

Eagle Spring Lake Management District

Approved Minutes

August 5, 2023 Annual Meeting

1&2. **Call to Order and Pledge of Allegiance to the Flag** - Peter Jensen, chairperson called the Annual Meeting of the Eagle Spring Lake Management District to order at 9:04am and led with the pledge of allegiance. An introduction of the Board members present Peter Jensen (Chairperson), Tom Day (Commissioner), Chris Hinz (Commissioner), Nancy Wilhelm (Treasurer), she is the one greeting you as you walked in and handling out the voter registration forms and ballots, John Mann (Secretary), Town of Eagle Representative Ryan Hajewski, and Waukesha County Representative Lance Matthews, was given.

There were a total of 51 residents in attendance.

3. **Approval of Agenda** – Tom Casey made a **Motion** to approve the agenda with the correction of #10 Set Annual Meeting date for 2024 to read as August 3, 2024 not August 5 as presented in the July Newsletter; second by Mary Donovan, motion carried.
4. **Administrative Announcements** were given by Peter Jensen. Handouts were available at the tables near the entrance to the room. He reminded everyone to use the microphone at the front of the room when making their comments and state their name and address for the record. Everyone should have registered and received their ballot.
5. **Approval of the August 6, 2022 Minutes** – T. Day made a **Motion** to approve the August 6, 2022 minutes as written in the Newsletter; second by Barbara Pinekenstein, motion carried.
6. **Lake District Electors Comments** – A Lake resident on South Shore Drive has observed increased violations on the lake. Examples of violations are boats going in the wrong direction and not reversing their motor in the channel to Lulu Lake. He feels it is more likely these could be coming from the boats that are launching at our public boat launch site and not taking the time to read the rules and regulations in the kiosk. Tom Day from Highview Road commented that the Clean Boats/Clean Waters Program that the Lake District runs each summer on the weekends and holidays does include a flyer for those who are interested in the rules/regulations on the lake (includes boating direction map) and a separate flyer for those going to Lulu Lake to reverse motor and practice clean boating habits.

7. Activity Reports

a. **Annual Report & Chairperson's Report** – The Kroll dam repairs are completed. The contract was awarded to Terra Construction (\$273,450). There were 5 change orders as follows:

- Change order #1 was a credit of \$13,900 due to reusing the rip rap that was previously installed by another contractor.
- Change order #2 was a charge of \$4,500 due to the plans not specifying that the roof was sheet steel and adjustments had to be made for the roof removal, boot installation and seal.
- Change order #3 was a charge of \$26,450 due to the removal of the center wall, removal of 2 feet of sludge and replacing the top slab with triple galvanized support beam.
- Change order #4 was a charge of \$2,795 due to a combination of a \$3,875 credit for the reduction in crawl space fill needed and \$6,670 charge for filling in the turbine pit, chipping out the concrete for the 30" line and regrout discharge connections.

- Change order #5 was a charge of \$2,490 due to a saw cut needed to install the new gates. Total change order costs of \$22,335.

The Dam management contract with Collins Engineering was set at a maximum cost of \$40,076.90.

There are 5 trees that remain to be removed by us.

There were progress reports issued during the project that were emailed to those on our email list. A set of those reports can be obtained by emailing chair@eaglespringlake.us.

Our gate within a gate design is working well and a novel design. On September 27, 2023 a statewide DNR dam engineering staff will be gathering and going to Milwaukee School of Engineering (MSOE) and view the 1/27 scale model of the Kroll millrace and then later in the day come and see it in action. Dam tours are available upon request, contact P. Jensen.

Fireworks – Due to wind conditions we had to slightly move the barges. The show lasted approximately 22 minutes. We have set the fireworks to take place in 2024 on July 6th with a rain date of July 13th. We need volunteers to assist with fireworks to set up and clean up after the show. A special thank you was given to all the volunteers that helped with our July 2023 show. The idea of a laser light show instead of actual fireworks was pitched. Approximately 5-6 hands (out of 49 people) were raised that showed an interest.

Weather Issues – We have been able to maintain our water level (within the permit range) in the current drought conditions we are experiencing. The wildfire smoke has been present this summer with particulate matter depositing in the lake. The microscopic ash can influence mussel populations. This may be impacting our zebra mussel populations. Water temperatures are remaining mostly in the 70's with a maximum of 82°.

New Website – N. Wilhelm commented on the new website. The website is complete and ready to launch. Monday, August 7, Pete Jensen, and Nancy Wilhelm will meet with host providers to set up the launching of the new site.

Litigation – As expected, we cannot discuss legal strategy in an open forum. There was a mediation session done on August 2, 2023. A dam failure analysis must be done before Wruck would be able to get a permit (from DNR) to sell the property.

Skills Survey – If you have a couple of extra hours, we may be able to use your skills. Please fill out a Volunteer Opportunities sheet and let us know where you may be able to give us some help.

Thanks to All – A special thank you was given to the many people who have helped and contributed time to the district this past year. John Mann, we thank you for your 12 years of service as a commissioner.

b. Dam Operations (Per Handout) - A Dam Operators Report (August 1, 2022 to July 31, 2023) was available via a handout for everyone to take a copy home with them. This is a brief summary of dam related activities during the above-mentioned period.

- The Lake District was to host students from the Milwaukee School of Engineering (MSOE) to perform a series of flow calculations at the Kroll Outlet that will be used to update and revise the scale model of the dam at the campus.
- Students from the University of Illinois also returned this year to continue their study of the phreatic zone at Wambold Dam and to plan the possible installation of another phreatic monitoring system at Kroll.

- The muskrat damage has been low at Wambold with only 3 animals trapped this year, however, 19 muskrats have been trapped at Kroll. Due to the protective barrier that was installed, there has been no significant damage noted at the Kroll site.
- All dam operators were trained (by the manufacturer) on the operation and maintenance of the new mechanical gates.
- An updated Dam Operators Guide has been distributed to the dam operators for final review. This guide includes information on the new gates installed at the Kroll site.
- Per DNR requirements, safety floats were installed at the new Kroll inlet.
- Drought conditions have been noted and are starting to impact water levels. The required flow of 2 cubic feet per second at each gate is being maintained and monitored.
- The newly planted grass at the Kroll outlet is getting regular waterings and is growing well.
- A goose fence was installed at the Kroll outlet to discourage a flock of geese from using the area.
- No significant rainfall events occurred which required response actions.

c. District Properties

Wambold Dam - Nancy Wilhelm and Chris Hinz planted 32 pollinator native plants to naturalize at the Wambold site.

Ski Channel Property – The Lake District purchased this 6.2-acre property approximately 10 years ago. The building on the site was removed and it has been unattended since its purchase. The loan on the property has been paid off. A site survey of the property has been done with the assistance of the DNR forestry service, The Nature Conservancy, Waukesha County Planning and Zoning, and Southeastern Wisconsin Planning Commission Environmentalist. They all have been out to the property to walk it and give us an idea of what they thought we could potentially do with it. It was noticed that there is extensive buckthorn growth in the area, and there are 3 areas with high grade fens (floating marsh area) and found two carnivorous plants (a purple pitcher plant and an English sundew). The property is home to deer, frogs and turtles and Wood ducks and Pileated Woodpecker were observed on the property. There are no plans to sell the property and it is essential to own this property to have control of the length of the pier in the ski channel. The need to develop a site restoration plan was pitched. The funding (\$20,000) of this project for the first year would be done via fundraising and grants funding (no cost to the district). The \$20,000 would go towards the cost of a study. More than a few residents spoke up against the idea of doing anything with the district property for a variety of reasons, i.e., always concerned when DNR gets involved, should be left alone, keep other government agencies out of this, just leave it as normal as possible. Two lake residents spoke up in favor of getting experts to develop a plan. A poll of the residents in favor and opposed to having experts come in was taken, and resulted in most of the residents being opposed.

d. Aquatic Plant (AP) Management

1. AP Harvesting/Collecting – Tom Casey commented that the harvester has been out cutting weeds five times this year. Tom Casey and P. Jensen did take Heidi Bunk (DNR) on a tour around the lake with the harvester. They were told that if you cut aquatic plants too low, it will only cause them to grow more. Trimming the tops of the plants would be more effective. We are only allowed to cut areas that have more than 50% milfoil in them. We have cutting paths, and our rules ask that we maintain the harvester at least 10 feet

away from any piers/boats, etc. Lake residents did question as to if other lakes were experiencing lower milfoil populations in the lake like we are? P. Jensen replied that yes, we are not alone.

2. Chemical Treatments – There will not be any chemical treatments this year. Heidi stated that when touring the lake that she did not see any area of the lake that would warrant issuing us a permit to chemically treat any areas next year. Homeowners are allowed to maintain up to 30 feet out in front of their property and the area around their piers.

e. Carp Initiative/Fishery Issues – P. Jensen commented it is believed that we have a red ear sunfish that eats mussels (zebra mussels and other mussels) on our lake. If you catch a red ear sunfish, please take a picture, and send it to us for further verification. Lake resident comments asked as if we know why the water clarity is so poor and what has changed to cause this turbidity, and if it is due to the lack of zebra mussels? P. Jensen did comment that the water clarity does have to do with how much algae is in the water. The amount of zebra mussels in the lake could be having an impact on the water clarity but we would not know if that is the only reason. We would have to do some advanced studies to get a better idea if that was the case.

f. Audit Report – Jan 1, 2022 – Dec.31, 2022 – A special thank you was given to William Koeper who has performed our audit and has approved our financial records as meeting generally accepted accounting practices. We are grateful that Mr. Koeper does this for us without charge.

8. Election of Commissioners

a. Candidate Presentations – P. Jensen explained that there are two available seats open. A brief description of what is expected of various Board members (Chairperson, Treasurer, Secretary) was given and explained that the Board will meet immediately after the Annual Meeting to elect members into these positions at their Organizational Meeting. A clarification of what procedures are followed was given. Greg Himebauch (chairperson of nominating committee) verified that two people have contacted the committee expressing their desire to have their name on the ballot: Nancy Wilhelm and Thomas Tynes. P. Jensen called for nominations from the floor (3 times). With no nominations from the floor, nominations were closed. Both Thomas Tynes and Nancy Wilhelm gave a short speech on their interest to be on the Board.

A secret ballot was completed. The ballots had been handed out at member sign-in before the meeting started, and were then collected. Per state law the ballots were counted, and per state law there can be a recount if one is requested. With no recount the ballots can be destroyed in 30 days.

b. Election Results - The votes of the election were given with the results as follows: Out of 49 ballots; Thomas Tynes 48 votes, Nancy Wilhelm 42 votes. Nancy Wilhelm was reelected for another three-year term and Thomas Tynes was also elected for a three-year term.

9. Approval of Budget/Financial

P. Jensen explained that we are trying to make our budget easier to reference and read by putting in account numbers which is part of the acceptable government accounting system standards and we are moving towards zero based budgeting so we have better accountability of funds. We have created a new contingency reserve account. This is where we are going to put excess funds that requires a 2/3 vote of the board to spend. Our CD accounts have been reissued with a new higher interest rate (4.22%).

- a. **Approval of Res. 2022-01 Amended Budget 2023** – P. Jensen explained that there was a budget revision that was put in the newsletter. This is changes (referencing the 2023 estimated column) that took place between the budget from one year to another and is basically a technical revision for the electors to look at and none of these change the 2023 levy. There were no questions asked. P. Jensen read Resolution 2022-01 out loud. Mary Donovan made a **Motion** to approve Resolution 2023-01 (to amend the 2023 budget as presented); second by Barbara Pinekenstein, motion carried with 49 in favor and no opposition.
- b. **Approval of Res. 2023-02 Budget 2024** – P. Jensen briefly explained the 2024 proposed budget. The consumer price index (CPI) for 2024 is approximately 3.4%. The 2024 budget does include for capital tree removal expenditures of \$6,000 at Kroll and Wambold, and a \$5,000 deposit into a non-lapsing capital dam maintenance fund. There remains to be more work that needs to be done by the Wambold outlet portion of the dam on the buttress support. We are hopeful that the residents of Wambold Road would be willing to split the costs of this work 50-50 with the district. The 2024 budget also includes a \$1,235 increase to allow for fireworks to remain at the same expenditure (with funding raised) as in previous two years. Total General Levy increased from the \$69,000 in 2023 and went up to \$79,500 in 2024. The ski channel property loan has been paid off and is no longer part of the levy in 2024. The Dam Repair Loan is yearly payments of \$34,157 which is now part of the levy for the next 10 years. There will be no chemical treatment on the lake for 2023 and we do not expect the DNR will allow a treatment for 2024, however, \$6,000 is currently in the proposed budget for 2024 and may warrant a budget amendment. The Invasives and Water Quality section shows an increased budget amount when compared to 2023. This is due to a cut in water sampling, and an \$20,000 income/expense equality for a ski channel property project (if it goes through).

Assessed valuation uses last year's figures (not set for 2024 until November by Town) of \$95,202,100. The 2023 Levy Mill Rate = 1.4, the 2024 Proposed Levy Rate is = \$1.2 per 1,000. The Desired Mill Rate is less than 2, and Chapter 33.30(4)(a) allows a maximum mill rate of 2.5. (Excluding special assessments).

The budget was gone back over section by section and then opened to questions and motions for amendments to the proposed budget. If interest rates were to drop back down and get below 4%, we would refinance the loan at that time, we have a commitment that no penalties would be charged at that time. The contingency account will be a renewal account every year; it is not a savings account. Nancy Wilhelm made a **Motion** to eliminate the \$6,000 from account 3001 Chemical Treatment/Permitting under column Budget 2024 and reduce the account 1801 General Levy (with lottery credit) by \$6,000 giving a General Levy of \$73,500 and a Total Levy Income of \$107,657, second by Richard Brugger. There were a couple concerns voiced by residents that we were not doing any chemical treatments this year and next. P. Jensen explained that upon the DNR's tour of the lake, they did not see any reason that would warrant a chemical treatment that should have been done this year or needed for next year. The motion carried with a vote of 31 in favor and 6 opposed.

Discussion continued with concerns (both in favor and opposed) with the ski channel property project, making it clear if the funding is taken away there will be no study on the property. Jeff Prokop made a **Motion** to eliminate the 2024 income accounts 1007 DNR Ski Channel Project Grant(s), 1008 Foundation Matching Grant, 1505 Fundraising Match for Ski Channel, and a 2024 expense account, 4011 Ski Channel Maintenance, second by Steve Hamilton, motion carried with 29 in favor and 16 opposed. With no other amendments being made, Tom Casey made a **Motion** to approve Resolution 2023-02 (to accept 2024 budget with the amendments), second by Mary Donovan, motion carried with 45 in favor and 0 opposed.

- c. **Approval of Res. 2022-03 Levy** – P. Jensen read Resolution 2023-03 Levy out loud. Barbara Pinekenstein made a **Motion** to approve Resolution 2023-03 with a levy of \$107,657; second by Mary Donovan, motion carried with 45 in favor and 0 opposed.
 - d. **Approval of Res. 2023-04 Conflict of Interest Waiver** – P. Jensen read Resolution 2003-04 Conflict of Interest out loud. Greg Himebauch made a **Motion** to approve Resolution 2023-04 Conflict of Interest as presented; second by John Mann, motion carried with 45 in favor and no opposition.
 - e. **Approval of Res. 2023-05 Emergency Line of Credit** - P. Jensen read Resolution 2003-05 Emergency Line of Credit out loud. Tom Day made a **Motion** to approve Resolution 2023-05 as presented, second by Nancy Wilhelm, motion carried with 45 in favor and 0 opposed.
- 10. Set Annual Meeting Date for 2024 (August 3, 2024)** – Janet Prokop made a **Motion** to hold the 2024 Annual Meeting on Saturday, August 3, 2024; second by Mary Donovan, motion carried with no opposition.
- 11. Adjourn** – At 11:04am a **Motion** to adjourn was made by Mary Donovan; second by Timothy Donovan, motion carried with no opposition.