

# Spring Brook Watershed Lake Management District (SBWLMD) Annual Meeting Draft Minutes

Saturday 7 September, 2019 at the Kincaid Sims Residence

563 W30961 Road X, Mukwonago, WI

**Call to Order and Pledge of Allegiance:** The meeting was called to order with the pledge of allegiance led by Chairman Kincaid Sims at 9:08 AM. All commissioners were present. Residents in attendance included Chris Champaigne, Kathryn Bell, Brian and Bobbi Psichulis, Eric and James Hansen, and Glen Sims. Guests present included Peter Jensen of the Eagle Spring Lake Management District and speakers from Waukesha County Land Conservation Allan and Amy Barrows of Waukesha County Parks and Planning.

## Open Forum:

**Chairman's Report:** Sue Kincaid Sims provided an update on the activities of SBWLMD since the last annual meeting. A complete copy of the text is available from the Secretary and is summarized as follows: SBWLMD met five times during the past year. Milestones achieved during the year included completion of a winter creel survey of anglers, a spring/summer assessment of public access usage, DNR stocking of northern pike fingerlings during September, 2018. Willow Spring Lake had good water clarity in fall 2018 and summer 2019 and a late ice up in December 2018 and relatively severe temperatures throughout the winter. This resulted in a lower than normal ice fishing participation. No emergency services were required on the lake during the past year. The chair concluded her report by thanking residents and town officials for their stewardship of the lake, the walk – in access public access, and shoreline properties.

**Secretary's Report:** Secretary McNelly provided a copy of the draft minutes. He included the history of Willow Springs Lake and the surrounding area in the minutes. Sue Kincaid Sims made a motion to approve the minutes as drafted. Peter Topczewski seconded the motion which was unanimously approved.

**Treasurer's Report:** Treasurer Hansen provided an updated treasurer's report dated 7 September 2019. SBWLMD's assets are \$6,467.02 in the Citizens Bank checking account and \$35,317.44 in the Local Government Investment Pool account. Treasurer Hansen explained the commissioner investigated several options to improve interest earnings on monies being saved for future dam repairs and decided to place \$35,000 from maturing certificates of deposits (CD) into an interest earning checking account that is managed as an investment pool by the State of Wisconsin Investment Board. Those funds have been invested since April 2019 and have earned approximately twice as much in interest as the normal short term CDs. The CDs have earned only about \$130 per year and the Investment Pool interest earning was \$317.44 during the past five months. The investment pool fund can have checks written against it and money can be withdrawn at any time without penalty. Treasurer Hansen felt the Investment Pool has provided much improved interest earnings, but she will continue to monitor its performance.

- **Audit committee Report for 2018 and 2019 to date:** Kathryn Bell and Beth Pepler audited the SBWLMD finances and found that records were accurate and properly maintained and all funds accounted for. Motion made by Peter Topczewski to approve the audit committed report. The motion was second by Dan Bell and unanimously approved.

- **Establish Budget for 2020:** Treasurer Hansen reported that the proposed 2020 budget is similar to last year, as expenses have been very stable. Treasurer Hansen recommended that we seek \$4500 in taxes, the same amount that has been collected annually over the last five years. A motion was made by Peter Topzewski and second by Dan Bell to approve the 2020 budget as drafted. The motion was unanimously approved.
- **Review and approve proposed 2020 tax levy resolution:** Secretary McNelly read the resolution to establish a \$4,500 tax levy for the upcoming year. A motion was made by Peter Topzewski and second by Casilynn Hansen to approve the resolution. The motion was unanimously approved.

**Guest Speakers - Waukesha County Shoreland Zoning Ordinance and Lake Shore Improvements – How to Beautify and Protect Your Shoreline Property and the Lake – Amy Barrows – Senior Planner and Alan Barrows – Senior Conservationist**

Amy explained that the basis for the shoreland zoning goes back to the 1800s when the public trust doctrine was written to protect waterways for commerce and recreation. Those laws evolved and in 1990 focus groups were formed to capture input for the modification of shoreland zoning laws which had been written to protect natural shorelines and improve water quality by minimizing impervious surfaces near lakes and streams. Waukesha County adopted an updated shoreland zoning ordinance in 2016. The Waukesha County ordinance follows the laws established by the legislature and allows for cities and villages to have less stringent restrictions than unincorporated rural areas such as Towns.

Set back averaging was a major change. Structures near lakes have to be 75 feet back from the ordinary high water mark (OHWM) unless immediately adjacent homes are less than 75 feet from the OHWM. Attached decks and patios are included within this setback requirement. Maximum structure height restrictions were made more stringent. Previously the maximum height of a structure within the shore zone was 46 feet, however the new maximum height without a variance is 35 feet in the shore zone and on lots less than 65 feet wide. This more stringent standard is designed to minimize the impact on the view of neighboring properties by new developments in the shore zone. There are similar setbacks from wetland boundaries. .

Mitigation can be used to offset impacts within the shore zone. Presently a landowner can have 15% of their property covered by impervious surfaces (which includes gravel driveways) unless the shoreline is highly developed then up to 30 percent of the property can be covered by impervious surfaces. None of the area around Willow Spring Lake falls within the highly developed shoreline standard. If mitigation techniques are applied which would accommodate a half inch rainfall event such as rain gardens or pervious driveway pavers or other infiltration structures, greater amounts of impervious surfaces are allowed. A half inch of runoff needs to be accommodated to be considered pervious.

Vegetation removal within 35 feet of the OHWM needs a permit. This includes dead or live trees and shrubs. A view corridor of 35 percent of a landowner's shoreline can be cut. Permits can allow vegetative changes on more than 35 percent of lake frontage, but replacement using native trees and shrubs plantings are normally part of the permit conditions. There is a provision for removal of trees and shrubs from dams. In some instances there are reasons to allow for less than one to one replacement for trees and shrubs, for example a buckthorn thicket with many stems that shade out other beneficial plants can destabilize a shoreline and negatively impact water quality. There are special "by permit" provisions for modifying the vegetative types if

there is a special reason that enhance the lake habitat and water quality. Our dam maintenance plan exempts us from the permit requirement for removal of trees and shrubs on the embankment.

The Waukesha County ordinance has also established a Priority Tree restriction which provides special protection of a select list of larger native trees species within 300' of the OHWM. See the list of priority trees species. This regulation will not be used to curtail construction within 300 feet of the OHWM, but will require special consideration and replacement of select species.

The new ordinance clarifies that Non conforming lots cannot be divided into more lots. Dry boat houses on properties cannot be prohibited on narrow lots. Boat houses are limited to 450 square feet foot print with a 35 feet max height and sidewall standards and roof slope requirements which generally result in most boat houses being less than 10-12 feet high.

Non conforming structures can be maintained in kind.

Alan explained that the County Executive appoints people to serve on Lake Management Districts. Waukesha County has more lake districts than any county other county in the State. Alan's role for the county is to assist lake districts with administrative functions, grant writing and other lake improvement projects. The Southeast Fox River Commission, a legislatively approved commission has been funded and authorized to distribute 90 percent cost sharing grants to improve water quality within the lower Fox River basin. All of the Town of Mukwonago falls within this area authorized for grants. Other grants are available for water quality improvement and conservation projects. SWRM grants are available at 70 percent cost share, but historically most of it is used for well abandonment.

Alan shared photos showing several shoreline habitat projects he assisted in the development of grant applications for. One project on Roxy Pond (\$40,000) focused on removal of excessive tree cover (primarily buckthorn) to develop a healthy more natural shoreline plant community. He also showed pictures of a stream bank stabilization project on the Fox Fiver, which minimizes shoreline erosion and allows for improved water quality. This project cost \$80,000 and was cost shared at 90 percent.

Alan provided two educational brochures on Shoreline Plants and Landscaping and Protecting Your Waterfront Investment. Copies of these brochure are available from the SBWLMD secretary and Waukesha County Land Conservation.

Peter Jenson of the Eagle Spring Lake Management District reported that a FEMA grant has been awarded to the Southeast Wisconsin Regional Planning Commission to do a system wide study and management plan for all dammed waters in the lower SE Fox River basin. The primary goal of this effort is to develop a plan for system wide emergency responses and coordination of dams to allow improved operations for stream bed erosion prevention.

Peter also indicated that the DNR Healthy lakes grant program is available to improve lake habitat. In kind services by lake residents can be used to provide grant match.

Alan and Amy provided their contact information and indicated they can provide desk topped preliminary project review using the Waukesha County GIS mapping services.

- **Water quality update:** Commissioner McNelly reported that generally good water clarity and reduced weed abundance was present in Willow Springs Lake during late summer 2018 to September 2019.
- **Fisheries update.**  
Commissioner Bell reported that he is awaiting more specifics on future DNR fish management plans. He also provided a brief update on the winter creel survey and the summer car count at the public access. This data indicates that Willow Springs is heavily used by fishermen, kayakers and canoeists. Brian and Bobbi Pisicuhulis were thanked for their data collection of vehicle counts at the Town access site.

**Election of Commissioner – Nomination and election of a commissioner to serve the next three years.:**

Chris Champaigne made a motion to nominate Dan Bell to serve another 3 year term. Chair Kincaid Sims called for nominations three more times. No other nominations were received and Bobbi Pisichulis made a motion to suspend nominations and cast a unanimous ballot supporting Dan Bell. Sue Kincaid Sims seconded the motion and it was unanimously approved. Dan will serve until the annual meeting in 2022.

**Authorize Commissioners to select annual meeting date for 2020** – A motion was made by McNelly Bell and second by Chris Champaigne to authorize commissioners to select a meeting date for the annual meeting in 2020.

**Adjournment and pot luck brunch :** The meeting was adjourned 10:45AM.

**These minutes were unanimously approved at the annual meeting on 22 August, 2020.**