, request the Michigan DEQ and Grand Traverse County delay taking action that will lower the water level of Boardman Pond, until the Engineering and Feasibility study and public process to study alternatives is complete unless it is demonstrated that there is an imminent safety hazard associated with leaving the pond level at its current level. Both the Michigan DEQ and Grand Traverse County have committed to this process, and the Boardman River Dams Committee believes taking action at this time to lower the level of the pond will undermine public trust for the process now underway."

Discussion: Does BRDC want resolution to come back to full committee? Representative statements are summarized below:

- The Settlement Agreement speaks to specific action required by IT. The BRDC has now identified its own identity, its own credibility. A mechanism needs to be put into place that allows BRDC to input opinion without IT approval, so that everything not directly related to feasibility study does not have to go to the IT. The suggestion was made that November 4th meeting should address how to put this mechanism in place.
- Seems that decision was made not to go forward because certain members of IT committee had conflict of interest and that resolution had conflict with agency's policy. If there is a conflict of interest in future, they should abstain. Record will reflect that they did abstain. Some members did not agree that the resolution was put through in a hurry. There was a lot of discussion – heated discussion. Felt there was full consensus of BRDC for resolution. Some members were very disappointed at what happened at IT meeting.

- IT had the resolution brought before them to not act on it, to accept on its merit. IT handled as well as they could under circumstances. BRDC does not feel it should have had to go in front of IT. Very good resolution – has not been disseminated to appropriate organizations, townships, etc. though. Concern was expressed that the resolution has not been communicated to everyone.
- I think we all realize that this whole process is a work in progress and we've learned a lot from this whole process. August 29th minutes do reflect that this committee asked the implementation team to take action; in conflict with one of the slides Leslie had up earlier that showed the CT team decides to present this committee to affirmation, does not anticipate or desire IT action, but learns it will be required. The point is that this committee actually made a recommendation to the IT for them to take action and then somehow between August 29th and September 14th, the CT considers that resolution may likely be rejected, undermining initial attempt. So, after we met on August 29th and said we wanted IT to take action, the CT apparently met and reversed that intent, changed their mind and said that was not their intent, but it was documented in August 29th minutes that that was their intent. Need to be careful in following our processes or we're going to end up stumbling over our feet.
- Works both ways for BRDC. Administration and enforcement of state's environmental statutes is not a public opinion vote. DEQ is not yet legal authority of Dam Safety Law. When license is relinquished, then that status changes. Its very much parallel to the whole situation with BRDC. We have IT that has banded together for a purpose, but eventually in the end the decisions of what to do with the disposition of these four dams, lie with the owners of the dams. It's very parallel with the issue of the draw down of the dam.
- This is a crucial time for election of 4-5 county commissioners. This is probably the number one decision that will have to be made in the next two years or so. Ask candidates: Do you know about it? Are you keeping yourself informed?
- Settlement Team is going to have more conflicts because of their paid for jobs and their jobs as Settlement Team. At times recommendations will have to be made that may conflict with their jobs.

Follow-up Action:

1. A copy of the resolution will be sent to the appropriate organizations, with a memo asking them to make the resolution available to board members, community, and other stakeholders.
2. Ask the group that comes to leadership workshop to develop procedure to propose where the BRDC can issue some statements, express its opinions, without IT approval.

IX. Agenda Items For Next Meeting

1. Circuit Court ruling of sale of City-owned assets, discussion with City Manager
2. Report from November 4 workshop
3. Report on Follow-up Actions identified

Next meeting: November 24th @ Hagerty Center

“Coming together is a beginning. Keeping together is progress. Working together is success.”
– Henry Ford

X. Meeting Adjourned: 8:00 p.m.

Submitted: October 31, 2006
 Leslie Knopp, Project Facilitator
 Please Submit Recommended Amendments to:
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