

Eagle Spring Lake Management District

Regular Meeting

September 20, 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, Jeff Prokop, and Bookkeeper/Administrative Assistant Gina Krause were also present.

Approval of Agenda – T. Day questioned why his requested topic Dam Failure Analysis under open session has been removed. P. Jensen explained that while we are under litigation it will be discussed under closed session. T. Day disagreed that what he had to discuss was not dealing with litigation. P. Jensen commented that until he is certain that it does not have anything to do with our current litigation, it will be discussed under closed session. If he can prove that it can be discussed under open session he will put it on the agenda to be discussed next month. D. Malek made a **Motion** to approve the September 20, 2022 agenda as written, second by J. Mann, motion carried with T. Day opposed due to his requested topic being moved on the agenda into closed session.

Approval of the July 19, 2022 Board Meeting Minutes – D. Malek made a **Motion** to approve the July 19, 2022 minutes as amended, second by C. Hinz, motion carried.

Approval of the August 16, 2022 Board Meeting Minutes – T. Day made a **Motion** to approve the August 16, 2022 minutes as amended, second by N. Wilhelm, motion carried.

Announcements and Upcoming Meetings

- The Eagle Spring Lake Yacht Club will hold its Annual Meeting (for its members) on Saturday, September 24th.
- There will be a Town of Eagle Board meeting on September 21, 2022.
- On September 27, the Weather service workshop will be taking place from 9am to noon. Both Dale Brugger and P. Jensen will be in attendance.

Public Comment - There was no public comment.

Weed Harvesting/Collecting/Chemical Treatment Requirement for Updated Guidance for Weed Harvesting and Disposal/Discussion and DNR Visit/Discussion - Today P. Jensen, Tom Casey, and Heidi Bunk (DNR) toured the lake and discussed various topics. Heidi was in favor of the idea of new guidance manual. P. Jensen will take the time to work along with Tom Casey and prepare a draft manual. Some of the various topics discussed were the lack of zebra mussels. Heidi explained that it is not abnormal to see the population of zebra mussels fluctuate. It is believed that zebra mussels have been seen to let their populations grow until they out strip their food source and then the population crashes. There are no studies on zebra mussels that have studied their population swings/growth. A future grant program studying the dynamic of zebra mussels could be helpful. P. Jensen stated that he went to clean the gates by the Wambold outlet and there were no zebra mussels to be found. C. Hinz questioned as to what about the other mussels in our lake. P. Jensen stated that the drought last year did have a declining result on our mussel population in the lake. Tom Casey will work on our end of final year end harvesting report with Heidi. Heidi was happy to see pondweed in various areas of the lake, especially due to numerous other lakes are showing their pondweed populations have disappeared. They did take a ride up to Lulu Lake and Lulu appears to be

Eagle Spring Lake Management District

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just as cloudy as Eagle Spring Lake. Going back to doing water chemistry testing on our lake could be beneficial. Heidi is going to check as to what impact the golf course could be having on our lake (even though she is expect no change). J. Mann commented that the Eel Grass floaters in Pickeral Bay are thick . It does make a difference if we are looking for plant growth/floaters during ideal conditions (sunny and calm waters) and that could be the reason no floaters were previously seen.

Harvester Removal/Discussion - The harvester and shore conveyor are expected to be pulled from the water on September 22 and to prevent damage during construction, Aquarius System will take the harvester, shore conveyor, and paddle wheels back to their shop and store for us.

Clean Boats/Clean Waters(CB/CW) - Resolution 2022-05 CB/CW Surface Water Grant – Discussion/Action – Gina is in the process of submitting the remaining 2022 data into the online data collection site and has put together the necessary paper work to apply for grant funding(75%) for our 2023 CB/CW Program. D. Malek made a **Motion** to approve Resolution 2022-05 for our participation and apply for funding in the 2023 Clean Boats/Clean Waters Program; second by N. Wilhelm, motion carried. T. Day will work with Gina and prepare a 2022 final report once all data have been entered.

Carp Initiative/Fishery Issues Discussion

Dumpster at DNR Launch Discussion/Action P. Jensen read an email from Ben Heussner that stated our carp report will be delayed (late fall/winter). P. Jensen stated that the DNR will be removing the dumpster from the public boat launch site after Labor Day. The DNR will be posting no littering/dumping signs at the boat launch. P. Jensen stated that there will not be another dumpster at the public boat launch because the DNR does not want one there.

Weather Station and Website

MSOE Initial Meeting – Discussion - The Milwaukee School of Engineering (MSOE) students will be studying/assisting us for the full 3 trimesters (we will have the help of 4 students until spring). They will first attempt programming a new basic weather website. They anticipate to be finished with that by approximately Christmas. They will then start a revision to our website (make it simple and dynamic for updating the website).

Rainfall Event 09/10-13/2022 – Discussion – P. Jensen received numerous calls from those residents that were concerned over the large rainfall. From 9/10 to 9/13 we accumulated 5.76 inches of rain, and we did not have any issues. The water table level (measured by first 60 inches of depth) has increased significantly. Current moisture range is in the 80 -90%.

Wambold Dam/Kroll Outlet

- a. **Construction Progress Report – Discussion** –There will be a virtual meeting this week to go over the outline of the dam project. It is anticipated that Terra Construction will start staging the equipment on Monday, September 26, 2022, and start preliminary work which includes taking down some trees, installing silt fence, performing survey work of the coffer dam, etc.

The final plans for the coffer dam has been submitted to the DNR and we are expecting approval of those plans on Friday, September 23, 2022. The demolition and dewatering

Eagle Spring Lake Management District

Regular Meeting

September 20, 2022

Approved Minutes

plan has also been submitted and has received approval. The erosion control plans will be further discussed under New Business – Surface Water Discharge Violation/Enforcement. We have to remember that while construction is going on, the site is Terra Construction's responsibility and all their safety rules and conditions will have to be followed. It is anticipated that the repair will take approximately 2 months to complete, with about 28 days being spent to allow the concrete to cure. No one will be allowed on the site without permission.

- b. ESLMD Safety Plan Approval/Discussion/Action** – P. Jensen presented the Safety Message/Plan (ICS 208) to the Board and read the message line by line. It included all safety gear that must be worn and other safety guidelines that must be followed. D. Malek made a **Motion** to approve the Safety Message/Plan (ICS 208) as presented, second by N. Wilhelm, motion carried.
- c. Rip Rap at Wambold Site – Discussion/Action** – Teaspoon Excavating will be giving us an estimate of cost to install rip rap. The Board then can discuss if we would want them to do this or we would like to do this ourselves. J. Mann stated that when looking at the site he ran into Therese White(aka Therese McGuire) and she had commented that she has an easement on the property and the rip rap is going to make it difficult for her to use her landing for the installation/removal of her kayak, etc. J. Mann suggested a small ramp that she could use over the top of the rocks. P. Jensen commented that it will be only 9-11 inches wide and it should not hamper her use of the site. P. Jensen said he previously discussed with her the fence, the sliding gate, etc.

Water Patrol Report – D. Malek presented the September 21, 2022 Lake Patrol report from the period of August 16, 2022 through September 19, 2022. During this time there were 55 patrol hours on the lake with 14 boat stops resulting in 6 citations, and 9 written warnings, and 11 verbal warnings given. One vessel was assisted. The full lake patrol report is available on the District's website at eaglespringlake.us. The patrol boat will remain in the water until approximately mid-November to allow it to be accessible if needed for emergencies. N. Wambach asked if anyone has contacted the DNR as to his request given to the Board to ask the DNR to leave the pier at the public boat launch in longer. P. Jensen said he did talk to DNR and his reply was that they have to work within their schedule. It does make it very difficult to get your boat out of the water without a pier at the site.

Legislative/Regulatory Issues – There were no updates.

Septic Update – Discussion/Action – T. Day reported that he did discuss with Skylar (Waukesha County) in late August of 2022. The septic failure that was previously in question in Jack's Bay was pumped so the County has presumed all issues are resolved since no moisture is on the surface. T. Day is hopeful that they will continue to follow up on this site. The island property that was in question was sent a letter to request access to the site. Due to no return answer from the homeowner, the County may pursue legal efforts next to gain access to the system.

T. Day has stated that after his discussion of his own property getting un-timely notification cards, it appears it will be 3.5 years before he gets his notice to pump. This leaves us to

Eagle Spring Lake Management District

Regular Meeting

September 20, 2022

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believe that the County continues their practice of not getting the notices out on time. The County system remains to have issues.

CTH E Parking Updates – Discussion – It is believed that there was an accident on CTH E last weekend. The details of this will have to be investigated and added to a collection safety issues on CTH E.

Dry Hydrant Update – Discussion – P. Jensen reported that the work on the dry hydrant has started. Some of the remaining needed parts will be in tomorrow (9/21).

Financial & Contract Operational Guidance Discussion/Action – T. Day gave his comments to the Financial Procedure Bullets sheet. His opinion is that if there is a change order, it should be approved by the Board, and all contracts, except in an emergency situation or as authorized by the Board, must be reviewed by the Board (not just two Board Officers). Work will begin on presenting a draft document in the upcoming months.

Fair Labor Standards Act Compliance – Discussion/Action – T. Day commented that the handout he received at the August meeting on Fair Labor Standard does not have anything on it that would tell him what was the source of this document and what else all goes with it. He wanted to know where this came from page number, etc. P. Jensen told Tom to do a search for the Fair Labor Standard Act and he can read the entire section of law as he wishes.

EPA Grant Application Acid Rain/Precipitation Monitoring – Status Update – The grant application has been submitted for acid rain testing (all supplies would be paid for with funding if we get the grant).

Board Member Responsibilities – Discussion – T. Day questioned storage of the buoys; they will be stored at Wambold. This topic does refer to the document previously developed called Task Divisions and Duties For Lake District Residents/Elected Officials. If any Board member wants or has changes to make, they were asked to please bring them to the next meeting.

New Business

Resolution 2022-06 Waukesha Mitigation Plan Resolution – Discussion/Action – P. Jensen explained that it is a plan that Waukesha County put together and if we were to participate in this mitigation plan it would allow us to access federal funds rather than state funds. N. Wilhelm made a **Motion** to approve participation in the Waukesha Mitigation Plan per Resolution 2022-06; second by D. Malek, motion carried with T. Day abstaining due to not having read the whole document.

Quality of Lake Water Discussion/Action - P. Jensen asked T. Day to look at the water sampling kits we have to see if they are still good. Heidi Bunk (DNR) commented that she is seeing a lot of lakes that are cloudy this year. As mentioned earlier, Lulu Lake appears cloudy also. C. Hinz questioned if they talked about releasing more mussels into the lake. When out to our lake, Heidi did comment that the cloudiness could be beneficial to the fish (small/fry fish are able to hide easier). She seemed more concerned of being able to talk with Ben Heussner (DNR) to see if we could get a better series of fish surveys.

Eagle Spring Lake Management District

Regular Meeting

September 20, 2022

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P. Jensen mentioned we previously had a group of students from UW Parkside/Germany that would test for blue/green algae. He thought that we should see if we could get a group of students back and continue the studies that the other group had started. We can have blue/green algae but it doesn't necessary mean it is releasing cyanobacteria; not all blue/green algae releases cyanobacteria. Heidi said she is seeing the cloudy water wherever they have the zebra mussel crash. She did not see anything of concern with water quality, the lack of harvesting (not as much sunlight for plants to grow), plant life itself or any other things. Water chemistry may be of some useful data.

Surface Water Discharge Violation/Enforcement – Discussion/Action - P. Jensen reported that we submitted an Erosion Control plan for our dam repair project. They will be putting in silt fence, storm drain, etc. There is an issue with a nearby construction project. There was a big pile of dirt at this construction site with no silt fence being in place. As time went by and we experienced rain, etc. the pile of dirt slowly dwindle down by the dirt running off into a catch basin that leads into our 30" drainage pipe at the Kroll Millrace which leads into the Mukwonago River. A draft letter and pictures of the dirt pile and erosion issues were distributed to the Board. The Board discussed this issue and how important it is to protect the Mukwonago River and that we do have Sanitary District powers to regulate surface water runoff. Terra has stated that they will not be responsible for this issue. N. Wilhelm made a **Motion** to send an enforcement letter to the homeowners of the construction site (property located at W345S10503 CTH E), and requesting remediation of debris issue in the drain(s); second by C. Hinz, motion carried.

Financial Update & Payment of Bills – Discussion/Action – N Wilhelm made a **Motion** to pay the bills; second by D. Malek, motion carried.

Executive Session– At 8:04pm 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 – No (due to Dam Failure Analysis was moved from being in open session and has to be discussed in closed session).

Adjourn - At 8:39pm N. Wilhelm moved to adjourn; second by D. Malek, motion carried.

Respectfully submitted,
John R. Mann
ESLMD Secretary