

Phantom Lakes Management District
Annual Meeting
Thursday, August 27, 2009
Mukwonago Town Hall

Approved

Steve Todd, Chairperson, called the Annual Meeting of the Phantom Lakes Management District to order at 7:02pm. Other Board members in attendance were, Secretary Greg Blohm, Treasurer Steve Verduyn, David Fait, Robert Muth, Town of Mukwonago Representative David Dubey, and Waukesha County Representative Gilbert Yerke. There were 28 people in attendance, 22 riparian owners and 6 non-residents, including Ben Heussner (DNR), Gina Krause (Secretary/Treasurer Assistant), Robert Pakulski (Harvesting Manager) and Jeffery Thornton (SEWRPC), and Board Members.

S. Todd opened the meeting asking all those in attendance to sign in if they have not already done so.

Chairman's Report – S. Todd thanked the Board for their attendance at the meetings this past year. The two biggest current issues for the Phantom Lakes are the Municipal Well that has been drilled near the Upper Phantom Lake and Ice Safety.

Approval – Minutes of August 28, 2008 – The minutes were published in the District's August 2009 newsletter; therefore the minutes were not read. Michael Graczyk made a **Motion** to accept the 2008 Annual Meeting minutes as written. Second by Mark Carlson, motion carried with no opposition.

Lake Safety Report - S. Todd reported on behalf of Dennis Nork (Lake Patrol) that even with the lake patrol budget being cut in half, this year as of August 23rd there was 113 hours of patrol. During that time there was 49 citations issued and 97 verbal warnings. The two most common violations on the two lakes are not enough personal floatation devices on board and speeding after posted slow-no-wake hours. Two tickets were issued this year for going over the posted 40mph speed limit (clocked at 50-55 mph). There were no accidents this year. Complaints can be called in to the Mukwonago Police Department at (262) 363-5188. Complaints can be handled without using the name of the complainant, so please do not be afraid to call. Due to lack of funds there will be no lake patrol after Labor Day weekend.

Some opinions various riparians voiced were; that a boating safety class should be held yearly, the monies spent on the class is more important than more patrol hours, lake patrol is essential on the lake to insure safety, the possibility of using other officers to do the lake patrol, and for the PLMD to take over the lake patrol if the Town of Mukwonago would be willing to give up their ordinances. G. Yerke expressed that the time to address the patrol funding issues is at the Town meeting when setting their budget for 2010. The lake residents felt that patrolling through Labor Day weekend is sufficient for this year.

D. Fait explained how in an emergency it would be helpful for the person who is calling for help from on the water or the ice to have an address to assist the emergency personal in locating them. Especially on Lower Phantom, there is still the need for more residents to volunteer to have their address posted. The District is paying for these signs.

Jay Ross asked for a new ordinance sign to be posted on his property. Who would pay for this sign was unresolved.

S. Todd stated that the issue of a counter clockwise pattern for all boats during skiing hours from last year's Annual Meeting was dropped due to the DNR's recommendation that it would be too complex to initiate. Mark Carlson expressed his concern for the safety on the lake and made a **Motion** to have the Board pursue an ordinance that all fast boat traffic must go counter clockwise during ski hours on both lakes; second by Kenneth Davis. Hand vote was taken with 8 in favor and 10 opposed, therefore, the motion failed. S. Todd recommended that the Board should keep this in mind as safety is important and keep in mind that the lake may get even more congested than it is now.

S. Todd stated that the Board has considered an ice ordinance for the Phantoms due to the complaints that were received this past year. Complaints were addressed to the safety issues of high speed of traffic witnessed on the ice by vehicles, ATV's, and snowmobiles, which even caused a close call

accident and a truck hitting a tree. The biggest obstacle has been how to enforce such an ordinance. Due to riparian's comments, S. Todd made a **Motion** to have the Board continue pursuing an ordinance to address lake safety concerns on the ice, with a speed limit especially at night for all motorized traffic on the lake, with at least the posting of this ordinance; second by Mark Carlson, motion carried.

Fish Management Report/Fish Stocking – Ben Heussner (DNR Fish Biologist) gave a presentation on the spring 2009 fish sampling survey. Mr. Heussner supplied handouts of a preliminary summary of the results. Very few Northern Pike were captured, indicating low abundance. Walleye had an average length of 21.1 inches but from only showing one year class of walleye and overall abundance was very low. Largemouth bass are the dominant gamefish with good spawning success, good growth rates, and excellent overall health. Bluegills dominate the panfish category, and there was good diversity of other panfish species in the samplings. Yellow perch are successfully reproducing in the Upper Phantom Lake. Management recommendation is to continue stocking large fingerling Northern Pike. Due to the large number of small fingerling Northern Pike (3" to 4" in June) being eaten by the bluegills and large mouth bass the DNR has switched to the larger fingerlings (8" to 10" in August 2008), for better success in survival. The DNR would also be willing to work with the District if they would be interested in implementing a larger size limit for the Northern Pike daily bag limit. S. Verduyn stated that this fall the District will be using the services of Gollon Bait for stocking the lake with approximately 100 Northern Pike (11"-14"), 800 Largemouth Bass, and 1000 Perch.

Lake Monitoring Report – Pete Kumlien gave a presentation on the spring flow sampling that has taken place from April 5, 2005 through present and how the idea of sampling first started. The new high capacity well could pump up to a million gallons per day or 694 gallons per minute out of the shallow aquifer. The past studies have shown that the flow of water from Upper Phantom Lake (which is fed by springs) is 400 gallons per minute. If the new municipal well started pumping at its maximum rate, it could essentially reverse the flow from Upper Phantom into Lower Phantom and degrade water quality on Upper Phantom Lake. The District has been accumulating data that will be of assistance if and when the new municipal well starts pumping. The Village of Mukwonago continues to show a lack of concern as to what effect the new well may have on the Phantoms. Monitoring of the springs will continue.

Richard Jenks gave a short summary of the different samplings that are taken throughout the year and reported that the lake did stratify this year. Overall, the lakes are showing good water quality and a very healthy lake.

A special thank you to both Pete Kumlien and Richard Jenks for all their volunteered hours spent on sampling and data collection.

Harvesting Report – Robert Pakulski stated that Roger Martens and Tim Eggleston (introduced him) are the two operators of the harvesting equipment this year. The harvester/shore conveyor has been refurbished and has been operational most of the summer with just a few days missed due to some repairs which have been covered under warranty. A by-pass valve will be put on once the harvester is out of the water for the winter. The engine has been replaced on the newer truck and has been operating well. Last year's shortage of dump sites is no longer an issue, for the District now has two good sites that are glad to help us out with the disposal of the harvested plants. The old truck will be sold. Some cleaning of the shed needs to be done to get rid of parts that are no longer of use. Jay Ross commented that he has had numerous complaints of excessive weeds on the Lower Lake and they are not being cut. Mr. Ross expressed his opinion that the District does not need to have a paid Harvesting Manager and that a Board Member should take over the job. S. Todd explained that Mr. Pakulski has volunteered for many years, and there are advantages of subcontracting this work. There is more involved than just letting the operators go cut weeds, it involves many other tasks. Mr. Pakulski commented even further that the District is under strict guidelines by the DNR of where they are allowed to cut and have to follow a plan approved by the DNR per the District's permit. If there are areas that are in need of cutting they are to be called into Robert Pakulski at (262) 363-4344, and he will handle them according to the guidelines that must be followed.

Municipal Well Update – S. Todd reported that the Village of Mukwonago's new municipal well near Upper Phantom Lake has been drilled and capped.

S. Todd commented that the joint law action suit against the Village of East Troy and the DNR, for not following the Public Trust Doctrine in approving a municipal well that could have detrimental affects to Lake Beulah as well as the Mukwonago River, has been dismissed.

Legislative Update – Jeff Thornton (SEWRPC) stated that one of the most recent pieces of legislation that has passed is the new requirement that mandates all motorized boats to remain Slow-No-Wake within 100 feet of a shoreline, not just piers as in the old legislation. Personal Watercrafts are required to remain Slow-No-Wake within 200 feet of shoreline. Other legislation included the preservation our groundwater to help protect the surface water of our streams, rivers, lakes, and wetlands. Invasive Species is another topic gaining great concern, along with a watch list of other invasive plants that may come into our state, i.e. Hydrilla. Great sources of information are available through various publications such as Lake Tides - University of Wisconsin Extension out of Stevens Point, Lake Connection - Wisconsin Association of Lakes, and Lake Line - North American Lake Management Society. On October 3, 2009 there will be a Southeastern Wisconsin lake conference being held at the Waukesha Technical College and they will be covering Aquatic Invasive Species, Chapter 30 Permit - water use, Water quality issues, and Fisheries.

Due to the Phantom Lakes not having much shoreline that does not have a pier on it, the District does not intend to opt out of the Slow-No-Wake 100 feet from shoreline.

Grants – S. Todd commented that the final paper work has been submitted to the DNR for the final reimbursement on the refurbished harvester/shore conveyor Grant RBF 1244. The Mukwonago River Watershed Protection Planning Grant project is expected to be completed by the end of 2009. The Southeastern Fox River Commission has granted some funding for a vegetative buffer strip at the end of Phantom Woods Road. This is a Town project and is anticipated to be completed by the end of 2009 providing there are no complications that would not allow this to occur.

Compensation for Future Commissioners - S. Todd made a recommendation to the residents to consider paying the five commissioners (not Town Representative or County Representative) a monthly sum for each meeting attended due to the lack of quorum and persons willing to serve on the Board. The Board would also be planning on only having 10 meetings per year, unless due to special circumstances where an additional meeting would be needed. After discussion, Michael Graczyk made a **Motion** to pay all newly elected Board members (excluding Town & County Representatives) at the rate of \$50.00 per meeting attended as of January 1, 2010. Also, as of January 1, 2010 the Chairperson would be paid \$100.00 per meeting attended, (i.e. if newly elected Board Member serves on the Board but not as Chairperson there would be the expense of \$50.00 for the newly elected Board Member and \$100.00 for the Chairperson. If the newly elected Board Member was to be elected by the Board as Chairperson, there would be the expense of \$100.00 per meeting attended). There would be no additional pay for the other Commissioners until their terms expire. Second by Jay Ross, motion carried with no opposition.

Adoption of Proposed Budget for 2009 – S. Verduyn read the audit report from Act Now Accounting and the District made two large purchases in 2008 which were chosen to expense in the current year rather than capitalize and depreciate over its useful life. With the above in mind the financial statements in the year ending December 31, 2008 presented fairly in all materials respects and the results of its operation for the period then ended in conformity with generally accepted accounting principles.

S. Verduyn gave the overhead presentation on the proposed 2010 budget, and all questions asked were answered. The Septic Maintenance is expected to be taken over by Waukesha County on an every 2-3 year cycle. Richard Jenks expressed his opinion that the PLMD should make sure that all pre 1979 septic's still be required to pump and not to abandon the PLMD Ordinance that requires a every 2 year pumping, which is a more restrictive than what the County is proposing. The Board was asked by Richard Jenks to investigate the current septic regulation pumping versus what the County is offering.

Jay Ross made a **Motion** to remove the line item Harvesting Manager in the amount of \$1,600.00 from the 2010 budget, second by Allan Riemer. A hand vote of 2 in favor, and 13 opposed, motion failed.

Richard Jenks made a **Motion** to have all unspent monies from line item Legal Fees/Consulting/Well Study, at the end of the year 2009 and year end of 2010, to be put into the Lake Protection Fund rather than being absorbed into the General Operating Fund balance. Second by Greg Blohm, motion carried.

R. Muth made a **Motion** to accept the 2010 proposed budget with the above change, second by G. Blohm, motion carried with no opposition.

Adoption of Levy for 2009 – S. Verduyn read the Resolution 2009-01 that states “now therefore, be it resolved as follows:

1. That a tax of \$67,500 shall be levied upon all properties in the Phantom Lakes Management District for use by the District for the calendar year 2010.
2. That the District shall certify this amount; forward the same to the Town of Mukwonago and Village of Mukwonago clerk for placing the same as a levy on District properties.”

S. Verduyn made a **Motion** to adopt the levy of \$67,500.00, second by D. Fait, motion carried with no opposition.

Election of Two Board Members - S. Todd stated that there is one name of Tim Eggleston on the ballot and asked if there were any other nominations from the floor; Thomas Davidson nominated Mark Carlson to serve on the PLMD Board. With no further nominations, Jay Ross moved to close nominations; second by G. Blohm, motion carried. Secret ballots were filled out and collected with the votes as follows: Tim Eggleston - 7, Mark Carlson - 12, Allan Riemer - 1, and one invalid ballot. Mark Carlson will be the new elected commissioner to serve a 3 year term.

Date for 2009 Annual Meeting – G. Blohm made a **Motion** to the next Annual Meeting of the PLMD to take place on August 26, 2010. Second by Kenneth Davis, motion carried.

Adjourn – At 9:45pm S. Todd made a **Motion** to adjourn, second by G. Blohm, motion carried.

Respectfully submitted,
Gina Krause
Treasurer/Secretary Assistant