

**LILLY LAKE PROTECTION & REHABILITATION DISTRICT  
SPRING SEMI-ANNUAL MEETING  
May 15, 2010**

The Spring Semi-Annual Meeting of the Lilly Lake Protection & Rehabilitation District was held on May 15, 2010, 10:00 a.m. at the Wheatland Town Hall in New Munster.

The meeting was called to order by Chairman William Glembocki and opened with the *Pledge of Allegiance*.

Meeting notices were posted and area newspapers notified. Notices which included the agenda and a reduced version of the four-page 2010 DNR Chemical Aquatic Plant Control Application and Permit were sent to all property owners in the district by First Class Mail.

Present for the meeting were: Commissioners William Glembocki, Andrew Lois, and Robert Herda, Town Clerk Sheila Siegler, Aron & Associates Kathy Aron, DNR Recreational Safety Warden John Bronikowski, DNR Water Management Specialist Heidi Kennedy, and Wheatland Water Patrol Officer Jacob Castillo.

Also present: Tom Young, Gail Schoch, Rita Kissner, Tom Kaczmarek, Jr., William Scannell, Frank Wallace, Tom Kaczmarek, Sr., Pat Kaczmarek, Ray Giesler, Jerry Michaels, Gerald Dressler, Linda Gissell, Marilyn Magnuski, John Lawler, Bridget Lawler, John Textor, Steve Laduzinsky, Anne Laduzinsky, Patty Kaplan and Mike Heikenfeld.

Chairman said Jacob Castillo and Ron Eckert were hired this year for water patrol. Both are certified law officers. Jacob Castillo was introduced. Chairman asked if anyone had questions.

Jerry Dressler, 7815 334h Ave. – what is the realm of your responsibilities? Castillo replied – code enforcement, not checking for fishing licenses. The water patrol will be there every weekend, weather permitting, Chairman Glembocki said. Linda Gissell, 33011 76<sup>th</sup> St. – 4<sup>th</sup> of July for sure? Castillo – “Yes!”

**Voting rules** – Chairman said the lake district follows WI State Statutes Chapter 33 – Public Inland Waters. The rules for voting are listed. Chapter was put on the town website. Residents of the district and all property owners including non-resident owners are eligible to vote. Example – Jerry Dressler rents to six people who are of voting age. They would all have voting rights as residents of the district.

Patty Kaplan, 7822 328<sup>th</sup> Ave. – husband is not listed on property tax roll. Chairman – you can vote but your husband can't.

Rita Kissner, 33011 76<sup>th</sup> St. – time to establish residency? Clerk replied – Wisconsin election law allows you to register to vote if you have lived in the district for 10 days and prove residency.

Dressler – proxy vote should be allowed. His personal idea is to allow proxy and absentee voting and if they want to take us to court; so be it. Chairman said his take is that we will follow state statutes.

Gissell – can we amend the rules? Chairman – no, state statutes can't be changed. He checked with the town attorney. Gissell – who could change? State legislators change state statutes.

Dressler – can vote absentee for president, should be able to here. Chairman --- things change at the meeting, how can someone respond to the change ahead of time? It's not an established ballot. The state statutes specifically refer to absentee and proxy and it is not allowed.

Jerry Dressler said he wants the 30 day prior notice rule stricken. Your predecessor said that. Chairman said we need to allow time to get something on the agenda so it can be printed and mailed. That is not necessarily 30 days as long as it is before the agenda goes out. We can talk about something but can't make a decision on anything without giving notice on the agenda so other people will know about the item. Chairman urged people to sign up for e-mail notification.

**Report from Aron & Associates Kathy Aron on 2010 invasive weed treatment plan –**

The permit has been received from DNR. A copy was sent with your agenda. The applicator (Marine Biochemists) mapped the lake but we don't have the results yet. That will be available for the August meeting. There doesn't seem to be very much milfoil this year. We will be able to use the same chemical as last year. Jerry Dressler – will it be the whole lake? Kathy Aron – no just where the weeds show and it's needed.

**Report from Tom Kaczmarek regarding his investigation of a DNR grant for weeds control –**

Last year he contacted DNR before the meeting and it seemed possible but after getting more details, there is not a specific grant for weed spraying. DNR helps you fill out grant applications and we couldn't get past question 3. There are many requirements to qualify for grants. You have to have a program with a minimum of 200 volunteer hours for things such as boat ramp monitoring for invasive species, pulling lake weeds, planting native weeds, and other things. Once you treat milfoil, the curly leaf seems to sprout faster. The lake district would also need to commit to a 5 year program to follow thru on these items. We would have problems qualifying. The grant is out of the question. The new Clean Boat and Clean Water Act is important. We're taking care of weeds now but the bigger problem long term is the zebra mussel. Fishermen fishing on our lake really don't care if they bring in zebra mussel.

They go from lake to lake and transfer these things.

Chairman – weeds on trailer or motor – can you get a ticket? Warden Bronikowski said there are fines for transporting on the highway and/or bringing into a lake. Any law enforcement officer can ticket if they see weeds hanging off boat going down a highway.

Bronikowski said there are information signs regarding invasive species available from DNR which could be posted at the boat launch. He said zebra mussel come in the boat water and are very hard to see.

Chairman asked if anyone had questions regarding Tom's report.

Linda Gissell – what does lakefront property owner do if they see weeds, etc.? Kaczmarek said to call the police. Bronikowski said you can call DNR, water patrol, Bob Haas and Kenosha County Sheriff to enforce. 800-847-9367 is the DNR report number. He said weeds are from the lake and you put them back into the lake. A garbage can or dumpsters is the best solution but not always available. 1<sup>st</sup> offense \$233 for transporting, \$295 if launching. If you have a second offense in 2 years, the fine is doubled.

Patty Kaplan – we can tell them but it won't help. We need better patrol – have a person at the launch. Bronikowski said it is in fishing regulations. Some lakes do have a lake watch.

Kathy Aron - clean boats, clean waters program is usually manned by volunteers. There have been some instances of volunteers having to call police. It takes a group that's serious and willing to commit hours.

Kaplan can't do it 24 hrs a day. Need to start a watch program. Watch launch and put up a sign at launch. She asked how to begin. Aron said she can give a contact number or you can "Google" it.

Kaczmarek said there are fishermen there at 5 in the morning. We need a chain across the boat launch and have people check.

Chairman said the boat launch is in bad shape and asked if DNR has funding. Bronikowski said there was and if you qualified when launch was first installed, the qualifications have not changed.

Bronikowski – Jim Ritchie can give you information on a grant for a sign. It has to look like a waterway marker and is a 50% cost share.

#### **Q&A DNR – of General Interest Items –**

Jerry Dressler – Lily Lake Resort is selling mooring spots and piers in front of motel and they exceed their limits. These are separate parcels.

Heidi Kennedy – the rule is 2 per 50' and the resort properties have common ownership so she uses the two together and they are allowed 5 spots. It would be the same for you. You said there were six; so, if that is the case I can tell them 5 is legal. She said there is a one-time \$500 permit which the resort could apply for and that would give them an additional spot.

Kennedy responding to Patty Kaplan said that pier enforcement operates on a complaint basis. Kaplan said she was filing a complaint.

Dressler – put a tax on the mooring spots. Town should if the rehabilitation district doesn't and collect the money for the rehabilitation district or the town board should do a marina tax, like is on the hotel tax. Chairman said he will check with the town attorney.

Bronikowski – other communities require an annual permit. But for commercial property only? Chairman said we would have to figure out what is legal. If they are allowed the same number of boats as you, can they be charged and not you? That will be the question.

Kennedy said look at your own property. Anything registered includes boat, jet ski, etc. and the 2 per 50' rule applies to all.

Kaplan asked who is responsible to enforce the rules on the lake – she's seen 10 kids on a boat coming from the resort with no life jackets. Bronikowski – water patrol would enforce. Kaplan – can't Lily Lake Resort police the people and enforce rules? Kennedy – everyone has obligation to obey rules.

Bronikowski – if they rent the boats resort would be responsible. Rent slip – the boat owner is responsible.

Linda Gissell – they are getting revenue, we are not. Bronikowski – could write an ordinance to require permit for anyone who rents a spot, commercial or private. People do rent their pier space to others.

Chairman – he would have to talk to the town attorney.

Gail Schoch, 7834 328<sup>th</sup> Ave. – 49 ft. how many boats? Heidi – you would have 2, whatever you can fit in your riparian frontage. The department is not measuring shoreline. There is a grandfathering and registration system. Some of you have had piers for years and some don't meet the current guidelines. They can still be grandfathered and registered.

Commissioner Lois – you can have a ton of rules but without enforcement it doesn't work. Chairman – eyes on the lake are the people who live there. Call DNR, Kenosha Co. Sheriff, or Bob Haas.

Linda Gissell – put 800 # on the new sign the town is putting up. Chairman agreed.

Kennedy – a Powers Lake business rents boats and jet skis and had problems with renters not obeying the rules. They are now handing out rules to people who rent boats and jet skis from them. It has helped. Talk to Lily Lake Resort and encourage them to hand out rules to someone leasing.

Kaczmarek – parties and functions at the lounge are problems because they come up for the day. Signs there might help. Chairman – we can have water patrol hand out flyers to Lily Lake Resort.

Dressler – you're avoiding taxing boat slips. Chairman said he will be asking the town attorney if we can separate commercial and private.

#### **Annual meeting items –**

##### **Water level monitoring – procedure to establish**

Responding to Chairman Glembocki, Warden Bronikowski said you can write an ordinance if water levels meet this benchmark – it is automatically Slow – No Wake. The issue is setting the benchmark. The best time is when you have flood conditions and watch and record levels. You need some place for gauge such as a concrete retaining wall and then mount a scale. When the water level is high, relate the level to people's property.

Kaczmarek – formed a committee at the last lake meeting. This is a big issue with him. There are no committee members here to talk about it. He showed committee members spots around the lake. A handful of people complain about high water; they've put in illegal seawalls and they want to close the lake for the rest of the people. Pass something that requires, within 3 years, property owners have to conform their property to the standards and change the non-conforming structures. People complain but we really don't have a problem. We're low for the year now. My suggestion to the committee was to put a benchmark from 20 – 30 years ago where they will see it. Someone just put in blocks and that will be a future issue.

Clerk – last year the committee was only supposed to monitor and record some levels for history -- so much rain and so high a water level, etc. Relate the water level to rainfall.

Kaczmarek – put a post in the water and say it's the high water level.

Bronikowski – put a gauge in a public spot that is permanent on Town property. There is always the option for emergency SNW if no ordinance is in place. He knows it is a balancing act for deciding. Craig Helker can help suggest a way to put a gauge somewhere.

Ray Giesler – measure Markos concrete wall and see the ice damage which is worse than waves.

Chairman – we should be able to use GPS to mark spot.

Frank Wallace, 74401 331<sup>st</sup> Ave. – what will this solve? Bronikowski – it would establish a point where Slow – No Wake comes into effect automatically.

Kaczmarek – there will be arguments if you try to set a benchmark.

Gissell – big white house built when water was low and now he has problem. You can't close lake because of that.

Chairman will look into a system to use to record levels and discuss at the August Annual Meeting.

##### **Water monitor quality and clarity committee –**

Chairman said he received an e-mail from Mike Adam and he volunteered for this committee.

Heidi Kennedy – there are a lot of citizen based monitoring groups that go out to various lakes. That is also a part of the grant application.

Mark Mullins, Mike Adam and Tom Kaczmarek volunteered on the committee from the last lake district meeting, Kaczmarek said. He was waiting for the training before using the Secchi disk. Ray Giesler and Frank Wallace volunteered to be part of the committee and monitor. Kaczmarek said Mark Mullins may not be interested. Leave him off and if he wants to, he can be added.

Dressler- report back to chairman regularly rather than only at one of the two meetings of the lake district. We can all be informed then.

Kathy Aron – the monitoring needs to be done every two weeks regularly and according to protocol for at least one year before DNR will let you monitor for other things like oxygen level and etc. Someone should be out there monitoring, starting now. The Secchi disk is relatively easy to use. The issue is doing it regularly.

Chairman – asked that the committee report back every two months. Kaczmarek – will report to the town the first of the month. Results can then be put on the web.

Tom Kaczmarek moved a motion to approve volunteers Mike Adam, Tom Kaczmarek, Frank Wallace, and Ray Giesler to the committee to monitor water quality and water clarity. Jerry Dressler seconded. Motion carried. Chairman added that part of the motion is to report to the town board the first of the month.

Frank Wallace – where do we measure? Kathy Aron – the deep center part of the lake.

##### **Newsletter –**

Kathy Aron based on the two meetings she has attended, getting information out by way of a newsletter may be the most constructive use of time – to let people know ordinances – legal shoreline – why you are doing water patrol, etc. Let people know why they have to have weeds removed from the lake. You need to get the community more cohesive and informed in order to get grants. A newsletter can help in all those respects. Start with one newsletter a year, even if it's only one page.

Mike Adam had volunteered to be involved in the newsletter. Chairman said we'll speak to him and see if he's still interested. Clerk can e-mail or put on the town website. He said we need to grow the e-mail list – put your name on yellow sheet on table. If people want to be on, subscribe.

##### **Meetings –**

Chairman said this was placed on the agenda to explain the difference between a board of commissioner meeting and a meeting of the electors and the duties and authority each has under state statutes. The board of

commissioners essentially meets to carry out the directives of the annual meeting. The electors at the annual meeting decide on what they want done but the board carries it out.

Jerry Dressler – what constitutes emergency meeting? Chairman said we have not had emergency meetings. A regular board meeting can be held if posted 24 hours ahead of time but an emergency meeting can be held with two hours notification. There has to be a reason that qualifies for the “emergency” as recognized in state statute.

Kathy Aron (who attends many lake district meetings around the area) said the annual meeting decides projects; the board implements what is decided at an annual meeting. If something comes up that requires an expenditure that wasn't a part of the budget you can, per state statutes, call a “special” meeting of the electors. You can amend the budget at a special meeting, and other things as listed by statutes. This meeting today is more a special meeting because you are giving your board meeting direction.

Special meetings require notice to the lake district electors and have their own timeline and rules as to who can call a special meeting, etc. Kathy Aron added this would be a good newsletter topic.

**Launch Fees** – Chairman said he stopped at the Powers Lake Public Launch to look over what is done there. It is \$7 to launch - \$15 for an annual and \$22.50 for an annual non-resident.

John Bronikowski - Cost of lock box and fee schedule can be checked with DNR Jim Ritche. The fee schedule is based on state park fees.

Mike Heikenfeld, 7426 330<sup>th</sup> Ave. – he is a fisherman and fishes other lakes. Paddock Lake and Hooker Lake do the same thing. This does cut a lot of the fishermen out of using the lake.

Kathy Aron – you need to have a substantial box so it doesn't get yanked out.

Chairman asked if anyone is willing to Investigate and bring to annual meeting?

Tom Kaczmarek – everyone has to get stickers even if he is a lakefront owner? Bronikowski – applies to everyone.

Gissell – last year it was discussed lakefront property owners would get one boat free. Bronikowski – that won't work.

Kaczmarek –the initial intention of this was to be used to have people who parked in the parking spaces pay a parking fee.

Tom Kaczmarek moved a motion to put this on the annual meeting agenda and discuss and be ready in the spring of 2011. Rita Kissner seconded. Motion carried.

Kaczmarek asked Kathy Aron if other lakes pay for parking and close launch? Aron – have to be careful because closing launch because of parking could close the lake for launching for anyone. Some people have tried this in other places and found problems. You need to consider carefully.

John Bronikowski – some people try to park in the spots early so the lake can be closed.

Linda Gissell – who will monitor if we do something like this? Chairman said the water patrol.

Chairman said the annual meeting is Saturday, August 14 – 10 a.m.

Jerry Dressler – is there a rule in Wisconsin that your boat needs to be registered in Wisconsin?

Bronikowski – your boat must be registered in the state of principal use – if in Wisconsin 60 days consecutive days required by law to register. Federal law states you can only be registered in one state at a time - snow birds need to change every 6 months, etc. This also is another great newsletter item.

Boating rules are on the table – take one!

Tom Kaczmarek moved to adjourn at 11:55 a.m. Mike Heikenfeld seconded. Motion carried.

Respectfully submitted,

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