

# Moose Lake Advancement Association Board Meeting Minutes

Thursday, July 11, 2024 at the Leyden Residence

Present: Rory Leyden, Hilarie Puestow, Yvonne Lindl , Tammy Gallagher, Tom Kielma, Bob Mikulec, Sue Laabs, Lynn Leidel, and Gery Sawall. Also present: Atty. Troy Giles

1. Meeting was called to order at 10:40am.
2. Rory provided a summary of Atty. Troy Giles' background. Atty. Giles is an attorney with the Waukesha office of Reinhart, Boerner, Van Deuren, SC. and is familiar with water law issues. He is currently working with the North Lake Management District to restore and reroute the headwaters of Mason Creek. He has also represented other lake districts on various other issues.
3. Rory then summarized our high water issues which have been problematic for about 15 years, with just a few years of relief. The Town of Merton has provided little support for our proposed solution and has encouraged us to create a lake district. A lake district is a small governmental entity that carries more authority with municipalities, the county, DNR, and the Corp of Engineers than our current association. A lake district would also have more ability to access resources and grants than our association and would work more effectively with other governmental entities.
4. Attorney Giles explained the approval process for our proposed solution would require authorization primarily from the DNR, the Corp of Engineers, and probably Waukesha County. An inter-agency review team would probably include representatives of the EPA, US Fish and Wildlife, Corp of Engineers, DNR, local municipality, Okauchee Lake Management District and a water resources engineer. If we formed a lake district, we would likely work with Heidi Bunk on water management plans and issues, including quiet hours, etc. The decisions of the lake district would supersede the Town with respect to quiet hours. The jurisdiction with most shoreline issues lies with the county.
5. Chapter 33 of the WI statutes regulates lake districts. Such districts do have taxing authority . Bylaws for the district must be crafted in accordance with the state statute. Lake districts have elected leaders with 3 year staggered terms. This governing board creates budgets which must be approved. All meetings of the board must be open.
6. Unanswered questions include how the Carl Schurz property would be treated. Also, it is unknown whether taxes would be assessed on the basis of assessed values, lake front footage or a flat assessment per property. The amount of approximate costs for the project also is undetermined – both the initial costs and annual and ongoing costs. Potential deal breakers need to be identified. It is also unknown whether lake districts can receive tax deductible charitable contributions. And, it is unclear how we can show that the project would be ecologically beneficially for both Moose Lake and Okauchee Lake.
7. Steps or hurdles which need to be surmounted in order for us to complete the proposed solution include potentially the formation of a lake district, actual construction of the drainage

pipe/outlet, overcoming the opposition from the Okauchee Lake Management District, and estimating and funding the potentially significant costs of engineering, water quality and hydrology studies, including seasonal and lake elevation studies. It would be extremely beneficial if we could show that the two lakes were historically connected. Access in terms of an easement or eminent domain for the placement of the pipe is a critical hurdle. It is possible that the need for an easement or imposition of eminent domain upon a property on Okauchee Lake might be solved if the DNR believes a project is in the public interest, since it might then impose an eminent domain on the property

8. To complete the project, we would need some property owner(s) to provide access for the pipe, obtain the approval of the DNR and the Corp of Engineers and get Okauchee Lake to consent to the project. Also, it would be necessary to get an estimate of the engineering costs and to form a lake district. Atty. Giles offered to try to reach out to 5-6 engineering firms to get their estimates of the engineering costs. Additional options could be explored including insertion of the drainage pipe below the ordinary high water mark and emergence of the pipe on Okauchee also below its ordinary high water mark, placement of a pipe up and over property (requiring a pump on Moose Lake), or a drain to the small pond on the north end of the lake between Moose and Okauchee Lake, then another to Okauchee Lake. Atty. Giles estimated the cost to set up a lake district to be approximately \$25,000.
9. At 12:00, Atty. Giles was dismissed from the meeting.
  - Subsequently, a motion was made, seconded and unanimously passed to authorize Rory to talk further with Atty. Giles and to engage him for 3 hours of work to obtain multiple engineering estimates for the project. Atty. Giles' normal billing rate is \$525/hour. It is likely that, to solve the high water issues, we may need to form a lake district. However, it may be difficult to try to form a lake district when we're still unsure whether the high water issue can be solved. Steps to form a lake district begin with a petition signed by 51% of the owners or lake area with frontage, which then goes to the Town which holds a public meeting. Once it's approved by the Town, a governing board is elected and the district is formed.
10. The meeting was adjourned at 12:15 pm.

Submitted by: Yvonne Lindl, Secretary