

LAKE EAU CLAIRE PROTECTION & REHABILITATION DISTRICT

Board of Commissioners Meeting Minutes:

November 9th, 2013: 9:00am @ Bridge Creek Town Hall

1. Roll Call at 9:00am:
 - Marlo Orth: Chairperson
 - Mike O'Connor: Secretary
 - Dean Boehne: Treasurer & Vice Chair
 - Gary Gibson: Commissioner
 - Lynn Norheim: Commissioner
 - All present
2. Guest Speaker: Rod Zika
3. Reading of the minutes from last Board of Commissioners meeting on 8-8-13:
 - Motion to approve minutes: Mike O'Connor
 - Motion 2nd: Dean Boehne
 - Approved unanimously
4. Treasurer's report by Dean Boehne:
 - Copy of Treasurer's Report provided with detail presentation of revenues, expenses, receipts and disbursements.
 - Board discussed Legal Fees in excess of \$10,000 with the potential of up to \$18,000 incurred while forming new Lake and Rehabilitation District. Future legal fees are not expected to reach this level unless legal issues unknown at this time occur.
5. Public Comment:
 - Fred Poss-President of Lake Eau Claire Association reviewed Eau Claire County's Budget proposal to include \$66,000 for lake rehabilitation efforts for Lake Eau Claire. The \$66,000 represents one half of the expected expense to install the aeration system. Fred also requested that Lake District Commissioners, and Lake Association members attend the Eau Claire County Budget meeting on 11-12-13.
 - Gary Gibson also requested that those attending the meeting should be willing to speak in favor of this proposal to have record of our support.
 - It was recommended that a Town of Ludington representative should be invited to the Board Meetings since they are not eligible to become a Board member.

Gary Gibson volunteered to invite and share information with the Ludington Township since he attends their meetings and resides in this Township.

6. By-Laws as passed at the Annual Meeting on 8-17-13:

- A legal review of By-Laws following the Annual Meeting indicate that our newly approved by-laws may be in conflict with Wisconsin State Statutes.
- Marlo Orth reviewed Chapter 33 and the proposed corrected interpretation of voters' rights and correct voting protocol. Incorrect legal interpretation was given to the Board of Commissioners by our contracted attorney, Mr. Thiel, for the Annual meeting of 8-17-13.
- Legal counsel will be obtained, by-laws will be revised, per state statutes, and new by-laws will be presented at the next annual meeting.
- Approved Lake District Bylaws were signed by Marlo Orth-Chairperson, and Mike O'Connor-Secretary.

7. Report on Tax Revenue Committee meeting of 10-12-13:

- Committee members included: Bob Laden, Brian Kellett, Ed Henry, Ed Knetter, Mark Reed, and Don Barnes.
- The committee is reviewing the options for generating revenue for the 2015 Lake District Budget: Mill Rate Option, or Special Assessment and Special Charges Option.
- Committee is seeking information regarding Phase II of the Lake Management Plan and associated costs prior to formulating a proposal for revenue and tax requirements.
- Discussion of \$41,000 savings for future operations expenses in budget was questioned by committee and requested an explanation of capital expense versus operations expense.
- Rod Zika explained that although we have labeled this \$41,000 as Savings for Future Expenses, it may be more appropriately included in the approved Budget as an actual expense to be incurred based on his latest calculations for sedimentation removal.
- Legal counsel will review and guide the Board with this issue.
- Information, updates, and recommendations from this committee will be posted in the Annual Meeting Agenda and shared with all members at the 2014 Annual Meeting.

8. Attorney Issues, services, and engagement:

- Current Attorney: Mr. Thiel; plan is to discontinue service of current law firm.
- Discussion and recommendations made to hire Bill O'Connor, an attorney from Madison who is well versed and experienced with Protection and Rehabilitation Districts in the State of Wisconsin. He co-authored the publication: "People of

the Lakes,” that deals and guides the people of Wisconsin with Lake Associations and Lake Rehabilitation Districts.

- Estimated legal fees for Bill O’Connor at approximately \$300.00/hour.
- The Board will not be requesting an attorney to be present with quarterly Board meetings as done while setting up this new Lake district. It is the hope of the Board to significantly reduce the legal expenses associated with approved operations of the District.
- Bob Laden, property owner and attorney also recommended Bill O’Connor and offered to assist Board with legal and peer communication (at no charge) with Bill O’Connor if requested by Board. The Board agreed to accept Bob Laden’s assistance.
- Fred Poss also recommended hiring Bill O’Connor
- Motion to hire Bill O’Connor: Lynn Norheim
- Motion Second: Dean Boehne
- Approved unanimously

9. Cooperative Agreement Plan with District, County, and DNR:

- A draft of a letter agreement to be submitted to Board of Commissioners.
- Letter Agreement will not be the basis to identify and/or initiate any specific rehabilitation projects. This letter establishes the guidelines by which our Lake district will communicate and share management plan activities with Eau Claire County and the Department of Natural resources.
- It is understood by the Board that this Letter Agreement represents a written “hand shake agreement,” and not a binding written contract.
- Motion to create a Letter Agreement draft: Gary Gibson
- Motion Second: Dean Boehne
- Approved unanimously

10. General Property Tax for 2013 – Dean Boehne

- A copy of the Special District Apportionment (PC-505) was provided to the Board.
- The 2013 Special District Levy Amount based on an approved 1.5 Mil Rate was \$66,740 and submitted to the Eau Claire County Treasurer, Bridge Creek, and Ludington.
- The levy amount for Bridge Creek was \$57,278.33 and \$9,461.67 for Ludington.

11. Lake Management Plan – Rod Zika:

- Rod Zika’s recommended 2014-2015 Phase II Lake Rehabilitation Management Plan is available to the Board upon request.

- Rod Zika's recommendations are not yet approved and may require permits if approved by the Board. Approval and permits will involve District, township, County, and State approval prior to any action taken on this management plan. Rod Zika worked with Neil and Buzz Sorge from the Wisconsin DNR to draft this proposed new plan.
- Rod's Management Plan recommendations included the following issues:
 - Review of the approved 2012 Management Plan
 - Update of the 2012 Plan and future recommendations based on actual data obtained throughout the implementation of the 2012 Plan.
 - Sand trap additions and ongoing management.
 - Update on the approved aeration system to be installed in the Spring of 2014. Projected total cost of the updated aeration system using multiple flexible high density pipe rather than single polyethylene pipe: \$110,000 to \$120,000, and \$8,000 to \$10,000/year in electricity costs. Aeration system will run 24/7 from ice out to lake turn over in the fall, and off during winter. Pump building with roads will be completed this spring and located Northwest corner of the lake. The final installation permit from the DNR is still pending, but expected to be approved per conversations with DNR.
 - Fisheries habitat improvement plan.
 - Current and recommended fish surveys.
 - Recommended fish habitat recovery programs.
 - Plans for Hay Creek and Muskrat Creek sand traps.
 - Many projects within the proposed management plan do not require skilled professional labor, and can be completed by membership volunteers.
 - Marlo Orth will form a committee to review and assist with implementation of this proposed lake management plan if approved.
 - Rod Zika's recommendations will require permits if approved by the Board. The District, Township, County, and DNR will need to review and approve this plan prior to implementation.
 - The Board's recommendation: Proceed with securing approval of the draft Phase II Rehabilitation Management Plan. Establish a committee of membership to assist with draft plan. Develop a line of communication that shares information with all membership and the public to assist development and understanding now and in the future.
 - Motion to proceed with the recommended plan: Gary Gibson
 - Motion 2nd: Dean Boehne
 - Approved unanimously

12. Spoils Site Agreement with the Eau Claire County

- Agreement for 4 spoils sites expired 12-31-2013.
- Motion to accept transfer of Spoils Site Agreement from Lake Association and renew agreement for 10 years: Lynn Norheim
- Motion 2nd: Mike O'Connor
- Approved unanimously.

13. Workman's Comp and Liability Insurance

- Workman's Comp. Insurance premium received and paid.
- Currently waiting for Liability Insurance premium.

14. Arrange for 2013 annual Audit

- Board reviewed available options to complete audit and Gary Gibson recommended Tammy Moss-Treasurer for Bridge Creek. The Board did not believe that this selection represented any conflict of interest.
- Dean Boehne will contact Tammy Moss to see if she is interested in the audit job.

15. Other Business: None noted at meeting

16. Meeting Schedule for future Board of Commissioners Meetings:

- November 9th
- February 8th
- May
- August

17. Adjourn

- Motion to adjourn at 12:15pm: Dean Boehne
- Motion Second: Lynn Norheim
- Approved unanimously

Minutes submitted by: Mike O'Connor-Secretary