

**BLUE SPRING LAKE MANAGEMENT DISTRICT
Board of Commissioners Meeting
August 15, 2024, 6:00 pm via Zoom**

<https://us02web.zoom.us/j/86067823342?pwd=mksZwut1yQi050O9lHW4jHrqUFp1dZ.1>

Meeting ID: 860 6782 3342

Passcode: 630835

Dial by your location

• +1 312 626 6799 US (Chicago)

Minutes

Roll Call:

Jim Hochman, Dick Natrop, Emilia Twelmeyer, Staci Griffiths, Gerald Gerndt, Rob Martens, Mark Nicholson, John Kannard

Greg Twelmeyer, Eileen Oelke, Tony Mallinger, Jim DeGuzman, Dan Budda, Ryan Tobiasz, Katy Budda, Brent Miller, Anne Mallinger, Greg Bauer, Joe Woelfle, Lacey Schucht, Roger Igielski, Ryan Klopccic, Stacey Kincaid, Bob Soukup, Mike Holzbauer,

Call to Order @ 6pm by Jim Hochman

Public Comments –

***Please be advised per Wisconsin State. Statute. 19.84(2), information will be received from the public.**

***Please state your name and lot # or address when addressing the public.**

Tony Mallinger 1264 South Shore Dr: Speaking in regard to the proposed ordinance, asked what the ordinance really means?

- He represents many owners who are against the ordinance.
- Nobody wants to harm the lake, but we do have issues with this ordinance.
- There isn't really precedent for the board to make this rule.
- We reviewed the ordinance and it is a complete overreach of the board and tremendous lack of transparency. Why was the subcommittee that was formed in October 2021 not addressed over the last couple of years or for this ordinance?
- Concern: If this ordinance is passed, what is next? Safety reasons? Water quality? Water quality has not changed. Reports from the DNR showing water quality has not diminished. No proof of shoreline loss. W1326 Lisa Wright, no protection, no loss of shoreline. If the board is so concerned by this, why have dredging permits been allowed?

- He believes the board is overstepping.
- Invasive species can be spread from anything coming in and out of the lake. Invasive species can be spread by ducks and other birds.
- If this is passed, it will drastically reduce property value.
- What are you trying to prevent? Fast boating accounts for about 10% of the hours of the year. We have around 233 motorized boats and about 1% use ballast.
- Section 6 eliminates new skiers, kneeboarding, swivel.
- What kind of ballast? Are too many people ballast? There is a lot of confusion.
- What determines ballast and How is it going to be enforced?
- We can't let a few rogue board members decide what is right for this lake.

Joe Woelfle on Genco Rd Delafield WI, user of the lake:

This ordinance is limiting public access to a family activity. Limiting the ability to teach children to ski. I don't understand the urgency of this. There is no objective data here that leads to ballast causing something a boat without ballast isn't. Your objective is concerning.

Jim Hochman: Tony do you own a wake boat? Yes, but I represent a lot of people who don't own a wake boat.

Mark Holzbauer: Been on the lake for 47 years. Skied and fished on the lake for my entire life. I don't know if there is a particular side I am on at this stage. But given the information that Tony has already brought to the table. I feel the board is trying to slide an ordinance in. Recommends the board take a non-regulatory approach to the issues like education, information sharing, knowledge, info sharing all things that could be done before an ordinance. This feels very non-transparent. My recommendation for a motion to be created to table any recommended vote that is planned for the future in favor of a more transparent process. Redraft any kind of regulation, if that is the intended next step, lake residents feel this is appropriate. This is the only way you would have buy in on an ordinance.

Jim Hochman: Not responding on behalf of the board.

Secretary's Report – Emilia Twelmeyer

- a. Agenda- Approval of agenda for August 15, 2024 Board Meeting
 - i. Dick Natrop motioned to approve, 2nd Garald Gerndat and approved.
- b. Minutes- Approval of minutes from May 25, 2024 Informational Meeting
 - i. Dick Natrop motions to approve, 2nd Jim Hachman and approved.

President's Report – Jim Hochman

- a. Annual Meeting Prep
 - i. We have 2 candidates for election
 - ii. We are looking at fixing the dam in December or November.
- b. Annual Budget Discussion
 - i. After discussion, it appears everyone is ready for the annual meeting.

Treasurer's Report – Gerald Gerndt

- a. We are looking to be in very good shape.
- b. We got a break from the grant for the dam and saved us money.
- c. We purchased 2 pumps that won't be here for a few months so we have not paid for them yet but should be here by the end of the year.
- d. Auditors are not seeking more information.

Operations – Dick Natrop

- a. Compost Site Drive Repair: The main drive going into the dump was hot patched as well as the right side of the road. A few loads of reclaimed asphalt was laid out to the left, when you enter the dump. All of those repairs were a little under \$3,000
- b. Fire/EMS update:
 - i. They have been staffed 24-7, 2 on staff, over the past 3 weeks they didn't need to dispatch mutual aid.
 - ii. In the future, the cost will most likely be going up. Coverage is good right now though.
 - iii. I was very encouraged to hear all this news
- c. New Business:
 - i. We had a few trees go down a few weeks ago. A big tree by the boat launch. It was on township property and they will bear the costs.
 - ii. Trapper Dick has been helping with the Lower Spring Lake. He has been using our dump truck, a couple times a day, to haul weeds until their truck gets fixed.
 - iii. Road work that is scheduled to start for County Road H the day after labor day.
 - iv. We have a pump out for repair.

Operations Assistant- Mark Nicholson

- a. New weed in the lake is called bladderwort. It is a native species but it floats so we can pick it up with the cutter. It is supposed to be good for the fish.
- b. Destruction of the lake bottom: pieces of bog came up recently. Casey Quinn said when he operated the weed cutter 8 years ago, there was another one, and they happen on all lakes.
- c. Ballast Boat Ordinance
 - i. How this came about: At the informational meeting it was brought up by Dick Schauer to look into an ordinance in regard to large wakeboard boats. After the meeting a sample ordinance was given to Jim only. He heard very little about the ordinance until July. So Jim asked one of our lake residents Brian Randall if he would draft an ordinance for the board's consideration, so that we would have something to talk about. That draft

ordinance was then provided to the board and went out with the notice of the annual meeting. Nobody said it would be voted on at this meeting or necessarily at the annual meeting. Nobody other than what I have described has spoken to me. I will say personally any allegation of lack of transparency is maddening and irresponsible. In particular when it comes from people who don't come to meetings. What we are going to do is discuss this ordinance and the feasibility.

- ii. What has been researched is that if it is recommended at the annual meeting or a special meeting and if the district should vote, not the board, in favor of such an ordinance then it would be submitted to the Town Board. We are checking if the Town Board had delegated authority to the District. If not, it will go to the Town Board and the Town Board will hear from interested parties and the Town Board will then make a decision if the decision of the ordinance should be passed. Then it would be sent to the DNR.
- iii. For those of you who feel disenfranchised or lacking information: 1. come to meetings 2. read the minutes 3. talk to any board member at any time 4. stop me when I am paddling around in that yellow kayak.
- iv. This board has sought counsel from Larry Konopacki and asked his opinion on the approval process.
- v. Emmy was then given permission to ask a question by Jim.
 1. When you (Jim) seek outside counsel do you have to get that approved by the board and who pays for it? Jim's response was no, and the District pays for it. You (Jim) mentioned asking board members of what is going on and I personally don't know. You sent us this ordinance and you said we would discuss it but that is all I know.
- vi. Tony: Yes there is an ordinance drafted but why was a committee formed for these kinds of things 3 years ago for this purpose and why was this taken out of subcommittee and put up to a vote or whatever you choose to do Jim.

Jim responded, we will explore the issue.
- vii. Tony said let's do some research rather than just saying muddy shorelines.

Jim: Muddy shorelines we didn't have before wakeboard boats.
- viii. Greg Bauer: lives on the East side of the lake. A few observations, there is a drone video aerial view of a wake boat with a muddy wake trailing behind. We have been getting a lot of weeds from the wakeboard boats. The waves from boats going in the center and then turning are going directly at our shore lines.
- ix. Jim suggests we continue this discussion at the annual meeting. Jim is going to try to pull info together for the annual meeting.

- x. RobMartens: It is incumbent on us as a board to collate information to line up all the evidence and all the information pertaining to what wake boats do. We need to have more info to support the ordinance. Jim is going to continue pulling information together to make it available.
- xi. Joe Woelfle: 2 predominant studies are out there in regards to wakeboard boats. 1 by mercury marine and 1 by an environmental agency. There are state studies being conducted by MN currently, which has not been released yet and additionally a gentleman who is a retired marine engineer and part time professor is also starting to conduct a study. Propulsion of the wakeboard boat being directed straight down is inaccurate. Any of the predominantly available wakeboard boats are inboard boats and those boats angle of the propeller is actually less than the angle of an outboard propeller. Especially an outboard engine going to a plane.
- Dick Natrop: That's not true and that is not what I see.
- Joe: Asked him not to interrupt and asked him if he has a background in the marine industry.
- Jim Hochman: "hey Joe, be careful"
- Joe: I am presenting you with information that I am familiar with.
- Jim proceeds to question Joe if he owns a boat and the specifics of that boat.
- Emmy: Why are we doing this? Joe, I appreciate what you are saying. I just don't know why our board is acting like this. Everyone needs to calm down.
- Rob: Acting like what Emmy?
- Emmy: We are getting all riled up. We were told we were going to discuss this as a board and we haven't even really discussed it yet. Please continue Joe.
- Joe: You need to make sure you have actual facts before you pass the ordinance. There has been no information published that has not been paid by an interested party. So what is the rush with pushing this ordinance? Why not wait for the information from these studies that are currently being conducted?
- xii. Bob Soukup: This is obviously a very complicated issue and emotional one. I have been listening to the DNRs adviserary panel the last couple of months and this issue is very active right now. I believe they are going to make a big push to have some legislation enabled in the current legislative session that ends in January. I suggest the board table any local ordinance until this legislative session is over. Let's see if the state passes some rules before we embark on this very contentious issue that I don't think anyone is ever going to satisfy the other party about.

- xiii. Stacey Kincaid: She values Joe and Mike H feedback in regard to how we need to look at how we are communicating on the lake. We need to be constructive with the feedback. The board should be spending funds for research.
- xiv. Emmy: Concerned by the verbiage in section 6. "Brief transition operation of a boat accelerating into a planning condition." This feels like we are being sneaky and trying to get rid of many of the watersports being done on the lake. This is concerning because there are many disciplines of watersports that don't ever plan off: young waterskiers, kneeboarding, saucering, swiveling, tubing, etc. How are we going to edit this? Do you know what he meant by that portion?
- Dick: This is a very important consideration for the ordinance.
- Rob: It's not just up to the attorney. If anyone has suggestions we would consider those right?
- Emmy: we should probably have a water skier or someone familiar look at this because some of the verbiage doesn't make sense.
- xv. Mike Holzbauer: In my opinion the board has not been very transparent in this process. I don't mean to impugn anyone. The problem is there has been little to no communication about this topic. To me the process of not asking the committee who was made to help with these things and could have asked help for verbiage, instead is being drafted up by a lawyer. My recommendation, as someone who wants to see the board be successful, I would say start from square one. What was the information that the committee found? What is the anecdotal evidence? What is the least onerous solution we can adopt to try to make people happy?
- Dick: We tried educating and informing people.
- Mike: I haven't seen any of the information that you are mentioning. If this information was spread, why did it fail? I think the board would do well if they consider actions with the community and with additional context. Without this, this has the tendency to incite responses in people. None of us knew if this was going to be voted on tonight or at the annual meeting. I would be happy to be on a committee to help. I would love to share with the board how to successfully spread information and run that progress for the next 6 months. I think you could make some progress towards a consensus.

Sewer Report – Greg Twelmyer

- a. Going to get a few bills. We will be getting billed by Flyght and Adams Electric because we had electrical issues.
- b. Sewer usage is where it has been
- c. We do not have a spare pump.

Town Report- Rob Martens

- a. The County will begin construction on Hwy H to Blue Spring Lake Drive. Blue Spring Lake Dr will be done first.
- b. Fire and EMS: we are now fully staffed. They will have full time people there at all times. As far as the current contract. We are going to start negotiations at the end of the 4th quarter this year. In regards to Dicks comments of the prices going up, Rob did not hear about prices going up. The county head board has held a preliminary meeting that Frank went to where the county has preliminary discussions of potentially going county wide. This would be years to come. Trying to help the situation because all the fire districts are having labor issues/finding people to work.
- c. Looking to see if the lake district has the ability to pass any ordinance.
- d. Fish stocking: reach out to 2 stocking companies. It is more complicated than just buying. We need a permit from DNR, they might require studies.
- e. Suggest if you are pulling multiple tubers, make sure you are spotting.

County Report - John Kannard

- a. Colton Hudgens: healthy lakes practices
- b. They are looking at EMS, not fire, to go county wide.

Stacey: Before we can move forward with any more ordinance writing we should consider all of lake health. I suggested in the past we could work with a free, non for profit organization, lake geneva conservancy. They offer free guidance to residents and lake boards on how to preserve the health and improve the health of the lake. None of us are experts so let's bring in people who can help us with lake health.

Emmy: So since we have agreed we have many edits that need to be done to this ordinance. There won't be a vote on this at the annual meeting? Jim wouldn't give a yes or no answer and said I did not know. Emmy is concerned that we are considering voting on an ordinance that we are still editing. I would assume we would be making edits, and making sure we are all on the same page at the annual meeting and we would not be making a motion to pass something that we all just agreed needs edits.

Jim: We could be voting on an edited version.

Emmy: Ok so I understand we might pass an edited ordinance, written by 2 people from the lake and we won't have any committees help. We will just pass it.

Jim: That's crap

Emmy: I'm sorry I didn't agree with you Jim.

Greg: Can you actually pass an ordinance in 2 weeks based on Josh Gajewski's email? Jim: We are exploring what the lake management district's authority is or is not, in respect to this issue.

Gerald Gerndt motion to adjourn, 2nd John Kannard adjourn and motion passes

Adjourn @ 8:05

Pursuant to Wisconsin Statute 19.85 (1) (c), the Board may enter closed session to consider employment, promotion, compensation or performance evaluation data of employees.

This agenda is subject to modification prior to said meeting pursuant to the Wisconsin Open Meetings Law. Please be advised that the agenda items may be taken in an order other than which appears here.

Members of the Palmyra Town Board may attend the above noticed meeting in order to gather information about a subject over which they have decision-making responsibilities.