

Spring Meeting Minutes
Moose Lake Advancement Association
June 1, 2021 – 6:30 pm

Stone Bank Community Park
South (Band) Pavilion – (Open air)

1. Call meeting to order – Greg O’Hearn

PLEDGE OF ALLEGIANCE

2. Roll call of Officers – Present : Kyle Strigenz, Greg O’Hearn, Gerry Dolphin, Sue Laabs, Charles Harkins, Yvonne Lindl, Dave Hartleip, Bob Mikulec Not present Gery Sawall

3. Approval of minutes of previous meeting – Fall, 2020 Motion to approve the minutes from the Fall meeting, motion seconded, motion approved

4. There were 40 members in attendance

5. Treasurer's Report – Sue Laabs: We had 75 paid members year ending 12/31/20, Year to date 2021 we have 73 so far, and 5 new members signed up at the meeting today. Cash on hand 12/31/20 was \$10,798.07. Cash on hand as of 5/31/21 is \$14,442.74. Biggest expense was weed treatment. The weed treatment cost for 2020 is approximately \$3,800. Motion to approve Treasurer’s report, motion seconded, motion approved

6. President’s Report – Greg O’Hearn: Solution to the high water on the lake update. A lot of meetings have been had with the Town of Merton. It seemed like progress was being made. The biggest hurdle with the Town was how does it get paid for. This was answered from the residents of the lake, which provided soft commitments to pay for a reasonable solution. Next hurdle was if the DNR would support it. This too was worked out with the DNR and is not an issue anymore. Greg then put together a draft Memo of Understanding for the Town. The memo of understanding asked the Town to hire an engineer and negotiate an easement for a solution, with that being said, the association would pay the funds needed for the survey, legal, construction, etc. The Town sent it to the Town attorney to review. The Town then called a meeting with Greg and the Town and the Town’s attorney advised the Town not to do anything per the Town statues. So, Greg thought it was important to be put on the agenda June 14th so our position could be told to the entire Town Board. Greg requested a presentation to be after our MLAA semi-annual meeting so the association could be brought up to speed and discuss first before the Town board meeting. The Town reached out to Greg and said the presentation

to the board would be on May 24th. Charles put a brief presentation together for the Town Board. Greg then received an email on Friday May 28th, saying the Town doesn't have to do anything and they suggested we form a Lake District and do the project ourselves. The Town confirmed statutorily they can handle it but want us to form a Lake District. A Lake District is another level of government that has taxing authority. We have been wanting the Town to take the lead mainly because they have the power of eminent domain. In the background there have been some conversations with property owners for an easement, of which some have been a "no", some have been too expensive, and some others have continued. The problem with a lake district for us is we don't have eminent domain outside our lake district, which we would need. The just of the letter from the Town was, we may still help you, but not until we form a lake district. In order to form a lake district a petition has to be made, most likely, with the 116 lake property owners, then 51% of those property owners would have to agree to form a lake district. The lake district would have 5 board members. 3 from the lake, 1 from the Town, and one from the county. It was then opened up for questions to those in attendance.

Questions:

Who has the right for eminent domain on Okachee and can they have eminent domain over another lake district? Greg feels 98% that the Town has that authority.

How many properties would we have to go through and what have the talks been like? One property owner was a no; Another property owner approached Greg and offered an easement to us for \$500 a year from each Moose Lake property owner; several others are ongoing.

What was the wrinkle with the DNR? The wrinkle with the DNR was the DNR lady initially said we need approval from the Okachee lake management district. However, after further discussions with the DNR, she checked the statutes and Okachee lake management district does not need to approve. Also, the Okachee lake management district has been aware of our requests.

Would we expect lawsuits to come from Okachee? Greg does not feel, from his opinion, there would be lawsuits, However anyone can file a lawsuit.

What does a lake district do to our other Town services such as garbage, etc? A lake district does not affect any of those other services already coming from the Town.

Would our dues go up under a lake district? Right now we pay a volunteer due. Under a lake district it is a tax to all those in the lake district. Under a lake district there will be additional attorney fees. As an example, one person in attendance had a relative living on Okachee Lake

and their taxes through the lake district are approximately \$41 a year, and they had a special assessment of approximately \$200 for weeding.

Does the county have eminent domain? Greg feels they have limited powers of eminent domain.

Other items: Charles – proposes we have another meeting about the pros and cons of a lake district, so everyone has the opportunity to be informed on the topic.

7. Reports of Committees

Membership – Need lead to coordinate contact with non-members. Sue Keely will be the lead on helping areas around the lake reach out to people who are not members. Please reach out to Sue if you can help.

Invasive weed treatment 2021 – Kevin Laabs. Kevin signed the contract for the treatment. They will do a survey in June to determine what areas need treating. The weed treatment will only take care of the Eurasian milfoil. It won't kill the good weeds. Where the treatments occur, they will post a sign on the shoreline. Greg will post something on the website as soon as they give a date for the treatment.

Facebook – Jan Grimm. share your pictures and events to Jan, she will post on Facebook

Website – Greg O'Hearn Greg tries to post everything to the website, such as notices, meetings, minutes, etc. He will continue this process

Buoys – Gerry Dolphin. Gerry found all the buoy markers. If anyone has a buoy and can put it in, please do so. Gerry will put together a list of materials to repair some of the buoys.

(Geese – Gerry Dolphin) Gerry got a geese depredation permit from the DNR. If anyone sees nests on their property, please notify Gerry, if you want them removed.

Social: If anyone wants to lead the social activities, please contact Greg

8. Old Business

Bright Lighting: Neighbors should be respectful of their other neighbors regarding bright lights.

9. New Business

1) Moose Lake boating regulations: There was a proposal put forward to change some of the boating regulations to the Town. This was presented by the Silent Sports Association 1) Readdress the no wake level to the ordinary high-water mark, 2) Ban ballasted boats from filling their ballasts 3) Increase no wake time to everyday 12 – 4. No motions were made.

2) Dick Aaron, a member, made a motion to fix a technicality in the MLAA bylaws. After the introduction of the motion a discussion was led by Charles Harkins. The bylaws changes were introduced and passed at the Fall 2018 meeting. At that meeting an objection was raised that the new bylaws were not in accordance with the Articles of Incorporation. That objection was overruled by the members and the new bylaws were approved by the members in attendance at the meeting. In essence, those bylaws changes made it more clear who was eligible to become a member of MLAA and that only one vote would be allowed per membership. There were continued issues raised that the Articles of Incorporation needed to be changed so the newly established bylaws would be in accordance with the Articles. This was done and the amended Articles of Incorporation were adopted at the Fall 2019 meeting by a vote of 47-0 and that was followed by passing the bylaws again. Again, the vote was 47-0. This motion, introduced by Dick Aaron, points to a procedural technicality that states the 2018 membership should be the only ones who could approve the amended Articles of Incorporation since the bylaws changes that were in place excluded some former members from participating in the vote. Dick Aaron's motion proposed that MLAA send out notices to all people who were members in 2018 to bring them back to approve the amendments to the Articles, to be done at the Fall meeting 2021. Charles pointed out some difficulties with this both ways. There are 2018 members who may no longer live in the area or be interested any longer in MLAA. They had their opportunity to vote on bylaws changes in 2018 that ultimately were reflected in the amendments to the Articles in 2019 and were overwhelmingly in favor of those bylaws changes then. Charles points out, that is the best indicator of the intent of the membership in 2018. Additionally, the memberships of both 2018 and 2019 were reviewed. There were 11 new members in 2019 who were not members in 2018. There were 25 old members from 2018 who were no longer members in 2019. Since the vote in 2019 to approve the amendments to the Articles of Incorporation, followed by passage of the bylaws consistent with the new Articles was 47-0, it would be statistically impossible to overturn the result. If the 11 new members had all been present, the number voting to pass would be reduced from 47 to 36. If the 25 prior members had all been interested in attending and voted to reject, that would have totaled 25, leaving the measure to still pass 36-25.

After this explanation and background from both Dick and Charles, Dick's motion was seconded and put to a vote with those in attendance. The vote was 19-11 to reject the motion.

10. Adjournment Meeting adjourned at 8:02 pm, motion seconded, motion approved.