

Eagle Spring Lake Management District

Regular Meeting

October 18, 2022

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 Chris Hinz, Tom Day, John Mann, Nancy Wilhelm, Town of Eagle Representative Don Malek, and Waukesha County Representative, Chris Mommaerts. Lake residents Nick Wambach, Steve Hamilton, Martin Frith, and Bookkeeper/Administrative Assistant Gina Krause were also present.

Approval of Agenda – N. Wilhelm made a **Motion** to approve the October 18, 2022 agenda as written, second by D. Malek, motion carried with T. Day opposed.

Approval of the August 6, 2022 Organizational Meeting Minutes – N. Wilhelm made a **Motion** to approve the August 6, 2022 Organizational meeting minutes; second by J. Mann, motion carried.

Approval of the September 22, 2022 Board Meeting Minutes – N. Wilhelm made a **Motion** to approve the September 22, 2022 minutes as amended; second by C. Hinz, motion carried.

Announcements and Upcoming Meeting

- There will be a Town of Eagle Board meeting on October 19, 2022.

Notice of Possible Closed Session – The closed session will take place at the end of the meeting.

Public Comment - Lake resident, Martin Frith commented that the signage at the public boat launch is set up in such a way that sets boaters up for failure (i.e., going wrong way around the lake). The rules/ordinances for boating traffic on the lake is at the far back side of the kiosk. The front side of the kiosk which is more visible to boaters launching their boats would make more sense for the boating ordinances and rules on counterclockwise boat traffic pattern. P. Jensen did explain that the WDNR owns the kiosk and the DNR only gave us the back side of the kiosk for our posting capacities. P. Jensen agreed with Martin and he will pass it along to DNR's Lance Stock (in charge of public boat launch site) to see if we would be allowed to post on a front portion of the kiosk.

Weed Harvesting/Collecting/Chemical Treatment Requirement and Updated Guidance for Weed Harvesting and Disposal/ Discussion – P. Jensen stated that Tom Casey and he have started to work on a guidance manual. Gina has requested a special location for time cards, etc. to be placed for a better turn in process (after dam repair/upgrade is finished).

Harvester and Conveyor Removal/Discussion – Report – P. Jensen commented that the harvester and shore conveyor were removed from the water without any problems. The harvester was used once this past summer to harvest weeds. J. Mann commented that it should have been at least twice. There were islands of floaters throughout the lake and Pickeral Bay was full of floaters that never did get harvested.

Annual Report to DNR on Activities and Actions – Discussion/Action – P. Jensen stated that DNR's Heidi Bunk just wanted a letter to summarize what took place this last summer for our end of year harvesting report. P. Jensen distributed a draft letter to all Board members and read it out loud. This was very different from the DNR's previous year's reporting process to follow.

Lien Release Marine Bio-Chemists – Discussion/Action – A lien waiver was not issued to the District. Gina will follow up with Marine Biochemists for a lien waiver on our spring 2022 treatment.

Clean Boats/Clean Waters(CB/CW) – Discussion/Action – The grant application for the 2023 CB/CW program and been received by the DNR. Gina is in the process of entering remaining 2022 data into the online data collection site. T. Day will prepare an end of year 2022 report once Gina is able to get him the available statistics from the past year.

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Carp Initiative/Fishery Issues Discussion

Dumpster at DNR Launch Discussion/Action P. Jensen stated that the dumpster (along with the old signs) have been removed from the public boat launch. P. Jensen was unsure if the DNR had put up the new signage.

Weather Station and Website – The students from Milwaukee School of Engineering (MSOE) are expected to be out in November to start discussion on our website.

Wambold Dam/Kroll Outlet

- a. **Construction Progress Report – Discussion** – The construction crew is making progress and today they were backfilling area used for the insertion of the new beams. Once the concrete has had enough time to cure, the temporary supports will be removed (anticipated to be removed by October 21st). On October 18th we received a notice from Terra that the installation manual on our new gates should be to us by Friday. This is good news; it means our gates are being built.
- b&c. **Approval of Rebar Shop Plans and Concrete Mix Ticket – Discussion/Action** – P. Jensen presented some changes to the rebar plans/concrete mix, that have been approved by the DNR and Collins Engineering. J. Mann made a **Motion** to allow P. Jensen to sign agreement changes (at no cost) that are approved by the WDNR and by Collins Engineering, second by N. Wilhelm, motion carried.
- d. **Change Order 04 – Discussion/Action** - P. Jensen presented to the Board a breakdown of what is all entailed in change order #4. Change order #4 includes a \$2,020 price increase for the addition of a galvanized W6x12 Floor Girder (to support concrete slab area where extra center wall was removed). Also included is a credit of \$3,875.00 for the reduced area of crawl space (area smaller than first anticipated). Lastly, a price increase of \$4,650 to cut out the concrete that is blocking 30" diameter outfall pipe, grout 30" diameter pipe connection to foundation wall, fill the void under the concrete floor opening and cap with 12" thick concrete. D. Malek made a **Motion** to approve Change Order #4 as described above (total \$2,795 increase); second by J. Mann, motion carried.

I. & II. & III - Summary of where we are at:

Change order #1 credit of \$13,900

Roof grommets charge of \$4,500

Sediment removal charge of \$3,400

Intake Modification (due to center wall found) charge of \$23,050

Turbine vault opening charge of \$4,650

Floor Design – credit of \$3,875

New floor girder – charge of \$2,020

Total cost overrun of \$19,845 (7.27% cost overrun).

All trees (except for 3 remaining trees) that we are required to remove on the property are removed, and the brush on the ground we should be able to take care of ourselves.

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Construction Financial Status and Loan Information – Discussion The DNR will be doing a dam inspection in 2024 and has verbally stated that 2023 dam inspection (that the District would have to pay for) could be skipped due to 2024 inspection will follow approximately 6 months later than the previously scheduled 2023 inspection. The DNR will be handling the 2024 dam inspection (at no cost to the District).

Due to weather conditions, the site restoration plan may not be completed until approximately spring of 2023.

P. Jensen further explained other areas where we may be able to perform a few tasks in order to save a few extra dollars and keep us from borrowing more than the \$273,000 loan that we currently have.

Possible Work Schedule for 2023 – Discussion -

The site restoration plan may not be completed until approximately spring of 2023 (when the weather conditions would be better for grass growth, etc.).

Surface Water Runoff Violation Update – Discussion/Action – The certified letter to the homeowner responsible for the soil in the driveway discharge drain leading into the 30” dam discharge pipe has been returned not deliverable after the Postal Service has attempted 3 times to deliver the letter to them. P. Jensen explained that we may get rain next week, which could cause the discharge drain to dump its soil/debris contents into the dam’s 30” discharge pipe and could then cause dumping into the Mukwonago River. An email attempt to reach the homeowner has not been given a response. The Board’s discussion ended with D. Malek making a **Motion** to hire a contractor (i.e., Teaspoon Excavating) to clean the debris out of the drainage pipe in order to prevent a violation of dumping debris/soil into the Mukwonago River; second by N. Wilhelm, motion carried.

Future Meeting Requirements Change Orders and Field Modifications – Discussion/Action – P. Jensen explained to the Board that there may be future change orders or ticket changes that can be minor changes (i.e., small \$10 or \$20 ticket items) and wanted to know if the Board wants a meeting for every change or not. N. Wilhelm made a **Motion** that the acceptance of credits can be approved by the Chairperson, and other change orders and ticket orders can be approved with two officers of the Board concurring. That concurrence can happen via phone, texts, email, in person etc.; second by D. Malek, motion carried. The Board will receive copies of the changes at the following meeting.

Water Patrol Report – D. Malek presented the 2022 Season Recap Report. During 2022 there were 195.5 patrol hours on the lake with 60 boat stops resulting in 24 citations, and 71 warnings given. Eighteen vessels were assisted. Most of the assists were for answering questions about boating regulations on the lake and our rules. The full season recap report is available on the District’s website at eaglespringlake.us. P. Jensen reminded everyone that we had no emergency call this year as compared to 8 emergency call in the past 4 seasons. Both Tom Casey and P. Jensen will take care of removing the lake patrol boat from the water.

Legislative/Regulatory Issues – There were no updates.

Septic Update – Discussion/Action – C. Mommaerts presented to the Board the Waukesha County’s performance measure of the Private Sewage System Maintenance Program. It is estimated that there are 33,000 private sewage systems in Waukesha County. Board members agreed that there are other counties that are far stricter than Waukesha County is. P. Jensen suggested to get a meeting with the DNR enforcement officials and see what is their definition of maintenance is. We would assume that

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maintenance should include verification of the repair to a failing system but, Waukesha County does not agree.

CTH E Parking Updates – Discussion – There were no updates

Dry Hydrant Update – Discussion – P. Jensen reported that we are having a hard time getting the top flange for the dry hydrant.

Financial & Contract Operational Guidance Discussion/Action and FSLA & Elected Board Member Responsibilities – Discussion/Action – There were no new updates

New Business

Revisions to Board Member and Staff Assignment List – Discussion/Action – P. Jensen reviewed the Task, Divisions and Duties spreadsheet with the Board. After the review C. Hinz made a **Motion** to approve the Tasks, Division and Duties for Lake District Residents/Staff/ Elected Officials (Rev 10/18/2022) as discussed; second by D. Malek, motion carried.

2023 Insurance Questionnaire and Renewal Submission – Discussion/Action – P. Jensen stated that we have been sent an insurance review to fill out before our renewal. Upon discussion with our agent, we need someone without signatory authority to perform monthly bank reconciliations. Even though Gina does not have signatory authority we still need someone else to also perform monthly bank reconciliation (C. Hinz is willing to perform this task). Further discussion with insurance agent was about how to handle the dam coverage (1 dam with 2 outlets). The primary coverage is for liability, the buildings, accidents (injury on the property), workers compensation, and basic liability on the truck Due to extreme costs, there is no dam failure coverage.

Eagle Spring Yacht Club Donation – Discussion/Action – The Eagle Spring Lake Yacht Club is making a \$400 donation for changing the radio frequencies in the water patrol radios and expanding them to be able to talk to all the local fire departments.

Financial Update & Payment of Bills – Discussion/Action – We are going to make our 1st payment on the dam repair project. D. Malek made a **Motion** to pay the bills; second by N. Wilhelm, motion carried with T. Day opposed.

Executive Session– At 7:56pm D. Malek made a motion go into Executive Session under 19.85 (1) (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Board will not reconvene into open session. Second by J. Mann, motion carried with the votes as follows: Chris Hinz – Yes, Peter Jensen - Yes, Don Malek – Yes, John Mann – Yes, Nancy Wilhelm – Yes, Chris Mommaerts – Yes, and Tom Day – Yes.

At 8:40 N. Wilhelm made a **Motion** to go back into open session (to allow for adjourning the meeting); second by D. Malek, motion carried

Adjourn - At 8:41 N. Wilhelm moved to adjourn; second by C. Hinz, motion carried. [Gina, the times you have do not add up.

Respectfully submitted,
John R. Mann
ESLMD Secretary