

Eagle Spring Lake Management District

Regular Meeting

November 15, 2022

Approved Minutes

Peter Jensen, Chairperson, called the meeting of the Eagle Spring Lake Management District (ESLMD) to order at 6:31pm, and led with the pledge of allegiance. Other Commissioners in attendance were Chris Hinz, Tom Day, John Mann, Nancy Wilhelm, and Town of Eagle Representative Don Malek. Lake residents Nick Wambach, Jeff Prokop, and Bookkeeper/Administrative Assistant Gina Krause were also present. Waukesha County Representative, Chris Mommaerts was excused due to an unexpected emergency.

Approval of Agenda – N. Wilhelm made a **Motion** to approve the November 15, 2022 agenda as written, second by D. Malek, motion carried with T. Day opposed.

Approval of the October 4, 2022 Extra Board Meeting Minutes – D. Malek made a **Motion** to approve the October 4, 2022 Extra Board meeting minutes with corrections; second by N. Wilhelm, motion carried after T. Day's comment. T. Day made a comment that dealt with the topic Change Order where it states "Due to change order #1 & #2 being precontract changes they were re-labeled and referred to as change orders A & B respectively." T. Day stated that we have had some discussion on these two projects (project 1 and project 2) which these change orders deal with. T. Day has come to the conclusion for a variety of reasons that when it says "precontract changes", there were negotiations with Terra Construction by Collins Engineers and Pete to make sure we got bids from that contractor. All 7 projects came very close to what our budget is. There was no further discussion.

Approval of the October 18, 2022 Board Meeting Minutes – T. Day made a **Motion** to approve the October 18, 2022 Board Meeting Minutes as amended; second by D. Malek, motion carried.

Review of August 6, 2022 Annual Meeting Minutes – Discussion/Action – The Board started discussion with a couple amendments and decided to have Gina insert the amendments and bring the minutes back to the next meeting for another review. D. Malek made a **Motion** to table the Annual Meeting discussion until the next meeting (December 20); second by N. Wilhelm, motion carried.

Announcements and Upcoming Meeting

- There will be a Town of Eagle Board meeting on November 16, 2022.
- There were handouts of Living with Dams – Extreme Rainfall Events booklets for anyone interested.

Public Comment - Lake resident, Nicholas Wambach asked if we were looking for federal money to help with dam repair. P. Jensen has no knowledge of any federal funding available.

Weed Harvesting/Collecting/Chemical Treatment Requirement and Updated Guidance for Weed Harvesting and Disposal/ Discussion – P. Jensen stated that Tom Casey and he are working on it and anticipates to have a draft for the Board to look at in January/February.

Lien Release Marine Bio-chemists – Discussion/Action – Gina reported that a lien release has been received from Marine Bio-Chemists and copy emailed to P. Jensen.

Clean Boats/Clean Waters Status – Discussion/Action – Gina explained to the Board that we are currently locked out of our SWIMS account for entering data. She will continue to make contact with SWIMS and get access.

Eagle Spring Lake Management District

Regular Meeting

November 15, 2022

Approved Minutes

Carp Initiative/Fishery Issues Discussion - A letter dated November 14, 2022 was received from The Nature Conservancy (TNC) which gave support of our carp program. Without the program they feel it is likely that the carp population would continue to grow and impact the native fish and mussel populations that thrive in Eagle Spring and Lulu Lake. A copy was given to each Board Member.

T. Day reported that on October 27th, Jim Wallis captured the first tagged carp of the year. Being the 1st tagged carp of the year, he was awarded \$1,000 from the Lake Preservation Group. It was a tag from the spring of 2021. The new conservative count of 329 (with DNR removing 150) carp have been captured this year.

New Signage Update - P. Jensen stated that he does not know if the DNR has put up any new signage.

Weather Station and Website – The students from Milwaukee School of Engineering (MSOE) have run into issues due to two students dropping out of the project. They are attempting to get other students to fill in the gaps and get a full project team back in action. The students were also running into issues due to the large number of archives on our website bogging the system down. Gina explained she can take some of the old archives out and will reduce the site down to mainly the past 2 years.

Wambold Dam/Kroll Outlet

- a. **Construction Progress Report – Discussion** – The construction crew is making progress and today were forming up the wing walls. The original plans for the gates planned on the gates being 6” wide. The company in Texas that built the gates stated that they normally make these gates 10” wide and that is the dimensions they used for our gates. Therefore, it has made it necessary to recut the concrete to fit the size of these gates. The plan is to pour the wing walls this week so everything can start curing over Thanksgiving Holiday. There have been several loads of concrete that did not pass tests and had to be rejected completely or additives were put in to bring it up to specs. This testing is being done by a third party that is supervised by Collins (not in connection with Collins or Terra). Students from MSOE were also performing their own tests.
- b. **Status and Loan Information – Discussion** -There will be a small fee change order that will involve taking care of the deteriorated concrete where the gates fit in. P. Jensen stated that in one of his last reports, the addition was off by \$1,000 (error Gina found) which shows \$1,000 more (advantage to the District) in that report. It is scheduled that the gates will be put in and cemented this week. We anticipate that by the second week in December we will be able to perform a water tightness test (supervised by the DNR). Upon passing that test, we will then be able to open the gates, proper back fill can be put back in, and the coffer dam can be removed. By Christmas we expect all the work to be done except for the landscaping/restoration of the site. The landscaping/restoration is expected to be completed in spring of 2023. P. Jensen stated the DNR is requesting a new Dam Inspection Operation Manual (IOM) with the new gates. P. Jensen will get a new/updated IOM manual prepared and to the DNR as soon as we get the gates in operation. No substantial unanticipated repairs should be left to occur. Rejected concrete should be Terra’s issue to handle and not the District’s responsibility.

Eagle Spring Lake Management District

Regular Meeting

November 15, 2022

Approved Minutes

Winter Preparations – Discussion – The new gate at Kroll outlet has been lubricated with a winter low temperature grease. P. Jensen has posted the 1500-pound vehicle weight limit sign at the public boat launch. The weather station radio has been pulled.

Water Patrol Update - Discussion – The lake patrol boat is out of the water and has been winterized and Tom Casey has delivered it to the Town of Eagle for storage.

Legislative/Regulatory Issues – There were no updates.

Septic Update – Discussion/Action – The Department of Professional Service has responded and we are waiting until the County budget is fully approved and implemented before moving forward. As soon as the letter goes out the Board will get a copy of it.

CTH E Parking Updates – Discussion – Due to C. Mommaerts absence, there was no update.

Dry Hydrant Update – Discussion – The parts needed to complete the job have been located. It is anticipated that the parts will be installed early next week. T. Day commented that he is tired of seeing emails insulting his integrity (at least 3 emails) and inferring that we did it on the cheap and the materials that we used were substandard, and the gluing was inadequate. P. Jensen claimed he did not use the word “cheap”. T. Day stated that in a conversation with the fire chief, the fire chief said none of the materials/gluing, etc. had anything to do with the failure of the dry hydrant. What happened was, when they were pumping water into the tanker truck, they shut the valve before they shut the pump off, and that caused undo pressure on the system and that is why the dry hydrant failed. T. Day stated he has in his possession an inspection from Graef, Anhalt, Schloemer that has the design work on the dry hydrant and it includes their observation of the installation of that dry hydrant with the proper connection and piping that went under water. The failure had nothing to do with the quality of the dry hydrant or the way it was installed. P. Jensen insisted that when they dug up the pipe it was labeled drain waste pipe, it is not labeled pressure pipe. T. Day stated that does not match what is in the report when the work was completed. J. Mann clarified to P. Jensen that he thinks what the point is, is that in the first email to all of us or everyone who was responsible at the time was that we took the cheap way out; which is not the case. T. Day asked for confirmation about a 6” patch on an 8” hole that was observed by a lake resident (Nick Wambach) when the piping from the dry hydrant was removed and laying up on the pier. T. Day asked if this was correct, and P. Jensen agreed it was correct. P. Jensen stated this is not right and he has written a letter to Western Lakes Fire Department as to why this took place. He has not received a response. T. Day asked if the Board received a copy of this letter; P. Jensen responded he does not know if the Board got a copy, he can send Gina a copy of the letter. J. Mann said the emails have bothered him and he read from one of the emails that P. Jensen sent out as T. Day had referenced above. The email stated “Sooner or later the Lake District has to realize that there is a right way and wrong way to do things and cheap may not be the best route...”; J. Mann commented that this is not accurate. P. Jensen said it was not meant to be cheap, it meant to mean we need quality assurance and he apologized for using the word “cheap”. J. Mann stated that you sent it out and that is what it says.

DNR Boat Launch Kiosk Update – Discussion – P. Jensen stated he sent a note to the DNR about the kiosk.

Financial & Contract Operational Guidance and Controls Discussion/Action – The Board reviewed a revised Contract Operational Guidance and Controls. There were no comments. N. Wilhelm made a **Motion** to accept the approval of the Contract and Bid Requirements for future contracts with the Lake District; second by D. Malek, motion carried.

FLSA & Elected Board Member Responsibilities – Discussion/Action – T. Day stated that in general he does not believe this Federal Labor Standards Act applies to us at all, but not everyone agrees. Discussion went back to Gina cannot volunteer to do any secretary work or volunteer to do work that she normally does. She cannot do anything she normally does without getting paid. T. Day asked the question as to why can't Gina print out copies for him. P. Jensen stated we can email it to anyone he chooses. T. Day stated he doesn't want the email; he wants a copy. J. Mann stated that the idea of Gina printing an email and sticking it in her mail pickup box to be picked up for someone who has been on the Board longer than anyone else and has done more than anyone else, and to say that can't happen because of some state rule that probably nobody would enforce is just ludicrous. Since Gina can no longer print these emails for T. Day, J. Mann is taking these emails and forwarding them to another person, so that person can print an email for T. Day. P. Jensen stated that we cannot do something special just for T. Day. P. Jensen stated that he will set it up for emails to go directly to his other person source for hard copies. After meeting comment from Gina to P. Jensen explained that we can't send emails directly to another source due to the possibility of there being confidential materials in the emails (i.e., confidential current lawsuit papers). T. Day stated that you are setting up a process that does not go thru Gina to make it difficult for me to get a hard copy. T. Day commented that this bill would have never come up if P. Jensen wasn't trying to make it impossible/difficult for him to get a hard copy. T. Day thinks that what is written in this document has some violations to Chapter 19.31 Declaration of Policy. T. Day told P. Jensen to go look it up (same as he was told not long ago). T. Day stated that if this document is passed, he will make a motion that this document goes to a lawyer to make sure it is legal (will not do it before in case it does not pass for he does not want to waste money). Gina explained the option of hard copies was always open to all Board members (they just had to ask Gina for a hard copy) and it was always done this way until just lately. J. Mann stated that he only has approximately 9 more meetings until his term is up, so this document does not really concern him because he may not run for another term. This document is aimed at T. Day and that if this gets approved, we may be looking for a new Secretary. N. Wilhelm stated that for someone new getting on the Board, this would scare her a bit.

A **Motion** was made by N. Wilhelm to approve the Eagle Spring Lake Management District Elected Board Member Responsibilities; second by D. Malek, motion failed with role call vote as follows: P. Jensen -Yes, N. Wilhelm – Yes, C. Hinz – No, J. Mann – No, T. Day – No, D. Malek – Yes.

2023 Insurance Proposal and Possible Cost Reduction Options – Discussion/Action – P. Jensen explained that we received the renewal questionnaire for our insurance package. P. Jensen filled out the questionnaire and explained various areas of the policy that deal with dam/outlets, and additional coverage added that we don't need. P. Jensen thought the Eagle Spring Lake Preservation Group was part of the Lake District. Gina, J. Mann, and T. Day tried to explain to P. Jensen that the Eagle Spring Lake Preservation Group was never part of the Lake District. J. Mann suggested putting the money that the Preservation Group had

Eagle Spring Lake Management District

Regular Meeting

November 15, 2022

Approved Minutes

accumulated into our Lake District's account and make it a restricted line. T. Day was opposed to that idea for it is no secret he is not happy with the way the District is being run. The getting rid of the dumpster for the carp program was a hit in the gut. We are waiting for the DNR results on the carp survey and if we are allowed electro-fishing then he plans to spend the money down to support electro fishing. P. Jensen stated that if T. Day is interested in just spending that money down, then he is not interested in bringing the funds into the Lake District. P. Jensen once again said the insurance company is referring to it as a slush fund. The Eagle Spring Lake Preservation Group will stay its own entity and is separate from the Lake District. P. Jensen stated that we are considering a new policy that if the checks are over \$10,000, that it will require two signatures. There will be a \$302 price increase. J. Mann made a **Motion** to accept the policy as presented; second by C. Hinz, motion carried.

New Business

TNC Letter of Support for Surface Water Grant for EWM Removal – Discussion/Action –

The Nature Conservancy contacted us and told us to not worry since our letter of support would not get to them before their due date for their grant application.

2023 Wisconsin Rivers and Lakes Convention, April 19-21, 2023 Discussion/Action –P.

Jensen will be making reservations for N. Wilhelm and himself to go to the 2023 Lakes Conference.

Budget /Financial Statement Error- Discussion/Action –

Gina explained that when she was preparing the 3rd Quarter Financial Report, she found errors in the budget that was reviewed by the Board and approved for presentation at the Annual Meeting. She went on to explain that there were formula errors in the Excel file columns "Estimated 2022 and Budget 2023". She further explained what was presented in comparison to what should have been presented. In the Total Administrative Expenses of the Estimated 2022 and Budget 2023 columns the formula did not include the two-line items of "Conventions/Workshop expenses and Memberships expenses" in both columns.

The Estimated 2022 Column of Total Administrative Expenses was a difference of \$3,405, and the Budget 2023 column of Total Administrative Expenses was a difference of \$3,457 more in expenses than presented. In turn these errors resulted in a greater net income loss (as above) total of \$6,862. She further explained that every year we amend the budget of the year we are in at the Annual meeting, but we never ran/discussed the numbers to see what that change was. The changes/amendments made to the 2022 Budget resulted in a Net Income loss of \$56,239 (\$25,306 difference that we expended). P. Jensen questioned why are we doing the budget through Excel, rather than QuickBooks. Gina was unsure that QuickBooks has the capability to produce all five columns that are required by state statutes. N. Wilhelm knows of someone that is a QuickBooks wizard. N. Wilhelm will get the name and phone number of this person to Gina so that she can talk to her directly to see exactly what report would be able to produce this. P. Jensen believes we may be covered by our insurance and we may have a claim under errors and omissions. N. Wilhelm and P. Jensen will contact the insurance company to see if we have a claim that qualifies.

Eagle Spring Lake Management District

Regular Meeting

November 15, 2022

Approved Minutes

2024 Zero Based Budgeting – Discussion/Action – P. Jensen stated that we need to further breakdown basic tasks and used the newsletter as an example. Gina asked for the name of the printing company in Waukesha that he used for his example for it sounds too good to be true. P. Jensen said he will get her the name. Rather than Gina expending her hours just to Administrative she needs to start allocating her hours directly to the project she is working on. T. Day commented that he has no problem with Gina allocating her hours directly to bigger projects, but does not understand why we are spending all this time on things that are not broke (i.e., the newsletter). P. Jensen commented we may not change anything with the newsletter. T. Day said there are bigger issues and lake issues we should be dealing with; this is nickel and dime stuff and how long did we spend on the insurance topic and it went up 300 dollars? P. Jensen stated that T Day made his point and that is kind of the target for this and any account you want to look at; it would be there, it will be easier for the public to understand, and easier to work with.

Hourly Pay Adjustment – General Labor – Discussion/Action – P. Jensen commented he was contacted by two people (Tom Casey being one of them) regarding our pay for grass cutting and other maintenance operations. We raised our harvesting pay operations up to \$20/hour. The request is that if we are going to pay people for general maintenance and grass cutting we should try to keep that in line. P. Jensen explained that we wouldn't have to cut the grass weekly, we could cut it every two weeks. N. Wilhelm made a **Motion** to raise the general labor from \$10/hour up to \$20/hour; second by C. Hinz, motion carried with T. Day opposed due to when we raised harvesting from \$10 to \$20 it was because we didn't have many people available with the expertise to do that job. He does not see this being the same type job as harvesting.

Financial Update & Payment of Bills and 3rd Quarter Financial Report –

Discussion/Action - D. Malek made a **Motion** to pay the bills; second by N. Wilhelm, motion carried with T. Day opposed because Collins continues not to tell us directly what they are doing on the Invoices. The 3rd Quarter Financial Report was not discussed.

T. Day requested Task Divisions and Duties to be put back on the agenda for next month.

Adjourn - At 8:20 J. Mann moved to adjourn; second by D. Malek, motion carried.

Respectfully submitted,
John R. Mann
ESLMD Secretary