

LITTLE ST. GERMAIN LAKE PROTECTION AND REHABILITATION DISTRICT

1624 SHIELDS ROAD
ST. GERMAIN, WI 54558

Elected Commissioners
Steve Sward, President
Erv Stiemke, Treasurer
Ted Ritter, Secretary

Appointed Commissioners
Lee Holthaus, Town of Saint Germain
Charles Wranosky, County of Vilas

MEETING MINUTES AUGUST 26, 2001

The 2001 annual meeting was called to order by Steve Sward at 9:35 a.m. in the St. Germain Community Center with approximately 35 people in attendance. Commissioner Charles Wranosky was absent, all other commissioners were present.

AGENDA

Motion Richard Brooks, second Jane Powell to approve the agenda.

Discussion: None

Motion passed by voice vote.

APPROVAL OF MEETING MINUTES

Motion Robert Nussbaum, second Marc Dean to approve 2000 meeting minutes.

Discussion: Suggestion from the floor to revise letterhead to include names of two appointed commissioners and to clarify in meeting minutes which if any of the five commissioners were absent from the meeting.

Motion passed by voice vote.

FINANCIAL REPORT presented by Erv Stiemke

Motion Marc Dean, second Larry Acker to approve the financial report.

Discussion: Several aspects of the financial report were challenged from the floor. Erv Stiemke responded to each issue. A suggestion was made from the floor that if the financial report is to be challenged in detail at each annual meeting by one or more individuals, that perhaps their questions could be submitted to Erv in advance in order to reduce the amount of time spent on this topic each year.

Motion passed by voice vote.

FISHERIES COMMITTEE REPORT for calendar year 2000 presented by Larry Acker

The lake district contributed \$1,600.00 to the Sayner/St. Germain Fish and Wildlife Club lakes improvement fund. Based on this contribution, the lake district received \$2,918 back from the Wildlife Club based on the following:

Town matching funds based on lake acreage	\$ 527.00
Town matching based on district's contribution	625.00
Chamber of Commerce room tax contribution	166.00
District's original contribution	<u>1,600.00</u>
Total to lake district	\$ 2,918.00

In addition, the Fisheries Committee had received	<u>\$ 8,100.00</u>
from the lake district budget for a total fund of:	\$11,018.00

This money was used to purchase the following:

6,000 6"-8" walleyes @ \$1.35 each	\$ 8,100.00
2,335 4"-5" S.M. bass @ \$1.25 each	<u>2,918.00</u>
Total stocking expenditure	\$11,018.00

In addition, the Wisconsin DNR stocked the following fish in our lake:

- 6,000 7"-9" walleyes
- 3,000 2"-3" L.M. bass
- 1,600 12"-14" muskies

For calendar year 2001, the lake district has allocated \$2,000 to the Wildlife Club's lakes improvement fund and will receive back the following:

Town matching funds based on lake acreage	\$ 283.00
Town matching based on district's contribution	1,000.00
Chamber of Commerce room tax contribution	200.00
District's original contribution	<u>2,000.00</u>
Total to lake district	\$3,483.00

These funds will be reserved for stocking during calendar year 2002 along with the funds provided from the lake district budget. Fish stocking will take place every other year per the recommendation of the DNR. Alternate year stocking is intended to allow for the lake's natural food chain to recuperate thus allowing for better survival of the stocked fish.

WEED CONTROL UPDATE presented by Ted Ritter

124 Hours of weed cutting was done in South Bay, No Fish Bay and the far end of East Bay (Cloverland Township area) in late July. 63 truck loads approximating 189 tons of vegetation were removed, over half of which came from the far end of East Bay. No exotic plant species were found by the harvester. All weeds in our lake are native. Laura Herman, an aquatic plant specialist with the DNR, toured the lake with Erv Stiemke and Ted Ritter while the weed cutting was being done. Laura confirmed the non-existence of exotic plants. Laura also concurred with the plan to cut weeds from the primary boating areas and to advise individual property owners of their options for dealing with weeds in front of their properties. Ted explained to the meeting attendees that the District intends to provide additional information regarding weed cutting/removal/chemical treatment with the mailing of the minutes of this annual meeting. Ted explained that the mailing would include information on a group program which will be offered to property owners who wish to kill weeds with approved herbicides through the use of a licensed contractor. The group treatment is planned for the spring of 2002. The proposed annual budget, which was to be discussed later in the meeting, includes funding for further weed cutting in 2002.

AERATION PROJECT UPDATE presented by Steve Sward with additional comments from Thad Majkowski of Foth and Van Dyke.

Steve explained that property owners have been found who are willing to allow construction of aeration systems on their properties. The DNR has approved the project, Foth and Van Dyke has prepared specifications for the systems and the project has been put out for public bid. Two contractors, one local and one from out of the area, have bid on the project. Both bids came in substantially higher than anticipated. Waldmann construction of St. Germain presented a bid approximately \$50,000 lower than the second contractor. Brad Waldmann is presently working with Foth and Van Dyke and district officers to identify ways of lowering the construction cost and getting the project back on budget. In the meantime, Foth and Van Dyke is pursuing the

possibility of additional DNR funding to help cover the costs. Steve explained that one cost item resulting from the district's by-laws is the requirement for a performance bond. The cost of the bond for this project is approximately \$7,000. Steve commented that the commissioners feel there is very little risk of unacceptable performance by Waldmann Construction considering Brad Waldmann's track record of doing work in and for the community. Steve suggested that the performance bond be waived thereby reducing the overall project cost by \$7,000. It is still the objective of the district to have the aeration systems in operation during the coming winter season.

Motion Steve Sward, second Ted Nelson to waive the by-laws requirement for a contractor performance bond for the aeration project if Waldmann Construction is awarded the contract.

Discussion: This waiver pertains only to contractor performance and has nothing to do with contractor liability. Brad Waldmann confirmed this and assured those in attendance that he has a clean record with no performance issues on any of his work to date.

Motion passed by voice vote with only two votes in opposition thereby satisfying the requirement for a 2/3 approval to amend provisions of the by-laws.

RESOLUTION TO BORROW FUNDS presented by Steve Sward

Our district has been awarded a grant in the amount of \$125,000 to help cover the costs of the aeration systems. However, grant money will not actually be released until the work has begun and various aspects of it completed. In the meantime, the district will be obliged to pay contractors as bill are presented whether or not grant releases have been issued. Therefore the district needs the authority of the electors to borrow money for short term financing.

Motion Jack Adams, second Ted Nelson to authorize the board of commissioners to borrow up to \$125,000, or whatever amount the grant might subsequently be increased to, for short term financing to pay bills during construction of the aeration systems.

Discussion: Erv Stiemke explained that exact terms for borrowing had not yet been identified but that the district qualifies for municipal interest rates which are more favorable than for general commercial loans.

Motion passed by voice vote.

PHOSPHOROUS REMEDIATION PROJECT UPDATE presented by Phil Korth of Foth and Van Dyke.

Phil reported very briefly that the various studies that have been conducted for many years now are nearly completed. A target date of November 1, 2001 has been established for completion of a report which will summarize the phosphorous problem and outline possible solutions. This project will be in line for consideration following installation of the aeration systems.

PROPOSED BUDGET FOR 2002

Motion Robert Nussbaum, second Lee Holthaus to approve the budget as presented.

Discussion: Some attendees questioned why funding for weed cutting is being reduced from \$21,000 in 2001 to \$15,000 in 2002. Steve Sward explained that, although there is no way to accurately predict weed growth from year to year, a budget of \$15,000 per year is more likely to be adequate for maintaining weed control now that most of the problem areas have been cut at least once during the past two seasons. However, one of the purposes of the annual meeting is for the electors to make adjustments to the budget and that the motion on the floor could be either withdrawn or defeated and then followed by another motion to increase funding for weed cutting.

Motion passed by voice vote.

ELECTION OF COMMISSIONER

Motion Jane Powell, second Henry Kasanda to re-elect Erv Stiemke to another term.

Discussion: No other nominations were made from the floor.

Motion passed by voice vote.

PUBLIC CONCERNS

Motion Robert Nussbaum, second Marilyn Sward that a mailed ballot referendum be included with the minutes of the meeting consistent with the practice of past years.

Discussion: Ted Ritter explained that there is concern of the legality of the provision in the district's 20 year old by-laws that authorizes the electors to instruct the commissioners to conduct a binding mailed ballot. Ted commented that approximately 60% of the property owners in our district are non-residents meaning that they cannot vote in local elections or in local referendums. While it is possible that lake district statutes differ from the statutes of other tax levying entities such as school districts, it is a matter that should be studied before we get into a situation where a budget is approved by the attendees of an annual meeting, as authorized by the statutes, and then overturned by the results of the mailed referendum ballots as authorized by our by-laws. Erv Stiemke added that if such a situation were to develop, there would be no time to reconvene the adjourned annual meeting prior to the deadline for initiating a tax levy, in which case the district would be left with no budget for the coming year.

Motion failed by hand count of 11 in favor and 25 opposed.

Motion Ted Ritter, second John Knowles that the board of commissioners be instructed by the electors to research the legality of Article II, section 5 of the by-laws and to have an answer before the next annual meeting in order to know how and when to conduct mailed ballot referendums.

Discussion: Steve Sward offered the services of his legal firm to investigate this matter at little or no cost to the district, although municipal law is not a field his firm specializes in. Ted suggested that since our district is a member of the Wisconsin Association of Lake Districts, that we request an opinion of WALD's legal staff. Lee Holthaus added that the attorney for WALD is also the attorney used by the town of St. Germain for legal matters and that his opinion should be valid. Ted added that should an amendment of the by-laws become advisable as a result of this question being answered, the issue of the amendment would be on the agenda for the 2002 annual meeting.

Motion passed by voice vote.

Larry Acker shared a request presented to him by Steve Gilbert, fisheries biologist with the DNR, that we consider increasing the size limit and reducing the bag limit for walleyes on our lake for a period of time that would allow for the population of walleyes to recover. No action was taken on the suggestion.

ADJOURN

Motion Jane Powell, second by numerous attendees to adjourn

Motion passed. Meeting adjourned at approximately 11:45a.m.

Minutes prepared by Ted Ritter, Secretary