

## Approved Minutes

**Peter Jensen, Chairperson, called the meeting of the Eagle Spring Lake Management District (ESLMD)** to order at 6:30pm, and led with the pledge of allegiance. Other Commissioners in attendance were Tom Day, Chris Hinz, Nancy Wilhelm, Tom Tynes, Town of Eagle Representative Ryan Hajewski, and Waukesha County Representative Lance Matthews. Lake residents Jeff & Janet Prokop, Nick Wambach, John Mann, Pat McGuire, Pamela Meyer, Pat Ricklefs, Cecelia Lorenz, Greg Pasterski, Harvesting Operator Harvey Kuehl, and Bookkeeper/Administrative Assistant Gina Krause were also present.

**Approval of Agenda** – N. Wilhelm made a **Motion** to approve the September 19, 2023 agenda as written; second by T. Tynes, motion carried.

**Approval of the August 5, 2023 Organizational Meeting Minutes** – T. Day made a **Motion** to approve the August 5, 2023 Organizational meeting minutes as written; second by N. Wilhelm, motion carried.

**Approval of the August 15, 2023 Board Meeting Minutes** – Due to issues experiencing with cloud software, C. Hinz made a **Motion** to table the approval of the August 15, 2023 minutes until the October meeting, second by N. Wilhelm, motion carried.

## Announcements and Upcoming Meetings

- The Next Town of Eagle Board Meeting will be held on September 20, 2023.
- The 2023 Annual Healthy Lakes and Rivers Conference will be held on September 21, 2023.
- The 2024 Wisconsin Lakes & Rivers Convention will be held April 10-12, 2024. You currently can reserve rooms at 2023 prices.
- A fact sheet related to pier aerators use around piers is available on our website at eaglespringlake.us. Please be aware aerators are not allowed to disturb the lake bottom.
- There may be a closed session held next week related to the ongoing lawsuit.

**Public Comment** – Lake resident John Mann, confirmed that the Board has received the August 18, 2023 Standing Committees letter from both Greg Himebauch and himself. The letter has been attached to these September 19, 2023 minutes. \* John Mann strongly recommended that the Board rescind those formed committees when they discuss agenda item #20 Reconsideration of Standing Committees.

Lake resident Greg Pasterski asked as to why there has not been more cutting in Jacks Bay? The boats in Jack's Bay were basically cutting the weeds.

Lake resident Patrick McGuire expressed his concerns of forming those committees. He also commented that the ski channel properties were never purchased with the idea to sell them later. We have purchased the property, now leave it alone. P. Jensen commented that the committee cannot do anything with the ski channel property, it was voted down at the annual meeting.

Janet Prokop expressed her concern with the new committees that were formed and very disappointed at the method used to form them. She would like to know more information on them:

What is their purpose and goals?

There format?

What are they doing?

She was very disappointed to hear about the committees.

Patrick Ricklefs commented that there has been little (if any) plant cutting in Jacks Bay until yesterday. Topic was further discussed under agenda topic Aquatic Growth Harvesting/Collecting .... He was also concerned about the buoy placement in the Bay and how they are moving around.

**Aquatic Growth Harvesting/Collecting/Chemical Treatment** – P. Jensen commented that they had Heidi Bunk touring Jack’s Bay twice this year. We are only allowed to cut a narrow path down the center of the bay. She looked at Jack’s Bay and didn’t see anything that would suggest a chemical treatment would be needed now or in 2024. Once again property owners were asked to take care of the first 30 feet out from their shoreline. T. Tynes stated that initially Jack’s Bay looked fine; not as bad as it looks now. He thought last year’s chemical treatment worked extremely well. We are limited to what the DNR will let us do. P. Jensen asked residents to start documenting with dates and times what they are seeing and take pictures and send them to him at chair@eaglespringlake.us. If possible, a date and time stamp on the pictures would be best. Harvey explained his restrictions on the harvester that he must follow when he is cutting. It was the other plants that were flourishing earlier this year and milfoil did not become more abundant until later this year. There must be at least 50% milfoil or we cannot harvest in that area. Pat McGuire expressed his concern for all the weeds that are floating into Pickeral Bay and not being picked up is adding to the current depth issues in the bay. P. Jensen explained that he will talk to Tom Casey and see what can be done to get floaters picked up in the bay.

#### **Clean Boats/Clean Waters Status – Discussion/Action –**

- a) **Resolution 2023-06 for 2024 CB/CW Surface Water Grant – Discussion/Action –**  
The Board was presented a copy of the resolution 2023-06 and therefore was not read aloud. N. Wihelm made a **Motion** to approve Resolution 2023-06, applying for 2024 Clean Boats/Clean Waters grant funding for the 2024 CB/CW Program; second by C. Hinz, motion carried.
- b) **Status of 2023 Grant Filing – Discussion –** The final surface grant request will be sent to the Board. The Board was presented a copy of the 2023 Clean Boats/Clean Waters Final Report. There were no questions.
- c) **Carp Initiative/Fishery Issues Discussion –** P. Jensen is awaiting a response to his inquiry to Ben Heussener (DNR), as to the status of any fish stocking being performed on our lake this fall.

**Weather Station and Website** – Dale Brugger (deputy dam operator) should be set by this weekend to have full access to all the warnings, weather data, and various other things. He is the closest dam operator to the Kroll site.

**Eagle Spring Lake Web Site & Email – Discussion** – Critically important information will be put on the home page of the district’s website. Current issues with mass emailing involves emails being sent to over 20 addresses are getting listed as spam and are being non-deliverable. This will make the process of e-mailing all lake residents no longer an efficient process. We are asking everyone to check the website for the latest minutes and agendas.

#### **Wambold Dam/Kroll Outlet – Discussion**

P. Jensen announced he is done with the concrete tuck-pointing work at the Kroll outlet.

### **Legislative/Regulatory Issues Discussion**

- **SB140** – It is an act to renumber and amend statues relating to financial assistance limits for dam removal. The bill has not been voted upon.

**Septic Update – Discussion** – There were no updates.

**CTH E Parking Update – Discussion** - There were no updates.

**Buoy Status Compliance Update – Discussion/Action** – A special thank you to John Rageth and the Eaglevillains Yacht Club for their help in the removal of all the lake buoys. There are some buoys that will need to be replaced next spring.

**Application Status and Town Approval** – There has been no response from the DNR on the revision of the buoy placement. Gina will check on what is causing the delay.

**Water Patrol Discussion** – P. Jensen explained that due to possible emergencies on the lake/islands, the lake patrol boat will remain in the water as long as possible.

### **Annual Meeting Review – Discussion/Action**

- a) **Review of Draft Minutes/Approval to present to members at 2024 Annual Meeting** – The Board had the minutes since last meeting to go over the draft 2023 Annual Meeting minutes. T. Day made a **Motion** to approve the Draft 2023 Annual Meeting Minutes as written to be presented to the residents for their approval at the 2024 Annual meeting; second by N. Wilhelm, motion carried.
- b) **Final Approved Budget Distribution** – A copy of the Approved 2024 Budget was presented to the Board in their monthly report.

**Reconsideration of Standing Committees – Discussion/Action** – P. Jensen entertained a motion by anyone who would like to make a Motion for reconsideration. T. Tynes made a **Motion** to reconsider the standing committees; second by Lance Matthews. After the motion, P. Jensen explained that there is a timing consideration with using reconsider verbiage. Roberts Rules of Order states that the reconsider motion can be made only on the day the vote to be reconsider was taken, or on the next succeeding day. If we want to move forward with this, we can do so at the next meeting by listing it as a new agenda item to rescind the standing committees at the October Board meeting. Discussion continued as to the wording of what the committees are going to do and is it more than just recommendations to the Board? Is there the need for seven standing committee, rather than ad hoc committee as needed and better transparency is desired. P. Jensen will see that the proper wording is used on the October meeting agenda.

**Treasurer Report on Improved Efficiency - Discussion/Action** – T. Tynes has started to review our chart of accounts and software we are currently using. It makes sense not to switch some of the accounting software until the start of the new year. In attempts to cut down the amount of paper that we use, he is working on getting all documents available to the Board members via the cloud.

### **New Business**

#### **Fox River Mitigation Plan Approval – Discussion/Action –**

- a) Resolution 2023-07 – Under a hazard mitigation program, we may qualify funding. C. Hinz made a **Motion** to approve Resolution 2023-07 To adopt the Fox River (Illinois) Watershed Mitigation Plan, aka Community Assistance Planning Report 343 as an

official plan of the District that would allow us future grant funding opportunities in mitigation programs; second by N. Wilhelm, motion carried.

### **Monthly Report**

- a) **Budget Amendments – Funding of Legal Fees – Discussion/Action** – P. Jensen recommended tabling this topic until after having a discussion with our attorney. T. Tynes made a **Motion** to table this discussion until after the meeting with the attorneys; second by C. Hinz, motion carried.

**Payroll Software – Discussion/Action** – T. Tynes explained how our current payroll subscription has ended and we are in the process of finding a payroll software solution that will take us to the end of the year. We can meanwhile decide if we are keeping current software or there is a more economical choice to use. If we are to make a major software change, we would like to start it at the beginning of the year. N. Wilhelm made a **Motion** to table this topic until the October meeting; second by Chris H., motion carried.

**Financial Update & Payment of Bills** – T. Day asked as to why footnote #1 in the as of 8/15/23 monthly report says that if grant funding is not received the Clean Boats/Clean Waters Program will not be run. When was that agreed upon? P. Jensen explained that it was in the budget that was presented at the Annual Meeting. T. Tynes made a **Motion** to pay the bills; second by C. Hinz, motion carried.

**Adjourn** – At 7:39pm, N. Wilhelm made a **Motion** to adjourn; second by L. Matthews, motion carried.

Christine Hinz  
ESLMD

\*See attached file: 08-18-23 Standing Committees Letter from Greg Himebauch and John Mann. The below is a conversion of a pdf file into text (subject to errors/formatting issues)

Board of Commissioners Eagle Spring Lake  
Management District c/o Chris Hinz, Secretary

Re: Standing Committees

Dear Ms. Hinz:

This letter is submitted to the Board in lieu of "public comment" on the topic at the next meeting. It may thus be spread upon the minutes of that meeting.

Despite the hasty action taken by the Board under the Agenda New Business heading "20. Committee Creation and Appointments — Discussion/Action" at the August meeting, we believe it important for the Board to thoroughly reconsider such fundamental changes in the way the Board does business. Accordingly, we would ask that this letter be forwarded to all Commissioners well in advance of the next monthly meeting.

The "Standing Committee" document adopted at the meeting on August 15, 2023, goes well beyond establishing committees simply to advise and recommend actions to the Board. In fact, the document assigns many duties and responsibilities of the Board to unelected individuals in the guise of a committee.

It could be argued that the Board has thereby abrogated its' accountability and transparency to the people who have elected it by reassigning basic purposes of the Board to "standing committees". This is a momentous change from the way the Board has done business in the past (vis. Ad Hoc Committees and/or as a Committee of the Whole). Importantly, although implemented only days following an Annual Meeting, it is a change which was neither made known to the electorate nor authorized by it.

Under this new procedure, committee members will be appointed for three-year terms solely by the Chairperson. Commissioners can only object to such appointments. Commissioners have no other input on member selection.

Incomprehensibly committee membership is stated to be a subset of the Board yet participation in the committee is limited to one Commissioner only. In fact, a quorum of three Commissioners is required to transact business,

Notwithstanding the unanimous vote, with one abstention, we do not believe that all the Commissioners would have intended this result had the document been given more than a cursory review and/or allowed consideration and comment before being put to vote. Nonetheless, this was what passed with little or no discussion.

As example, consider these verbatim portions of the document:

#### Standing Committees

##### Personnel and Management

Serves as the Human Resources Committee to evaluate employees, work with the Board to establish compensation programs, review and act on (emphasis added) employment related complaints, work to ensure appropriate training and equipment for Board and staff

personnel, take actions (emphasis added) to help assure compliance with all local, state and federal employment laws and regulations, and provide support to the Board to deal with all other issues related to employee performance, employee safety, efficiency, hiring, terminations, and related issues.

#### Buildings and Equipment

Responsible (or overseeing maintenance and repair (emphasis added) of lake district buildings, vehicles, aquatic harvester, grounds and placement and upkeep of navigation aids. Sets up (emphasis added) maintenance schedules for equipment, portable equipment such as generators, pumps, buoys. Assures deployment and retrieval (emphasis added) of navigation aids and seasonal maintenance actions, reviews bid requests and proposals related to buildings and equipment. Recommends capital improvements and repairs to Lake District equipment and grounds.

#### Marketing, Capacity & District Involvement

Responsible for communications with the lake district electorate, (emphasis added) newsletter(s), special information releases, web site, volunteer and project recruitment, and liaison activities with other groups and bodies of interest and support. Includes programs and services to build lake district programs and personnel capacity.

#### Dam Operations and Safety

Responsible for dam (emphasis added) compliance issues, inspections, operations, and emergency response for the dam and water control facilities. Handles (emphasis added) risk management for the district including any required safety programs and related activities including supporting the Water Patrol.

The misstep taken by the Board in adopting this over-reaching resolution should be corrected at once by its rescission in favor of more principled action.

The use of committees, whether deemed standing or ad hoc, should align with the mission, duties and of the elected Commissioners and in accordance with the Wisconsin law.

Respectfully,

  
Greg Himebauch

  
John Mann

C: Gina Krause, Administrative Assistant/Bookkeeper