

**LILLY LAKE PROTECTION & REHABILITATION DISTRICT
ANNUAL MEETING
August 15, 2009**

The Annual Meeting of the Lilly Lake Protection & Rehabilitation District was held on August 15, 2009, 10:00 a.m. at the Wheatland Town Hall in New Munster.

The meeting was called to order by Commissioner Andrew Lois and opened with the *Pledge of Allegiance*.

Meeting notices were posted and area newspapers notified. Notices which included the agenda, treasurer's report and the proposed budget as well as Minutes from the August 16, 2008 annual meeting minutes and June 13, 2009 spring meeting were sent to all property owners in the district by First Class Mail.

Present for the meeting were: Commissioners Andrew Lois, and Robert Herda. Chairman William Glembocki was excused. Andrew Lois explained that Chairman Glembocki was attending the funeral of a close friend today and unable to be present.

Also present: Town Clerk Sheila Siegler, DNR Recreational Safety Warden John Bronikowski, DNR Water Regulation & Zoning Specialist Heidi Hopkins, Aron & Associates – Kathy Aron, Marilyn Magnuski, J. Lawlor, J. Michaels, Tom Gerner, Erin McCarthy, Bob Kissner, Rita Kissner, John Bell, Patty Kaplan, Tony Roth, Bob Griffin, Tom Young, Don Puchalski, Jennifer Reed, Linda Gissell, Bill Gissell, Brian Byrne, Ben Mikus, Michaelene Mikus, Mike Adam, Jerry Dressler, Tom Kaczmarek Jr., Thomas Barr, Gail Schoch, Jim Marotta, Diane Marotta, Ray Giesler, Christi Hoffman, Roy Johnson, Tom Kaczmarek Sr., Pat Kaczmarek, Renea Borbash, Cheryl Eisenhauer, Brett Eisenhauer, Carol McKenzie, Ray McKenzie, John Textor, Mark Mullins, Fred Zimdars, Robert Harding, Marc Skurski, Steve Geist, Amy Geist, Carmel Maloney, Jim Thielen, Helen Thielen, Joe Gordon, Dean Tsitsis, Mary Pulsifer, and Jim Pulsifer.

Don Puchalski, 33203 76th St. moved a motion to approve the Minutes. Jerry Dressler, 7815 334th Ave. stated the Minutes of the Special Spring Meeting should be corrected to say semi-annual meeting. Linda Gissell, 33011 76th St. seconded that motion. Motion carried.

Carol McKenzie, 7550 334th Ave. moved to accept the June 13, 2009 Minutes as corrected and the August 15, 2009 Minutes. Jennifer Reed, 33239 76th St. seconded. Motion carried.

Acting Chairman Lois introduced Kathy Aron, Aron & Associates, author of the Lilly Lake Aquatic Plant Management Plan, Heidi Hopkins, DNR Water Regulation & Zoning Specialist, and John Bronikowski, DNR Recreational Safety Warden.

Financial Report – July 1, 2008 – June 30, 2009. Andrew Lois reported it was decided at the July 27, 2009 meeting of the Board of Commissioners that the commissioners will no longer receive a meeting expense. It has been \$7 per meeting.

Fred Zimdars, 33135 80th St. moved to accept the Treasurer's Report as printed. Jerry Dressler seconded. Motion carried.

Lilly Lake Aquatic Plant Management Plan –

1. Self Help Monitoring Programs including lake clarity monitoring
2. Newsletters
3. Grant application for Aquatic Invasive Species Control
4. Five year follow-up Aquatic Plant Management Plan

This is a follow-up of the Lilly Lake Aquatic Plant Management Plan. Fred Zimdars questioned why it was needed.

A sub-committee composed of volunteers Jim Marotta, Tom Kaczmarek, Michaelene Mikus and Mike Adam have recommended some of these actions.

Jim Marotta explained the committee tried to bring more information to you. The following comments are the result.

Water quality – Lilly Lake everyone says is the cleanest but we have no facts. We need to monitor the quality. The DNR sponsors program to guide and train volunteers. You can measure the clarity with a Secchi disk every two weeks and report results. The reports can be used to measure against other years. Equipment and training is free. Tom Kaczmarek is willing to participate in the training and monitor for clarity. Jennifer Reed volunteered as a backup.

Heidi Hopkins said it is a black/white disk and you lower into the water and figure out how deep it is when the disk disappears. It is very easy to do and report.

Marotta said if we get this going, then in a couple of years we can do other monitoring which is also sponsored by the DNR.

Newsletters – It is important to get information out to people by newsletters, Internet, e-mail, whatever is most efficient. The committee is recommending using the Internet and a one-page newsletter. There needs to be volunteers. A lot of the information is out there but has to be compiled. Clerk noted it could be put on the town website if the information is sent to the town office. Mike Adam volunteered to do the newsletter.

Fred Zimdars asked why is this necessary? There is not much milfoil. Why can't something be done by the DNR?

John Bronikowski explained some of the programs in place and the laws people need to follow. Volunteer programs at many lakes monitor the boat launch for invasive species.

Cheryl Eisenhauer, 7915 334th Ave. complained there is no water patrol and there should be volunteers to monitor the boat launch. Bronikowski said there was a water patrol. Brett Eisenhauer disagreed. There was much discussion. Jim Thielen, 33218 80th St. supported the current water patrol person.

John Bronikowski said for June and July the water patrol was out 30 hours with no tickets issued thus far. Brett Eisenhauer said there should have been tickets; the guy is not doing his job.

Linda Gissell, said July 4th is one of the worst weekends. She saw many violations and called the Sheriff but they had no marine patrol. She could not get anyone at DNR, water patrol, or Bob Haas. We need someone there on Saturday and Sunday, especially the 4th of July.

Joe Gordon, 32810 80th St. suggested the town hire an extra person who can help out so that Saturday and Sunday are both covered. Lois said it will be investigated and perhaps we can get two people for next year.

Roy Johnson, 7830 328th Ave. said there has to be some self-patrolling. Current water patrol guy does a great job.

Other people voiced different lake violations such as fishing off the swimming pier and not travelling counter-clockwise. Consensus was people should read and follow directions and that another patrol officer should be lined up so that next year there will be coverage on Saturday and Sunday of every weekend.

Jerry Dressler moved to table further discussion to the spring meeting. Jennifer Reed seconded. Motion carried.

Jim Marotta explained the grant application program. It is a lot of work. You need a plan, volunteers to monitor some of the programs we've just discussed, and then you don't know if we would qualify and whether there will be money for your program.

Kathy Aron said follow-up monitoring is a requirement of the grant to find out how successful your program is. That is a big part of the grant. Three years would be a minimum. There are more grant applications than money. Responding to Dressler, Kathy Aron said there is not money easily available from the federal agencies.

Cheryl Eisenhauer – can we apply for a grant before we make a decision on a levy to control weeds? Kathy Aron said you apply and would have to pass a resolution to say you are willing to put in your share of any grant money. If only a portion of grant money comes in, you are not under an obligation to accept the grant.

Marotta said the committee figures it will cost approximately \$6,000 to follow up for five years. It is not projected in the budget. We have to keep this in mind for future years.

Larger scale control of Eurasian watermilfoil by the lake district instead of individual property owners contracting for their individual shoreline

Tom Kaczmarek, Jr., 33105 76th St., explained his involvement in the weed spraying in getting a different company to spray weeds in 2009. The spraying has had good success and really improved the areas treated.

He explained the committee's three versions for weed spraying.

Version 3 of the budget - \$35,000 for spraying the whole lake which he doesn't feel is necessary.

Version 2 of the budget - \$13,000 for spraying the shoreline and out 300 ft. The committee feels if the whole district supports this, we won't have hit or miss weed control.

Version 1 of the budget – would be no change from last year's budget.

Tom Kaczmarek said he would work with Craig Helker, DNR, who said he would work with him to write a grant application. He is also willing to do the water testing.

Carole McKenzie asked when the spraying would take place. Tom Kaczmarek - first two weeks in May is the best time to spray.

Kathy Aron – With any spraying there is a carryover to rest of lake – the spray drift will be effective at lower doses in the early part of the season. Milfoil is here to stay but you need to try to keep it under control. 300 ft. from shore is the maximum treatment area. You may not find you need to do all that area next spring. The treatment plan will be decided by the weeds present in the spring.

Jerry Dressler said this can't be considered because you need to get three bids. Jim Marotta said this is an estimate to provide information for the budget. Dressler objected to collecting tax ahead of the known cost.

Tom Barr, 8100 328th Ave. asked if the whole town pays for this or just the lake district. The district would pay for the weed spraying. The town pays for the beach costs.

Fred Zimdars said he is in favor of Version 1 – do nothing. Acting Chairman Lois said that is the decision of this group. The town is not promoting any of the versions. It is your choice.

Jennifer Reed asked, "Is the price adjusted, if in the spring, some areas don't need weed treatment?" There could be less cost then. Tom Kaczmarek said that was true and then there would be a surplus and perhaps no tax the next year.

There was much discussion of different ways of paying for the cost of weed spraying: using a lakefront special assessment and then the rest of district pay the balance, have lakefront property owners pay all of the cost, or have the entire town pay for the weed spraying.

John Bronikowski said all this grant money we've talked about comes from people around the state. The lake is a public trust for everyone.

Tom Kaczmarek said a lot of money and the efforts of people like his parents, Don Puchalski and other people were expended to get this lake to where it's at today. There are other problems on the horizon such as Zebra Mussels.

Mark Mullins, 7654 Lilly Lake Rd. thanked the group that took the time and the effort to get this together. Crowd agreed with a round of applause.

Fred Zimdars called the question and his motion is to adopt Version 1 of the budget – agenda item #9. Jerry Dressler seconded. The motion to end discussion and move to agenda item #9 failed on a voice vote.

High water level standards

Slow – No Wake declarations – when and who can declare

Shoreline protection measures

Mike Adam, 7126 327th Ave. said Heidi Hopkins was asked to come to the meeting to discuss the high water mark. Heidi Hopkins said her ordinary high water mark (OHWM) should not be used as your STANDARD. It is merely a determination by the state as the point where your private property begins and the public property ends. OHWM should reflect the average lake level.

If you use this as the high water standard, your lake would be closed a lot. She has established an elevation for all of Lilly Lake. This was set using indicators present at the lake.

Tom Kaczmarek, Jr. asked if you already have non-conforming structures, would you change the ordinary high water mark? Hopkins said "no." A property owner might have to change the shoreline protection but non-conforming would only be brought up if current protection fails and it had to be redone.

Hopkins said the elevation is not different from one person to another. She does not change it to fit your property. She and Kenosha County Planning & Development Staff have been working together on this and there is now a consistent elevation for the entire lake.

Hopkins said she will work with homeowners and contractors with shoreline protection and determination. She brought forms with her for anyone who may be interested..

Mark Mullins asked who protects along the road. Hopkins said the town or county would be responsible and would work with her.

John Bronikowski said to set a high water level benchmark, the lake district or town would need an ordinance and a gauge located where everyone can see the gauge. Then when the water level is high, a Slow - No Wake would automatically go into effect. This benchmark is something everyone would need to agree on.

Dean Tsitsis, 32840 80th St. said the high water has no place to go when it comes on his property. Who can he get to help to control this situation?

Tsitsis said boaters should be better informed; they have no consideration. When the lake is high, the speeding causes problems with his property. His house was built according to the law.

John Bronikowski said an ordinance or resolution to institute a SNW for flood stage conditions does need enforcement. These are all things the town has to consider when creating an ordinance.

John Bronikowski suggested a committee be formed to make a high water recommendation. Clerk noted a SEWRPC study and some survey high water elevation readings are available that could assist a committee.

Acting Chairman Lois said there has to be a standard everyone agrees on. Otherwise, he wants no part in it. The town has tried to respond in the past to high water and SNW. Some people are in favor and some very much against.

Heidi Hopkins said if it is felt to be a safety issue for your property, you should begin documenting. It is beneficial to have this type of information.

Bob Kissner, 33011 76th St. said they asked Kenosha County to see if the fill that Tsitsis brought in on his property was checked for contaminants. Tsitsis said the fill came from around the lake. He looked at lake levels for the past 100 years and it never came to this level.

There was much discussion on whether Tsitsis property was a wetland, why permits were issued so the house could be built, etc.

There was also much discussion on the high water lake levels and how it affects everyone. Cheryl Eisenhauer asked how we can get a standard set.

Jim Marotta moved a motion to put together a committee to come up with a way to measure lake levels (NOT set a level, just monitor the levels), check a gauge and keep reports on the lake level so there will be a history of lake levels. Cheryl Eisenhauer seconded the motion. Motion passed by a unanimous vote.

Committee volunteers were Mike Adam, Mark Mullins, Cheryl Eisenhauer, Tom Kaczmarek and Jim Marotta.

Regulations – rules for size of boats and motors – left for another meeting.

Canada Goose control – Bob Griffin said there were 64 geese on the lake. Kathy Aron said the USDA Fish & Wildlife Canada Geese round-up program is in the process of being changed. They collect the geese when they are molting in June. Clerk responded to Bob Griffin's question that the money that was levied for goose control and not used is still in the lake district bank account. If it's needed, it can be used for this purpose.

Parking - public areas and "no parking" areas – Tom Kaczmarek said people are tired of boats up and down in front of their property. Stake out and stripe two spots and charge a fee for launching. Bronikowski said DNR Jim Ritche is the person to speak to about launch fees.

Require boat stickers/permits and establish fee collection with a lock box – will be brought up at next spring's semi-annual meeting.

Presentation of proposed budget for 2010 – three versions of a budget are attached

Approval of 2009 real estate tax levy & 2010 budget –

Tom Barr moved a motion to use a paper ballot vote to approve or disapprove the budget. Rita Kissner seconded. Responding to questions about proxy or absentee voting from the audience, Kathy Aron said there is no provision in state law for proxy or absentee voting for a lake protection district.

On the hand vote on the motion – 14 voted for a paper ballot; 33 voted against. Motion fails.

All versions of the budget were discussed. Version #2 would approve weed spraying for a distance 300 ft. from shore - \$13,000. If the weeds are not there in the spring, all of this money would not be used and could be used in a future year.

Linda Gissell asked if Version #2 would extend the cost over the whole district instead of just the people along the lake who have paid to have their weeds sprayed. Kaczmarek said it would.

Griffin asked if it would be better to spend \$35,000 for the whole lake and not have to do so much next year.

Kathy Aron said the weeds seem to have responded well to this year's treatment. She feels Version 2 process will work the best.

Because of confusion over whether a Don Puchalski/Jim Thielen motion and voice vote did approve Version 2 of the budget, Acting Chairman Lois asked for a motion and a second for another vote and a hand count.

Tom Kaczmarek moved a motion to approve Version #2 of the budget. It will be of the most benefit, he feels. Jim Thielen seconded the motion. On a hand vote, 35 voted in favor. 6 voted against. Motion carried.

Set next year's Annual Meeting date - August 14, 2010

Bob Griffin moved to set August 14, 2010 for the Annual Meeting. Carole McKenzie seconded. Motion carried.

Kathy Aron noted the final version of the Lilly Lake Aquatic Plant Management Plan will be available in the next month. She needed input from the annual meeting before finalizing. It will be available at the town hall and the Internet.

Adjournment -

Don Puchalski moved to adjourn at 12:30 p.m. Mike Adam seconded. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Town Clerk for
Andrew J. Lois, Sec'y/Treasurer