

LAKE PROTECTION AND REHABILITATION DISTRICT
ANNUAL MEETING & BUDGET HEARING
AUGUST 23, 2003 @ 9:00 AM
LAKEWOOD ELEMENTARY SCHOOL
1218 WILMOT AV

tape available for one year

transcribed from tape by Lorna B. Ryan

Unapproved Minutes Subject to Board Approval

(Miscellaneous corrections 9/11/03)

(By-Law Committee Suspension Motion correction 9-12-2003)

Call to Order (9:35 a.m. after completion of registration of members)/Pledge of Allegiance.

Roll Call: Ericksen, Gresenz, Griffin, Lovely, Stoen, Zamazal present. Rohde absent. Also present David E. Cox, Village Administrator, Rod Carter, Village Attorney and Dorothy E. Sandona, Clerk/Treasurer. Sandona asked the audience to clearly state their names and addresses in order to be recorded in the minutes.

MOTION BY CALKINS, SECONDED FROM THE FLOOR, CARRIED, TO APPROVE THE AUGUST 23, 2002 MINUTES OF THE represented ANNUAL MEETING.

FINANCIAL REPORT

Jooss stated the year was started with a balance of \$53,204.71 received income from the Tax Levy of \$31,600.00 plus interest \$822.71. After deducting \$27,000.00 of reserved funds and projecting expenses of 2003 of \$44,238.77 leaving a balance of \$14,388.65. MOTION MADE AND SECOND FROM THE FLOOR, CARRIED TO ACCEPT THE FINANCIAL REPORT.

COMMITTEE REPORTS

Treatment of Eurasian Watermilfoil (EWM)

Jooss stated many of the Aquatic Plants had disappeared over the winter, however the algae bloom was major. Treatment in July was successful in the areas where Eurasian Watermilfoil was growing and thanked the volunteers who helped in distributing the flyers to caution residents. Jooss stated it was difficult to notify ahead of time because the target date window was small, because to date can change depending on numerous factors. The algae bloom was part of the phosphorous overflowing into the lakes. The new Village regulation not to use phosphorous lawn fertilizers will help in keeping this at bay.

Drought and Lake Levels.

September, 2002 already in a drought situation and this year the lake is 10" below normal rain fall and for August, 2003 it is 2" below normal rain fall. When the board was placed in the dam on March 18th, 2003 the lake was minus 1.7 and by May 9 the level was up to 6.9 reaching 7.4 by July 29, 2003. Minimal rainfall in the last 6 weeks has brought the level down to 3.8. Jooss presented charts of the lake levels. Normal lake levels go down in the Fall and the Dam Board is removed at that time. It is less damaging to vegetation when the lake is lower. Normal shoreline levels prevent damage to the shoreline. During January and February's the extreme cold caused ice to expand and push against shorelines resulting in the creation of ice berms. When the water is lower the ice that expands does less damage. A resident stated the ice went under the seawalls. Jooss stated seawalls are not natural shoreline or vegetation and the point is to protect natural shoreline and vegetation. Jooss further stated that the dam board has not been out since March and there is a policy governing the dam board. This item is one that the new committee will look into.

Fish Kill and Milky Substance in Channel:

In the late Spring, early Summer there was a fish kill on Lake Mary. This is a naturally occurring phenomenon which is caused by spawning stress and not caused by pollution or toxic waste dumped into the lake. The appearance of a mysterious milky white substance in the Bay View channel was seen this year and samples were taken by the DNR and sent to the State Lab of Hygiene in Madison. In their research it was discovered that the white substance was Calcium Carbonate which is found in the bottom of the lake. This process occurs when algae undertakes photosynthesis, raising the pH in the immediate vicinity. This in turn favors the precipitation of calcium carbonate from the surrounding water. Similar occurrences of "whiting" events have been observed on lakes in New York and Minn. Temperature, algae, ground water infiltration and the lake being classified as a marl lake all contribute to the "whiting" effect.

A study by the Minnesota Pollution Control Agency on Siseebakwet Lake, MN confirms this event. It is determined to be a normal occurrence and does not harm fish. For references, Craig Helker, Water Resources Biologist, WDNR cites. Thurnblad, T., 2001 "Siseebakwet Lake Assessment Report #31-0554" Minnesota Pollution Control Agency.

The white foam seen on the lakes was caused by decaying plant material and algae, when the wind whips on the lake it causes this material to foam.

Jooss spoke of the lawn fertilizer that contains phosphorous which has been banned. It is important for homeowners to only use fertilizer marked X-0-X (where the middle number is 0 for no phosphorous). Phosphorous adds to plant growth. She further stated the Wisconsin DNR has no jurisdiction in Illinois, furthermore DNR can't restrict farmers who actually contribute less run off as they have better nutrient management than in the past. Lawns are now the major contributor to phosphorous run off.

Zebra Mussels, Ducks, Geese, Sea Gulls:

No known cure for Zebra Mussels. After awhile they may not be as populated. Zebra Mussels came to our lakes via other boats that the mussels have attached themselves to. Now, anyone who takes their boat out of our lakes and goes to another lake will contaminate that body of water with the zebra mussels. It is recommended that when boats are taken out of the water they be power washed and dry before placing them back in the water. Same goes for Eurasian Milfoil which may be caught on a trailer. It is illegal to transport milfoil and one can be ticketed.

Sea Gulls, Ducks, Geese: Having a natural vegetative shoreline will help prevent ducks and geese from polluting the lawns because they can not see what is beyond the buffer. No good way to discourage Sea Gulls. The DNR suggests using dowel rods spaced along with clear fishing line strung between them at different intervals. The geese got wise and learned how to duck under or climb over. Using chicken wire about 1" mesh that looks like fishing line that is clear sold at Walmart to string on dowel rods or chicken wire sold at Walmart. Blend the fencing in with the natural vegetation, and the geese will not be able to walk through it. Jooss continued that the DNR routinely tests for a whole battery of chemicals in the Lakes and the Village has the Kenosha Health Department check the beaches.

Jooss stated there were charts available on lake levels, at Camp Center Lake a watershed fair is taking place today. Maps and fliers are available. A score card for lakeshore stewardship is available. The Annual State Lakes Convention is in Green Bay April 15 -17, 2004. Wisconsin Lakes Partnership for Southeast Wisconsin theme this year is Sharing the Water/Resolving User Conflict will be held Jan 31 or Feb. 14th, 2004 at a cost of approximately \$20.

CONSIDERATION OF ACTION TO SUSPEND THE DISTRICT BYLAWS

David Cox state earlier in the year the Commissioners received a request to change the District By-Laws in order to insure greater representation for non-residents. Cox continued that in order to facilitate creation of a new committee structure, the electorate is asked to approve a motion to amend the District By-Laws by adding a new Article VIII Section 6.

From The Floor:

Jim Hatch, 512 Bay View Av: Stated in accordance with Roberts Rules of Order, By-Laws should not be suspended. Under Section 8, item 4 of the present By-Laws states the By-Laws can be amended provided that the proposed change was in a Notice. The Notice that was mailed discussed the concept of suspending the By-Laws but didn't suggest amendment of the By-Laws. He stated the By-Laws are much easier to follow than the State Statutes. He further stated he did not find any conflicts with the By-laws. If there are conflict in the By-Laws -vs- Statutes he believes the Committee would be obligated to operate under the Statutes, which the current By-Laws state. He didn't think there was a need to toss the By-Laws off to the side, because there are certain things that are different than the Statutes that are particular to our lakes. His suggestion was not to suspend the By-Laws. Article 8 of the By-Laws states 6 committees could be formed. The Chairpersons could be the Plan Committee and not the Steering Committee. Suspend only part of the By-Laws that pertain to Committees

Scott Smith, 2312 Haerle: Why was it deemed necessary to suspend the entire body of the By-Laws if we just wanted to address one issue. The only change was the Committee structure.

Jeff Gresenz answered by stating when the request came to amend the By-Laws there were a number of amendments that were asked to be made. Two to three 3 hours were spent discussing them. A suggestion came from the floor to suspend the By-Laws and to refer only to State Statutes for this year only. That would give the Board time to look at the various amendments that were suggested and then possibly reinstate the By-Laws with some of those changes. Tamara Dudis, a specialist from the State of Wisconsin, also suggested that it would be a good idea to suspend the By-Laws and operate off the State Statutes because the people in Madison are constantly updating the State Statutes in regard to By-Laws for Lake Commission. Because of their expertise they would have a better insight than any of the Commissioners.

Motion by Judy Jooss, member, to suspend the section of the By-Laws that pertain to the committees until the next Annual Meeting held in 2004. Lengthy discussion continued. Cox read the final motion. A MOTION WAS MADE AND SECONDED FROM THE FLOOR TO AMEND THE DISTRICT'S BY-LAWS BY ADDING A NEW ARTICLE 8, SECTION 6 TO READ AS FOLLOWS: SECTION 6 - TEMPORARY SUSPENSION - ARTICLE VII REGARDING COMMITTEES IS DEEMED TO BE SUSPENDED AND SHALL HAVE NO EFFECT FROM AUGUST 23, 2003 UNTIL THE NEXT ANNUAL MEETING OF THE TWIN LAKES LAKE PROTECTION AND REHABILITATION DISTRICT DURING WHICH TIME ALL COMMITTEE OPERATIONS OF THE DISTRICT SHALL BE SUBJECT TO THE STATE LAW AND POLICIES ADOPTED BY VOTE AT AN ANNUAL MEETING. ANY VOTE TO EXTEND THIS SUSPENSION SHALL REQUIRE THE SAME VOTE REQUIRED TO AMEND THE BY-LAWS AS DESCRIBED IN ARTICLE VIII, SECTION 4. MOTION CARRIED 166 TO 1.

Art Lukowitz, 1565 East Lake Shore Dr. suggested that all the Committees keep minutes so all of the residents would know what was going on.

CONSIDERATION OF A POLICY RELATED TO THE LAKE DISTRICT'S COMMITTEE STRUCTURE

Cox stated this is part of the Annual Notice. Representatives of the Village Commission and Representatives of the Electorate have had discussions to fine tune the Policy. He presented a structure concept. The operations would be overseen by a Steering Council and is created by selecting one member at large from a pool of Committee Members and of the leaders of the 6 Committees. This body would oversee the actions of the Committees to handle ongoing operations of the District and any Final actions that would be taken by the District which would occur at an Annual Meeting by vote of the Electorate or by vote of the Commissioners at one of the Quarterly Meetings or a Special Meeting which ever one would be deemed necessary. MOTION BY SCOTT SMITH, JIM HATCH, CARRIED TO ADOPT THE POLICY AS PRESENTED

Pam Becker thanked all the trustees and Judy Jooss for working with them in forming a new Lake structure.

Wayne Kimmel, 1973 East Lake Shore Dr. asked how are the 7 so elected. Cox stated on the Steering Council they will be select once a pool of people to serve on the Committee selected, together with the membership of the Commission. Take a vote to elect one of these people to serve as a member at large on the Steering Council and that person will also serve as the Chairman of the Steering Council. Once these

people are divided into the 6 Committees each of them will select a leader and that person would serve as the member of the Steering Council.

Debbie Hass, 110 Cobblestone Ct. asked if they have the responsibility or if the Village Board decides yea or nay. Cox stated ultimately any decisions that are made would have to be made by one of two bodies. All of us sitting here together can make a decision as we do similar to a Budget or Tax Levy or any other very large project. Or in the interim of the year, the Steering Council would make a recommendation to the

Board of Commissioners to take action. As far as Regulations/Ordinances and things of that nature the Village Board would have to take action. Hass stated she hoped the majority of the vote the members make on an issue, the Board would grant. Cox stated the Board of Commissioners would take that under consideration.

NOMINATIONS AND ELECTION OF MEMBERS OF COMMITTEES Names previously submitted and nominations from the floor total 55. MOTION BY JOOSS, KIMMEL TO ACCEPT NOMINATIONS SUBMITTED. Member Vote: Motion Carried.

APPOINT AND APPROVE A PROXY REPRESENTATIVE TO THE ANNUAL WISCONSIN ASSOCIATION OF LAKES (WAL) MEETING. Jooss stated WAL is a Statewide umbrella organization for Lake Districts and Twin Lakes Protection Rehabilitation District is member of this association. The Annual Meeting of WAL is held every year at the Annual Lake Convention. The District is allowed to vote on any issues that are before the body at that time. It is necessary to authorize the casting of a proxy ballot to represent the District. Motion by Jooss, to authorize the commissioners to cast a proxy ballot for the district. Discussion on the motion. Cox stated the members may want to invest the authorization to approve the proxy in the Steering Committee. MOTION BY JOOSS, ROBINSON, TO AUTHORIZE THE STEERING COMMITTEE TO SELECT A PROXY FOR THE DISTRICT. Member Vote: Motion Carried.

PUBLIC HEARING ON DISTRICT BUDGET

Zamazal stated the proposed budget will be presented along with information on the resulting proposed tax levy and official comments will be taken on the matter.

MOTION AND SECOND FROM THE FLOOR, CARRIED TO OPEN THE PUBLIC HEARING

Gresenz presented the proposed Lake District budget for 2004. For 2003 the budget was \$48,440.00 and for 2004 it will be \$75,500.00 the only increase that shows from this year to last year is the \$25,000.00 storm water management. He further stated there is nothing specifically allocated at this time for the \$25,000.00. A reserve fund will be started for Water Patrol. A motion was made to approve the budget as presented.

Hass, 110 Cobblestone Ct stated the members now have a Committee structure. The only time the members have a voice that requires the Commissioners to follow the member's instruction is at an Annual Meeting. He suggested not approving the budget as proposed and allow the Steering Committee to reallocate the 2004 budget with an emphasis on water quality improvement, information and education. Motion by Hass to reallocate the proposed dollars so the total will remain the same but allow the committees to reallocate the dollars. George Sobotka stated runoff is a problem and \$25,000 is not enough. This figure should be increased or down the road there will be a bigger problem; \$150,000 to \$200,000 would be needed; but for now he would like to see the figure doubled to \$50,000. Mike MacNamara, 505 Indian Point Rd under administrative expenses only \$450.00 is allocated and feels this is not enough and proposed to increase that amount.

Gresenz stated administrative expenses covers membership fees or dues and things of that nature. Jim Walsh, 116 Cobblestone Ct stated \$27,000.00 has been allocated for reserve funds and asked if that has been spent. Gresenz stated that money is earmarked for specific projects and has not been spent.

John Hie, 300 Indian Pt, asked if the hiring expenses, uniforms , boats and motors for Water Patrol is in public safety and if any of the revenues (citations) comes to the Lake District budget. Gresenz stated any funds collected are shared with the Village. Fritz Ahler, 163 Chapel asked related to Conservation and Development, if the Lake Protection and Rehabilitation District would be the sole governing agency for stormwater and water control or would that fall under the Plan Commission or a joint effort between the Lake District and the rest of the Village government. Gresenz stated it would be a joint working force; changes would have to go through recommendations from the DNR and then Plan Commission. Ahler stated the solution should come out of general revenue so why does Lake District need another pot if the Village is not the sole controller of the expenditures of that pot. Gresenz stated anything like that doesn't just affect Lake District, it affects the entire Village. Ahler asked how the body would work together to accomplish goals. Earl (Rosebud) stated there were two motions on the floor. One is to approve the 2004 Budget as presented and another motion to go ahead and give the Committee authorization to spend \$75,000.00 as they deem fit. He was concerned about the latter proposal and was against the Committees having authorization to spend \$75,000.00 as they deem fit.

Rod Carter, Village Attorney stated, first off this is a Public Hearing and it is not appropriate to make motions at this time. Article III Section 3 of the By-Laws states: "The Electors of the District shall approve the budget and vote the tax as proposed or modify the budget and change the funding accordingly". The word modify suggest that any modifications to the Budget would have to be done today and the approval has to come from the Electorate at this meeting.

Bill Hass stated in view of Counsels recommendation he would withdraw his motion and propose another motion to reallocate the Budget as follows: The General Fund Budget for 2004 is \$75,500.00 and proposes that \$5,000.00 currently allocated for the Police boat replacement be

allocated towards a storm management fund which is only \$25,000.00. Cox stated this is a public hearing and motions can not be made until the public hearing is closed.

Ed Vardon 529 Oakwood Trail stated he would rather see an increase in the entire Budget instead of jeopardizing Police boats.

Mary Yunker, East Lake Shore Dr stated after approval of the Budget she understands the Commissioners have some leeway to move moneys from one category to another. Also she stated charging \$3.00 to launch one's boat is insufficient.

Someone from the audience wanted certification as to where \$25,000.00 would be spent on storm water management. Gresenz stated \$25,000.00 was allocated to give the Village a start to cover the potential of engineering fees, drawing up designs for DNR. Anything more than \$25,000.00 would be irresponsible at this point; and if further funds are needed it would be budgeted the following year.

Pam Becker stated a stormwater grant is in process and asked if any portion of the moneys allocated for that is specifically allocated to pay the Village's portion of any moneys that might be required. Cox stated the moneys related to finalizing the report are not included in the \$25,000.00. The report is nearly completed. The \$25,000.00 is to provide funding either to match the DNR grant for some larger project or to begin designing the concept that the Village can present to the DNR.

Robert Livingston with regard to long term goals stated that \$25,000.00 is not going to be enough to solve all of the problems.

Someone from the audience asked what the Village Board had budgeted for stormwater management for the year 2004 in the Village budget. Gresenz stated there have been no budget hearings for 2004. Those hearings will be taking place in October, November. The issue has not crossed the table at this point. Cox stated the boundaries for the Lake District and the Village are the same. The taxpayers we are talking about are the same for both bodies. One of the reasons we put money in here is to let the Lake District Electors have a direct decision making authority as to how much they want to spend. Pam Becker stated if the Lake Committees, members and leaders come into this room next year they could ask for \$200,000.00. That would give the electorate the ability to vote on the budget and tax itself. Cox stated the point today is to vote on how much you want to spend and then tax yourself that amount of money.

Gary Wrench Grandview Ln stated nobody wants to raise taxes. A lot of money is available in grants; we have to talk about a boat launch on Lake Elizabeth and limiting parking at Lake Mary and still qualify for grant money.

Lynn Dohse, 242 Mueller Av. stated she has no lake access benefits so what does this group do and what does she get from it. Cox stated Dohse has as much access to the lake as anyone else. People that live on the lake have the ability to put in a pier, but nonetheless, everyone has access to the lake. The prime resource of Twin Lakes and the impact it has on the community as a whole, are the Lakes themselves. Dick Dyer, 314 Sunset Trail disagreed with Dohse and stated the Lakes are an economic image of the area; we need to share the expenses and recognize total value for everyone. Jooss stated besides the economic engine, we all live in the watershed. Water quality is one of the main issues the Committee has been working on; that is not just what is in the lakes but the groundwater and well water. The ground water is one we all use and we are all putting pollutants on the land and we all need to keep those pollutants out of the lakes

Ahler asked who will have the ultimate control on Subdivision Development Agreements, new Subdivisions, new growth, new sources of storm water run off. Will it be the Lake District, Plan Commission, Village Board? We all have a common goal, but who has the ultimate authority to make those decisions?

Gresenz stated ultimately with regard to stormwater, the Committees will have their suggestions and working with the DNR. The Plan Commission does have a lot of say on how things are working. They go through a lot of those questions, as well as the Smart Growth Commission. It will go through a lot of steps before reaching the Village Board. Not just one body will address these issues. Ahler stated it is a combined effort to minimize problems, but unless these Committees have a little more authority, ultimately the Plan Commission makes recommendation to the Village Board and they act on it. Maybe the Village Board will not take into consideration the expertise of those Committees. Maybe the Lake Committee should have more authority on some of the ordinances that we have on the books.

Stoen stated a public hearing would be set for those issues and he encouraged people to participate.

Someone from the audience was angry about a fishing pier that was allocated and never completed so why budget money is nothing is done. Cox stated it was up to the body to allocate funds for projects. Discussion continued. Motion made, seconded and carried to close the Public Hearing. Motion passed.

MOTION TO APPROVE THE BUDGET

A MOTION WAS MADE FROM THE FLOOR, SECONDED TO APPROVE THE PROPOSED 2004 BUDGET AS PRESENTED.

Discussion followed; Hass proposed a new motion stating whereas we have installed a new representative Committee structure with new priorities we the electors of the District wish to send a message to the District Commissioners, the Village Board and the new Committee to reallocate \$5,000.00 from the 2004 Budget for Police boat replacement and increase the Storm Water Management Fund from \$25,000.00 to \$30,000.00, keeping the total Budget of \$75,500.00 unchanged. Cox stated Hass is suggesting a change to the original motion that would move \$5,000.00 from the Police boat fund to the Storm Water Fund, seconded by Sobatka and discussion on that matter only can follow. Hass stated the Village Board needs to listen to the electorate.

Cox asked if there was a comment on moving \$5,000.00 to the Storm Water Fund. Hatch stated he was against the motion by Hass to move \$5,000.00 and further stated he disagreed with Hass's statement that the body needs to send a message to the Commissioners and Hatch stated they should appreciate what the Commissioners have done. Boone also was opposed to the Amendment. Jooss stated she was also opposed to removing the \$5,000.00 from the boat patrol. The body knows that we need to replace the boats. Kaplan, 600 Highland Dr. felt the Budget was enormously inadequate and the body has the opportunity now not to approve the Budget and send another message to the Village. By not approving the budget today will send that message. Cox stated by not voting on the Budget nothing will be allocated for next year. The body needs to approve something today. Debbie Hass asked if the Police Budget could absorb the \$5,000.00 for the patrol boat. Cox stated if the District chose not to participate in sending money to the Water Patrol function, the Village would continue that function and would absorb that cost in the Village Budget. A vote was taken on the amendment to the original motion. Motion failed. Cox reread the amendment to the motion on the floor. Motion fails.

Another amendment to the motion was made by Livingston to abandon the Budget as it stands and charge each household in the Village \$100.00 annually. There was a second from the floor. Cox stated what the body was moving towards was not making a levy for taxes but a Special Assessment of properties whereas everybody pays the same. The dilemma would be how to do it. Becker stated some kind of ballot would be necessary for a referendum and that would have to include absentee ballots. Audience, 1976 East Lake Shore Dr stated he was against \$100.00 tax per household and it should be according to the value of the property. Wrench state he was enthusiastic that everyone wanted to raise their taxes. We can slightly raise the Budget this year and earmark some money for the Storm Water Plan. Then next year we could be committed to selling new ideas to the Community. The body should pass the Budget, amend it so \$25,000.00 is allocated for storm water retention. Someone from audience called the motion and a vote was taken and the majority of the audience voted nay. This amendment to the motion failed.

COX ASKED FOR A VOTE ON THE ORIGINAL MOTION OF APPROVING THE BUDGET AS PRESENTED. MOTION PASSED. MAJORITY AYE; 12 OPPOSED.

MOTION TO APPROVE TAX LEVY Cox asked for a motion to approve the Tax Levy in the amount of \$62,000.00
MOTION BY HATCH, SECONDED FROM THE AUDIENCE TO APPROVE THE TAX LEVY IN THE AMOUNT OF \$62,000.00.
 MOTION CARRIED. 2 OPPOSED.

ESTABLISH 2004 ANNUAL MEETING DATE - Short discussion. MOTION BY BECKER, SECONDED TO CONDUCT THE LAKE PROTECTION & REHABILITATION DISTRICT ANNUAL MEETING ON JULY 17, 2004. MOTION CARRIED. 2 OPPOSED

OTHER BUSINESS AND QUESTIONS FROM THE FLOOR

Ahler stated the Village should be the minutes of this meeting on the website within 15 days and keep them there for 1 year.

MOTION BY AHLER, KIMBALL, CARRIED FOR COMMITTEES TO RECORD MINUTES WITHIN 15 DAYS AND PLACE THEM ON THE WEBSITE FOR ONE YEAR.

Jooss stated workshops will be scheduled in the spring and summer and will have the DNR or the Lake Extension Group represented to help with education and permits Jooss introduced Heidi Bunk , Lake Biologist for Southeastern Wisconsin (DNR). Bunk stated the Web Site has information on Lakes. Bunk continued talking to the audience after the meeting adjourned.

Motion by members, seconded and carried to adjourn the meeting at 12:15 pm

SIGNED VERSION AVAILABLE AT THE VILLAGE HALL

Dorothy E. Sandona
 Clerk/Treasurer

INFORMATION ON FILE

Lake Planning & Protection Committee Report 2002-2003
 Letter from Craig Helker-Water Resources Biologist, WDNR - re: White Milky Substance on Lake
 Lake Level Changes on Lake Elizabeth/Lake Mary Average Monthly Lake Levels
 Lakeshore Stewardship Flyer
 Committee Structure Policy
 2004 Proposed Lake District Budget
 Pool of Elected Committee Members Chart
 Nomination Slate for Committee Membership

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