

Eagle Spring Lake Management District

Regular Meeting

January 23, 2023

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, and Town of Eagle Representative Don Malek, and Waukesha County Representative, Chris Mommaerts. Lake residents Jeff Prokop, Lance Matthews, and Bookkeeper/Administrative Assistant Gina Krause were also present.

**Approval of Agenda** – D. Malek made a **Motion** to approve the January 23, 2023 agenda as written, second by N. Wilhelm, motion carried.

**Approval of the November 15, 2022 Board Meeting Minutes** – D. Malek made a **Motion** to approve the November 15, 2022 minutes as amended; second by Chris H, motion carried. John Mann made a comment that the Fair Labor Standards Act is abbreviated FLSA not FSLA.

**Approval of the December 20, 2022 Board Meeting Minutes** – D. Malek made a **Motion** to approve the December 20, 2022 minutes as written; second by C. Hinz, motion carried.

**Announcements and Upcoming Meeting**

- The District's public meeting notice was taken from Post Office; therefore, our January 17, 2023 meeting had to be cancelled. In the future, we will put a disclaimer on the agendas not to remove them from the Board before the meeting. The district is required by law to post the agenda in at least 3 locations and at least 24 hours prior to the meeting. The district does post at the Eagle Municipal Building, Waukesha County Courthouse, Cornerstone filling station, and the Eagle Post Office. Also, as a courtesy, we post on our website (when up and running) and send the agenda out to various lake residents who have requested to be on our list.
- A reminder, due to election conflict of not being able to use the community room, our February 21, 2023 meeting will be postponed until February 28, 2023.
- On January 24, 2023 we have the Cybersecurity and Infrastructure Security Agency (CISA) coming and there will be 2 sessions at Waukesha County Technical College to discuss dams and watershed planning, etc. P. Jensen plans on attending and will give a report on what took place.
- T. Day announced that the Fox River Summit will be held on March 16, 2023. Both J. Mann and T. Day will be attending.

**Public Comment** - There was no public comment.

**Weed Harvesting/Collecting/Chemical Treatment Requirement and Updated Guidance for Weed Harvesting and Disposal/ Discussion** – P. Jensen stated that he has not been able to make progress on the guidance.

**Clean Boats/Clean Waters Status – Discussion/Action** – Gina commented that we have not received any news on the grant for the 2023 program. J. Mann commented that on January 31, 2023 Dale Brugger and he will be meeting with Rachel Sabre, who coordinates the SWIMS lake sampling program at the Waukesha DNR office and will be able to get our water sampling program reestablished. This allows us to monitor phosphorus and algae as well as water clarity. The sample testing may cost us \$200-\$300 this year, but then hopefully we will get back on the yearly DNR sponsored sampling program.

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**Carp Initiative/Fishery Issues Discussion** – P. Jensen said he was contacted by a resident who was ice fishing and inquiring as to why he was not catching any northern pike. Upon contact with Ben Heussner (DNR), we found out that the DNR has not stocked any northern pike in our lake since 2017. In the 2022 DNR fish sampling on our lake, they found 1 out of 9 northern pike were a previously stocked northern pike; the DNR found those numbers lower than expected. Northern Pike do not tolerate warm temperatures; anything over 92° and they will die. We did have a significant die-off of northern pike several years ago due to warm water temperature. The DNR did not make any reference as to if they were going to do any stocking this year.

**Weather Station and Website** – A new/used weather tower has been found and will be brought in from Racine. There will now be two weather towers on the lake. Occasionally, lake patrol also uses these towers to aid in their radio communications. The weather station website remains with its own set of issues. It appears that our website hosting site, hostmonster may not be the best choice for us right now. Hostmonster is experiencing some of its own financial problems and may be going into bankruptcy later on this year. Therefore, Amazon and Google were briefly discussed. P. Jensen did talk with Amazon, however he was not able to get a clear price set. N. Wilhelm has worked with Amazon developing a website on a US curling association. All emails under eaglespringlake.us will be transferred to our new hosting site. P. Jensen gave an explanation of a new way he wants all emails to be filed. He wants it done by a method of how long we are going to keep the records and then by subject. When questioned as to who is the custodian of the records, P. Jensen stated that he is. T. Day expressed his opinion that Gina should be in charge of the records. P. Jensen and N. Wilhelm are going to take the admin email and set up a filing system that he wants. J. Mann asked if this leads back to the State Historical Society stating that we have to keep records for a set number of years with Pete insisting that doesn't have anything to do with the historical society. We are doing this because the standard in state of Wisconsin says you have to keep your records for 7 years. Then after 7 years we can throw out all those that we no longer need. D. Malek and Chris M both stated, as Board members of either the Town or County, they are not allowed to delete any of their emails.

P. Jensen anticipated that email will hopefully be down for only several days during the transfer and there will be no website until later. Chris M. stated that there is a site called Town Web that municipalities are using.

Gina commented that she found a company that could do this with no down time on the website and emails. Gina presented the Board a handout explaining what she found. P. Jensen stated that no decisions were going to be made tonight

**Wambold Dam/Kroll Outlet** – There is no further construction expected during the winter months. T. Day was perplexed by the \$50,000 bill to be paid tonight. He saved his comments until later in the meeting under Payment of Bills.

**Legislative/Regulatory Issues**

- a) **HR 1437 Enactment Implications – Discussion** – This is also known as the precipitation act. This bill signed in December directs the national weather service to

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come up with new tables for precipitation throughout the United States. The dam rating and flow rating may be impacted by this.

**Septic Update – Discussion/Action** – C. Mommaerts commented on the Waukesha County Private Sewage System Maintenance Program. It appears the County is only interested in maintenance. C. Mommaerts has worked on this for 6 years and it appears that the County is nowhere near trying to resolve our issues. T. Day asked if we are getting a spreadsheet on septic systems in our District. T. Day made a Motion for a request to get a status report on the septic systems in our Lake District as of 2022 with a cost not to exceed \$300; J. Mann second the motion. However the last septic report we got from Waukesha County was approximately April of 2022. T. Day withdrew his motion pending his review of the April document. J. Mann then withdrew his second of the motion.

**CTH E Parking Updates – Discussion** – C. Mommaerts commented about other areas that did get no parking signs approval.

**FLSA & Elected Board Member Responsibilities Update – Discussion** – There were no updates.

**Eagle Spring Lake Preservation Group – Discussion** – There was no discussion.

**Deadline for Newsletter Articles – Discussion** – P. Jensen commented that he would like to see all the newsletter articles for review at the February meeting. Gina asked if she was doing the newsletter. P. Jensen decided that he would like to try this new firm in Waukesha that can print and mail the newsletters (including printing the name/address directly on the newsletter and process for mailing and mail) for \$2.00 a newsletter. They will put the newsletter together if we give them 12 font Arial and print any size font that we request, and for \$30/hour design/layout as long as we send them the articles. P. Jensen commented this is close to what the district pays Gina, so let's give it a shot. T. Day who requested this on the agenda and had figured we were going to get the articles to Gina by February Meeting so that Gina could put the newsletter together and have it ready for review at the March meeting. T. Day asked why are we doing this, Gina has given us a quality product and why are we fixing things that are not broken. Gina asked the Board when did they decide that her job was to be taken apart task by task and outsourced? P. Jensen has taken the task of the website away and now the newsletter. All articles must be ready for review on February 21<sup>st</sup> so they can be emailed to the Board for a week before our February 28 meeting. T. Day asked who this company was and for a sample of their work, and in writing exactly what they are offering; P. Jensen said he can't remember the name of the company at the moment, but can supply the name and will get a sample and a quote.

**Hockey Club Request for Lake Use – Discussion** - P. Jensen stated that the S. E. Wisconsin Youth Hockey Association is not returning his calls. J. Mann asked why we are still discussing this if the DNR said no? P. Jensen presented the Board a copy of the Pewaukee Lake Winter Regulations. We should be prepared if they decide to use the lake for a 1 day only rink event; we would want to be sure that all equipment is removed from the lake by end of day.

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**Dam Failure Analysis – Letter from the DNR** – T. Day read from a DNR letter (dated 7/15/2022) that gave us until the end of January 2024 to perform a dam failure analysis. Since our last dam failure analysis was done in 2002, there have been a lot of changes with our system that could impact our dam failure analysis (i.e., lake water level approved, put in a 48” culvert at Krolls, etc.) in our favor. There is a cost potential to have this done and we need to know what that cost is going to be.

**New Business**

**Financial Update & Payment of Bills and 4<sup>th</sup> Quarter Financial Report - Discussion/Action**

Since there was no accounts receivable on the 4<sup>th</sup> quarter report, P. Jensen asked Gina to put in the accounts receivable and bring back to the next meeting. T. Day commented on the 4<sup>th</sup> Quarter Report; one year ago, our fund balance was approximately \$98,645 and the end of this year’s check detail balance it was \$62,572. Our fund balance has gone down approximately \$36,000. The Fund balance equals checking account + money market + Equipment Fund + Lakeland Fund. T. Day continued to explain that we are down to roughly \$62,000 and we haven’t budgeted for a dam failure analysis which we are to have done within a year.

D. Malek made a **Motion** to pay the bills; second by N. Wilhelm. Discussion included, T. Day asking if Collins reviewed the bill from Terra Construction and if so, why is there no bill from Collins? P. Jensen stated that Collins did review the bill and Collins did not send us a bill. T. Day was perplexed by the fact that last month he was told that there would not be anymore bills from Terra until Spring and now we are paying a \$50,000 bill. P. Jensen did not comment and moved along taking a vote on the motion; the motion carried.

**Executive Session**– At 8:02pm 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 N. Wilhelm, 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 8:44 the closed session was adjourned.

Respectfully submitted,  
John Mann  
ESLMD