

**Minutes of the 2023 Special Meeting of the Potter Lake Protection and Rehabilitation District held Saturday May 6th, 2023, at Town Hall, East Troy, Wisconsin.**

Present: Commissioners Christine Celley, Bill Roeber, Bob Rice, Liz Sanders, MaryJo Jones, and 33 constituents from the district were in attendance.

Chairman Christine Celley called the meeting to order at 9:06 am

Christine introduced the commissioners. Bill Roeber who is our Treasurer, Bob Rice our Secretary, Liz Sanders our Town appointed board member, and MaryJo Jones our Walworth County appointed board member and Christine Celley our chairman.

A copy of the minutes from the 2022 annual meeting and the 2023 budget were available for all to review. A motion was made by Jon Voss to approve the minutes as presented. The motion was seconded by Fran Basso. All were in favor, and none opposed.

Jeff Stelzer from Lake and Pond Solutions spoke to those in attendance. Jeff updated everyone on NR107 (treatment legislation) and NR109 (harvesting legislation). The DNR received an overwhelming number of comments against the new proposed legislation and the new proposed changes were killed. If approved this new legislation would have significantly changed the way we treat and harvest as well as additional expense to the district. Last year the DNR did not allow us to do a whole lake treatment, but a pretty extensive spot treatment was done with a new product called Procellacore. This new product was expected to provide multiyear relief. Jeff was out on the lake to do a survey last week and no milfoil was found at all in the lake. He is very happy with the results of last year's treatment. The lake clarity is the best he has seen. Elodia (native plant) is still present in the lake but not as aggressive as it has been in the past several years. We do have a large amount of Curley Leaf Pond Weed. Curley Leaf does not spread through fragmentation and will usually die off mid-summer. Treatments can be done but harvesting may be the best way to manage it. Even with treatments there is no way to eradicate it. A constituent asked if the low water levels helped to control the weeds. Jeff responded that the lack of milfoil we are seeing this year is due to the Procellacore treatment that was done last year. Procellacore has a secondary breakdown process and that is what gives you the multiyear control. We also need to adjust our thinking about herbicides. The chemicals that we are using today take about 10 years to bring to market and work on a molecular level (they are very advanced and targeted). We do have some Chara in the lake which is a form of algae. Chara will filter out water and increase the clarity. Jeff doesn't have any immediate concerns about our lake this year. He will be back mid to late summer for another survey in case we need to make any adjustments. Christine and Jeff talked about the importance of plant life in the lake for fish and oxygen levels. The zone from shore to 3-4-foot depth is referred to the littoral zone and is the most important part of the lake. The plants in this area help to provide oxygen to the lake, give habitat for small fish and protect from shoreline erosion. It is also recommended that you leave a buffer zone in your yard and not mow all the way down to the edge of your shoreline. Sand is also not good for the lake and should be put behind your riprap and not in the lake. Fish stocking was brought up and Jeff recommended to stock bass to help control our small panfish.

Stocking northern could reduce bass as northern would prefer to feed on a small bass than a panfish. Zebra Muscles are still in the lake but have not been prevalent the past couple of years.

Rick Witt gave us an update on the harvesting. Due to the age of our equipment, we have been making some repairs on the harvester which should be done in the next week. The conveyors are in and ready to go and the harvester should be ready to go next week.

Bill Roeber updated the constituents on the district finances. Our checking account has a balance of \$59,225.50 and we have 2 CDs one with a value of \$65,802.17 and another at \$65,171.17 as well as an account with LPL with a balance of \$92,816.93. The LPL account is tied up until 2028 with a rate of 5%. We collected \$47,909.10 from tax settlements. We also received a grant from Clean Boats Clean Waters for \$4,000. Interest so far this year is \$218.79 and we are looking to renew the 2 CDs at a higher rate. Bill offered a copy of the financial statement to anyone who wanted one. A constituent asked why we had money tied up for a long time (LPL Financial) It was explained that the district did this when interest rates were less than 1% and it was an opportunity to earn significantly more, but the term is longer. This was done well before there was any talk of replacing the dam.

Bob Rice updated the group on the dam project. Ayres completed the engineering work and applied for a permit from the DNR in December. The DNR approved our permit in late February and the job was put out to bid. We received one bid back for an amount of \$300,000. When this project started Ayres estimated that the project could be done for between \$100,000--\$150,000. Inflation along with soil conditions at the dam have contributed to the increased cost. When core samples of the soil were done, they had to go down 15ft to find solid ground. Helicoils need to be used to support the precast concrete. While the increased water level has been good for our lake this also contributes to higher cost of the project due to dewatering expenses. When the DNR reviewed the permit, they asked if the berm was going to be addressed (removal of vegetation). We are aware of the work that needs to be done on the berm but at this time the DNR is not requiring this as a condition of our permit. If we don't complete our project and must reapply for another permit down the road there is a good chance that we could be required to address the berm as a condition of the new permit. Our current permit to complete the work is good until February 2025. Bob Rice had copies of the bid for anyone who wanted to review. Last year our approved budget for the dam was for \$200,000 which included engineering. Currently our engineering costs are at \$34,935. A constituent asked about the history of the dam. Christine commented that she believed that the current dam was constructed in the 30's or 40's and was done by some of the local residences. The culvert that the water passes through has rotted out and has been sleeved with a smaller pipe and patched with concrete. Bob Rice commented that there is a person who lives on our lake who specialize in dams that we have been talking to. It is their opinion that we are going to have to do something to our dam within the next 10 years. He would like to see the project move forward as we already have the engineering done and an approved permit from the DNR. We will need to have an additional meeting on these as last years approved budget for the project was for \$200,000 and the only bid we received was for \$300,000. Christine explained to the group that the proposed dam is very specific to our lake and the manufacturing lead time is about 20 weeks. She also talked to Michels about the specifics of the bid and they commented that you have to look at the bid as a whole and not line items. They thought that they would be able to do an

additional discount of 8-12% which equates to \$25,000 -- \$40,000. There may be other considerations once the project starts as well. Extending the timeframe out also helps because they would be able to use this job for winter work. There are a few ways to fund a project like this, take out a loan, a onetime assessment, or increase the district tax. Christine said that we could possibly use money from our 2 CD's and finance the rest of the balance as we need to keep some money set aside in our operating budget. This would also spread out the cost over a period of time and also allow the cost to be shared by new homeowners. A constituent asked if there was any possible funding from the DNR or the state. Bob explained that we had talked with Ayres about possible grants, and we were told that because of the small scale of our dam that it would rate very low for possible funding and there would also be an increased cost for additional tests of around \$10,000. There were several questions about why other companies didn't bid and if Ayres contacted company's direly to let them know the job was posted. Christine asked the group in attendance if anyone knew a contractor who might be interested in a project like this. Liz stated that part of the reason for the discount from Michels is because we would be extending the deadline which would allow them to do the work on their timeframe. A constituent asked if we had considered ARPA funds. We had not but will check into it. Much conversation was had about contractors, quoting, and financing. A motion was brought forward by Dave Bradley to have the board contact Ayres and get two other recommendations, check with the Village of East Troy and find out who did the dam on 120, talk to our local person and get two recommendations from them, and check with local banks for financing options. The motion was seconded by Dick Cameron. A proper vote was taken, and all were in favor with none opposed. The board will move forward with the motion and schedule another meeting in 30 days to report back on their findings.

Liz made a recommendation to consider putting some of our funds in a short-term CD to maximize the returns on our money.

MaryJo spoke to the group about our bylaws. Our district was created in 1976 and the last time our bylaws were amended was in 2007. There are many districts that are currently operating without bylaws and just following Chapter 33 which is what our lake district falls under. MaryJo recommended an attorney out of Madison who covers lake districts. She is willing to look at our current bylaws and update them to conform to chapter 33 or we can just look at moving to chapter 33. Our bylaws cannot be more restrictive than chapter 33 so it may make sense to do away with them. Christine is going to check with other lake districts who have moved to chapter 33 and provide feedback. The attorney would charge \$2,000 to do this work and this is something that we could do in house to save the fee's

Today there is an E-cycle at the town and there is another one coming up in Walworth County on June 23<sup>rd</sup> & 24<sup>th</sup>. This is a good time to get rid of electronics and small appliances.

Bob Rice is going to be running Clean Boats Clean Waters again this year. The program will run from Memorial Day through Labor Day. We did receive grant money again to help cover the costs of the program, grant total was \$4,000. Christine commented about the importance of the program and that the primary way weeds transfer from lake to lake is through launching.

The district has received emails again asking when the fireworks are for this year. The lake district has never sponsored or organized the fireworks. This has been organized and done by private individuals. The only thing the district is involved in are the flares and the boat parade. Kathy Froehlich is trying to organize fireworks for this year and is hoping to have them on July 3<sup>rd</sup>. She is seeking donations. We will also be selling flares at the launch the two weekends before the 4<sup>th</sup> of July. Flares this year will be \$5 apiece as costs have increased. Karen Wilkleman will also be selling flares out of her home for the district. The district boat parade and lighting of the lake will be on July 3<sup>rd</sup>. There is no theme this year so be creative.

Christine's term is expiring at the end of this year and she is encouraging people to get involved as she is not seeking another term.

The annual meeting will be on Saturday September 9, 2023. The budget meeting will start at 9:00am and the annual meeting will follow.

Dave Bradley made a motion to adjourn and was seconded by Steve. Meeting was adjourned at 10:52am

Respectfully submitted,

Robert C Rice  
Secretary