

April 17, 2022

Drain Commissioner

At the recent South Bar Lake Drainage District meeting (April 14), several questions were asked that could be answered by reviewing the document created by Mr. Glenn Doyle. Others answers come from either the petition or from reading Empire Village Council minutes. They are:

1. Old photos and documents suggest a dam or block has been in place there since at least 1902. A government survey in 1949 references a "low dam" at the outlet. The outlet may have been "moved" in 1918 and modified in some fashion in the 1950-60 timeframe. Multiple residents recall the outlet in place circa 1950 with development on Lake Michigan Drive largely occurring thereafter. Suffice to say the outlet pre-dates the development of homes along Lake Michigan Drive.
2. For an 18-month period between 2019-2021, the outlet needed to be cleared on 60 occasions – via hand digging, backhoe and at times using a fire hose.
3. As a point of reference, the cost of keeping the outlet open is not determined by wages alone. During 6 of those 18 months, the wages (NOT including what the Village pays in employee benefits) was \$6,500 AND \$14,300 in equipment rental fees (does not matter that the Village owns that equipment, there is a fee the Village is required to pay as means of savings for replacing that equipment in the future – municipal government accounting!). The total, then, for that 6-month period was \$20,800.
4. For context, the property taxes collected by the Village for approximately 6 months is \$153,000. This means that 13% of Empire resident's tax dollars were being used to clear the outlet.
5. Every man hour spent at the outlet is less time spent on our roads, sidewalks, parks and our drinking water system.
6. As minutes from Village Council meetings show, the Village made attempts along the way to seek funding from Empire Township. They declined. Some informal conversations also took place with the Lake Michigan Drive Association. They may have indicated a willingness to participate in sharing the costs. However, the expectation was that the Village of Empire was responsible. A letter from the Village Attorney, who is also the attorney for the Township, was unable to provide a clear path of ownership or responsibility. The creation of the drainage district was the only fair solution for Village residents.
7. Several attendees focused on the high water as being the issue. While it is certainly during high water and wind events the outlet is clogged, the district itself was drawn to acknowledge water run off from properties throughout the area impact the lake level of South Bar Lake.
8. I encourage the drain commissioner and engineer to look east of South Bar at the property now owned by the Leelanau Conservancy. That wetland area feeds into South Bar Lake and may be experiencing a clog of its own. The water is very high near M-72 – which is not the case when the water is able to drain. There may be an additional solution needed in that location.

8. I urge everyone – including the Drainage District Engineer - to review the document created by Mr. Doyle. It is full of history and information. It can be found at:
https://www.leelanau.gov/downloads/pc_doyle_04142022.pdf

With regard to the options presented at the meeting on April 14:

An option not outlined would be:

1. Redesign the current outlet (I think I heard the engineer use the phrase square versus round culvert) including the “weir” like system in place today.
2. Reinforce the walls to meet today’s standards.
3. Ensure the integrity of the road.
4. Complete the legal work required for setting a lake level.
5. Do not install a pump or any artificial means of forcing water through.
6. Contract with someone (not the Village) to clear the outlet as needed. Your assessment can use the most recent high-water numbers to generate an estimate of the cost over the next 10 years. While we had an 18-month period of 60 clear out occasions, that is balanced out by about 6 in this last 12-month period.

This may not be a viable option because it never solves the problem. But, it is the most cost effective. It does not solve other issues – not drainage district related – for residents along Lake Michigan Drive.

My second choice would Option 1 (gravity) or Option 2 (pump). In addition to addressing the issue at hand – keeping water flowing out of South Bar and into Lake Michigan, those options may offer solutions or create different issues not directly related to the drainage.

First, those options will increase water movement and circulation at the south end of South Bar Lake. This area is, often, the most stagnant. I would like some data on whether this increased circulation would be a positive or a negative for the health of South Bar Lake? If option 2 is selected, I would like additional information on what ecological impact a pump would have on the health of South Bar Lake. Would that “open flow” of water impact the shoreline health of Lake Michigan?

Second, moving the outlet will provide the greatest benefit to the two land owners on either side of the current outlet. Their assessment would need be greater than any other residents along Lake Michigan Drive.

Third, it would be imperative to fully decommission the current outlet structure. Option 1 and Option 2 offer residents along Lake Michigan Drive the greatest opportunity to better enforce their private property rights. The current outlet is an attraction that many (me included) have thought of as our own! It would remove any continued bickering about the private drive and, ultimately, place the responsibility of the private road in the hands of the Association (with the caveat that utilities are in place underground).

Fourth, those options will have an impact on the Village's premier beach. Even with the pipe being laid underground, are there restrictions that would force moving the basketball court or play equipment? I know the swing set is listed for replacement, but what about the basketball court and the decorative wall?

Fifth, no drawings were provided that depicted what that area of the public beach would look like? Would restrictions be need to keep that area "off limits"? Could it become a new 'feature' for the beach?

Thank you for your time.

Maggie Bacon, Empire Resident