

MINUTES  
WHITEWATER-RICE LAKES MANAGEMENT DISTRICT  
FOURTH ANNUAL MEETING  
AUGUST 11, 1990

THE MEETING WAS CALLED TO ORDER AT 2:00PM BY CHAIRMAN BILL NORRIS.  
THERE WERE 297 DISTRICT VOTERS PRESENT.

1. CHAIRMAN NORRIS BEGAN THE MEETING BY DEDICATING A FEW MINUTES TO THE MEMORY OF DR. WILLARD GROSS, FORMER BOARD MEMBER AND DISTRICT SECRETARY, WHO PASSED AWAY IN JUNE, 1990.
2. CHAIRMAN NORRIS INTRODUCED THE LAKES MANAGEMENT DISTRICT'S BOARD OF COMMISSIONERS: MEL SCHARINE, WALWORTH COUNTY REPRESENTATIVE; DICK KRAUS, TOWN OF WHITEWATER REPRESENTATIVE; TOM PONYICSANYI, TREASURER; AND HIMSELF, BILL NORRIS, CHAIRMAN.

ALSO INTRODUCED WERE: RUSS JONES, ACTING PARLIAMENTARIAN; AND DON CALHOUN, ACTING SECRETARY, FILLING IN FOR ABSENT BOARD MEMBER WALTER HICKS.

3. CHAIRMAN NORRIS READ A LIST OF RULES FOR THE MEETING AND STATED THAT THE MEETING WOULD BE CONDUCTED IN ACCORDANCE WITH BOTH CHAPTER 33 OF THE WISCONSIN STATUTES AND ROBERTS REVISED RULES OF ORDER.

HE CALLED ATTENTION TO THE MEETING AGENDA AND TREASURER'S REPORT, WHICH WERE DISTRIBUTED AT THE DOOR, STATING THAT THE AGENDA WOULD BE FOLLOWED. HE REQUESTED THAT IF ANYONE IN ATTENDANCE WISHED TO PRESENT THEIR VIEWS, THEY USE ONE OF THE TWO MICROPHONES PROVIDED FOR THAT PURPOSE, AND THEY LIMIT THEIR PRESENTATION TO TWO MINUTES. HE ALSO STATED THAT THE SAME PERSON WOULD NOT BE RECOGNIZED TWICE ON THE SAME SUBJECT.

CHAIRMAN NORRIS THEN REVIEWED THE DISTRICT VOTING ELIGIBILITY REQUIREMENTS. HE STATED THAT, ACCORDING TO CHAPTER 33 OF THE (WISCONSIN) STATUTES, ANY PROPERTY OWNER WHO OWNS PROPERTY WITHIN THE LAKES MANAGEMENT DISTRICT CAN VOTE. PROPERTY OWNER BEING DEFINED AS THE PERSON AND/OR PERSONS WHOSE NAME/S APPEAR ON THE TITLE. FOR PROPERTY HELD IN JOINT OWNERSHIP OR CO-OWNERSHIP, ALL OF THE PERSONS WHOSE NAMES APPEAR ON THE TITLE MAY VOTE, PROVIDED THEY ARE OF LEGAL VOTING AGE (18 YEARS OR OLDER). IN ADDITION, RESIDENTS OF THE DISTRICT WHO ARE REGISTERED VOTERS IN EITHER THE TOWN OF WHITEWATER OR THE TOWN OF RICHMOND MAY VOTE, EVEN THOUGH THEY DO NOT OWN PROPERTY IN THE DISTRICT.

CHAIRMAN NORRIS NOTED THAT IN THOSE INSTANCES WHERE WRITTEN BALLOTS WERE REQUIRED WHEN VOTING, VOTERS WOULD BE ASKED TO USE ONE OF THE COLOR-CODED SLIPS OF PAPER PROVIDED TO THEM AS THEY ENTERED THE MEETING.

HE CONCLUDED HIS PRESENTATION OF THE RULES BY ANNOUNCING THAT HE WOULD TRY TO ADJOURN THE MEETING NO LATER THAN 4:30PM AND RULED THAT NO NEW BUSINESS WOULD BE CONDUCTED AFTER THAT TIME.

MR. DOLEZAL/MR. DEUTCH MOVED FOR ADOPTION OF THE RULES. THE MOTION PASSED BY A MAJORITY HAND VOTE.

4. CHAIRMAN NORRIS REQUESTED A MOTION TO ADOPT THE MEETING AGENDA AS PRINTED. MR. DARBO/MR. LARSEN MOVED ADOPTION OF THE PRINTED AGENDA. THE MOTION PASSED BY A MAJORITY HAND VOTE.
5. SECRETARY'S REPORT. DON CALHOUN READ THE MINUTES OF THE THIRD ANNUAL MEETING OF THE WHITEWATER/RICE LAKES MANAGEMENT DISTRICT HELD ON AUGUST 26, 1989. AT THE CONCLUSION OF MR. CALHOUN'S READING OF THE MINUTES, CHAIRMAN NORRIS ASKED FOR ANY CORRECTIONS OR ADDITIONS TO THE MINUTES AS READ.

MR. LOWELL WILSON, WHITEWATER LAKE RESIDENT, ROSE TO REQUEST THAT CORRECTIONS BE MADE TO THE MINUTES. HE BEGAN BY CITING ITEM #9 ON PAGE 3 OF THE MINUTES, READING:

'NORRIS REPORTED THAT THE MOTION TO CHANGE THE MIL TAX LEVY IN THE BY-LAWS, WAS DEFEATED IN A WRITTEN BALLOT BECAUSE IT FAILED TO OBTAIN A 2/3 MAJORITY. THE VOTE WAS YES - 151, NO - 106.'

MR. WILSON SUGGESTED INSERTING THE SENTENCE, 'THE NOS PREVAILED.', REASONING THAT, SINCE THE MOTION HAD NOT PASSED, THE PREVAILING GROUP WAS THE 106 WHO VOTED NO.

MR. WILSON CONTINUED, CITING THE SAME ITEM, READING:

'CHAIRMAN NORRIS DECLARED THAT A MOTION TO RECONSIDER WAS IN ORDER, BUT MUST BE PRESENTED BY SOMEONE WHO VOTED WITH THE PREVAILING SIDE. SINCE THERE WERE 151 YES VOTES, SOMEONE WHO VOTED YES REPRESENTS THE PREVAILING SIDE.'

MR. WILSON CONTENDED THAT THIS WAS INCORRECT BECAUSE THE SIDE THAT PREVAILED WAS, IN FACT, THE 106 WHO VOTED NO. TO SUBSTANTIATE HIS CONTENTION, MR. WILSON QUOTED PASSAGES FROM ROBERTS RULES OF ORDER, CONCERNING RECONSIDERATION OF MOTIONS AND PREVAILING-SIDE MINORITIES.

MR. WILSON CONTINUED, AGAIN CITING ITEM #9, PAGE 3 OF THE MINUTES, READING:

'MR. HICKS/MR. DARBO, BOTH OF WHOM VOTED IN FAVOR OF THE AMENDMENT, MOVED TO RECONSIDER THE RECOMMENDATION TO CHANGE THE MIL TAX LEVY IN THE DISTRICT'S BY-LAWS.'

HERE MR. WILSON SUGGESTED INSERTING THE WORDS 'NEITHER THE MOVER NOR THE SECOND, MR. HICKS NOR MR. DARBO, WERE IN THE PREVAILING SIDE; THEREFORE, THE MOTION WAS OUT OF ORDER.'

MR. WILSON CONCLUDED BY MOVING FOR ACCEPTANCE OF HIS PROPOSED CHANGES TO THE MINUTES. THIS WAS SECONDED BY AN UNIDENTIFIED PERSON.

CHAIRMAN NORRIS ASKED PARLIAMENTARIAN RUSS JONES FOR COMMENT. MR. JONES STATED THAT MR. WILSON'S CONTENTIONS WERE ESSENTIALLY CORRECT. FOLLOWING A PERIOD OF DISCUSSION BETWEEN MR. JONES AND MR. WILSON, IT WAS DECIDED THAT A VOTE WOULD BE TAKEN WHETHER TO AMEND THE MINUTES PER MR. WILSON'S REQUEST.

CHAIRMAN NORRIS REQUESTED A PAPER BALLOT BE TAKEN. HE INSTRUCTED THE VOTERS TO WRITE 'YES' ON THEIR YELLOW BALLOT IF THEY WERE IN FAVOR OF AMENDING THE MINUTES AS PROPOSED BY MR. WILSON, OR, IF THEY WERE NOT IN FAVOR, WRITE 'NO'.



MR. ED COYNE, RIDGE RD, ASKED 'WHY, AT SUCH A LATE DATE, THIS MOTION WAS BEING BROUGHT FORWARD, PARTICULARLY WITH THE HINT OF SOMETHING YET TO COME?' CHAIRMAN NORRIS ASKED MR. WILSON TO RESPOND.

MR. WILSON, APOLOGIZING FOR TAKING SO MUCH TIME WITH THIS MATTER, EXPLAINED THAT HE FELT IT WAS IMPORTANT BECAUSE IT DEALS WITH THE TAX LEVY FOR WHICH THE MIL RATE WAS SET IN THE LATTER PART OF ITEM #9. HE CONTENDED THAT AFTER THE VOTE TO RECONSIDER THE MOTION WAS TAKEN, MANY OF THE PEOPLE WHO HAD DEFEATED THE FIRST MOTION HAD LEFT THE ASSEMBLY. THIS, HE FELT, RESULTED IN THE VOTE BEING TURNED AROUND ON THE MOTION TO RECONSIDER, WHICH, HE REITERATED, WAS AN INVALID MOTION BECAUSE IT WAS NOT MADE BY SOMEONE WHO HAD VOTED WITH THE PREVAILING GROUP.

THE BALLOTS WERE COLLECTED AND COUNTED. THE RESULTS WERE YES - 106, NO - 88. THE MOTION TO AMEND THE MINUTES OF THE THIRD ANNUAL LAKES MANAGEMENT DISTRICT MEETING HAD PASSED.

6. TREASURER'S REPORT. DISTRICT TREASURER, TOM PONYICSANYI, REVIEWED THE TREASURER'S REPORT, COPIES OF WHICH HAD BEEN DISTRIBUTED AT THE MEETING. HE NOTED THAT THE REPORT WAS DATED AS OF 08/04/90, EXPLAINING THAT HE HAD CHOSEN THIS SPECIFIC DATE TO CLOSE THE REPORT.

BALANCE AFTER THE THIRD ANNUAL MEETING WAS \$13,442.01. INCOME FOR 1989-90 PERIOD WAS \$53,537.82, WHILE EXPEDITURES WERE \$26,407.72. THIS LEFT A BALANCE OF \$40,572.11, WITH \$38,430.24 IN THE SAVINGS ACCOUNT AND \$2,141.87 IN THE CHECKING ACCOUNT.

HE REPORTED THAT THE STATE OF WISCONSIN HAD CHANGED ITS POLICY REGARDING THE DISTRIBUTION OF PROPERTY TAX MONEY. UNLIKE PRIOR YEARS, WHEN THE STATE DISTRIBUTED ALL OF THE TAX MONEY BY THE FIRST OF MARCH, THE STATE NOW ONLY DISTRIBUTES THE PORTION PAID IN BY THAT DATE, WITH THE REMAINDER BEING DISTRIBUTED LATER. THIS AMOUNTED TO \$32,867.96, WHICH HE HAD NOT RECEIVED.

THE 1989-90 REMAINING OPERATING CAPITAL OF CASH-ON-HAND PLUS THE OUTSTANDING TAX ASSESSMENTS TOTALED \$73,440.07. REMAINING 1989-90 COMMITTED OPERATING EXPENDITURES, CONSISTING OF, WEED HARVESTING (\$58,492.60), U.S.G.S. HYDROLOGIC STUDY (\$10,000.00), AND FISH MANAGEMENT (\$2,000.00), TOTALED \$70,492.60. THIS LEFT A REMAINING UNCOMMITTED CAPITAL BALANCE OF \$2,947.47, WHICH, HE STATED, WOULD BE NEEDED TO OPERATE THE DISTRICT UNTIL THE BUDGET MONEY FOR 1991 WAS RECEIVED ON MARCH 1.

MR. PONYICSANYI NOTED THAT THE BOOKS WERE AUDITED ON 07/23/90 AND THANKED THE MEMBERS OF THE AUDIT COMMITTEE (ANN BENJAMIN, LAURA HICKS, AND ANN ZARACH) FOR THEIR FINE JOB.

MR. PONYICSANYI CONCLUDED BY REPORTING THAT THE ESTIMATED 1990 EQUALIZED TAX BASE TOTALS \$47,464,319.00, WHICH, AT THE PRESENT 2 MILS RATE, WOULD YIELD A POSSIBLE BUDGET OF \$94,929.00.

FOLLOWING A BRIEF DISCUSSION BETWEEN MEMBERS OF THE AUDIENCE AND MR. PONYICSANYI, MRS. ZARACH/MR. POTRYKUS MOVED TO ACCEPT THE TREASURER'S REPORT AS PRINTED AND DISTRIBUTED. THE MOTION PASSED BY A MAJORITY HAND VOTE.

7. WHITEWATER TOWN BOARD REPORT ON STATUS OF LAKE PATROL. DICK KRAUS, TOWN OF WHITEWATER SUPERVISOR, REPORTED THAT THE TOWN OF WHITEWATER COULD LOSE ALL OF ITS DNR-FUNDING FOR THE LAKE PATROL BECAUSE THERE HAVE BEEN NO CITATIONS ISSUED. THE STATE (NOT THE DNR) REQUIRES THAT FOR EVERY TWENTY HOURS OF PATROLLING, THERE BE AT LEAST ONE CITATION ISSUED. MR. KRAUS INDICATED THAT THE LAKE PATROL COULD BE IN JEOPARDY IF THIS FUNDING IS LOST. THE TOWNSHIP IS CONCERNED ABOUT THE COSTS INVOLVED IN HIRING A PATROL OFFICER AND PROVIDING THE 400 HOURS OF TRAINING THE PERSON WOULD REQUIRE.
8. ELECTION OF COMMISSIONER. CHAIRMAN NORRIS INTRODUCED THE CANDIDATES VYING FOR THE COMMISSIONER VACANCY ON THE LAKES MANAGEMENT BOARD. THE TWO CANDIDATES WERE RICK BREIDENBACH AND BOB HORSWILL. CHAIRMAN NORRIS INVITED EACH OF THE CADIDATES TO ADDRESS THE AUDIENCE. MR. BREIDENBACH PRESENTED HIS PLATFORM, OUTLINING HIS VIEWS ON LAKE MANAGEMENT ISSUES. MR. HORSWILL WAS NOT PRESENT. CHAIRMAN NORRIS CALLED FOR A VOTE, INSTRUCTING THE VOTERS TO MARK THEIR PINK BALLOTS WITH THEIR CHOICE.
9. AD-HOC FISHERIES ADVISORY COMMITTEE REPORT. DALE POEPEL BEGAN HIS REPORT WITH AN UPDATE ON THE STATUS OF THE WALLEYE PROGRAM. HE NOTED THAT FOR A VARIETY OF REASONS, THE WALLEYE POND WAS NOT EXPECTED TO PRODUCE ANY FISH THIS YEAR. HE PREDICTED THAT THE POND MAY CEASE TO EXIST IN THE FUTURE DUE TO CHANGES WITHIN THE DNR.

MR. POEPEL REPORTED THAT NORTHERNS WERE BEING RAISED THIS YEAR. HE PROJECTED THE YIELD WOULD BE AROUND 2,500 FISH AND WOULD COST THE DISTRICT ABOUT \$300.00. HE EXPLAINED THAT MOST OF THE COST WAS FOR FEEDING THE FISH. HE NOTED THAT THE FISH WERE STOCKED WHEN THEY WERE ABOUT 1.5 INCHES IN LENGTH AND WOULD COME OUT AT 8 INCHES.

ALTHOUGH THE FISHERIES PROGRAM HAS \$3,000 BUDGETED FOR NEXT YEAR, MR. POEPEL INDICATED THAT HE WAS UNSURE WHETHER ALL OF THIS WOULD BE SPENT. HE EXPRESSED HOPE THAT THE WALLEYE PROGRAM WOULD GET BACK ON TRACK NEXT YEAR. HE ALSO SUGGESTED THAT THE DISTRICT MIGHT WANT TO BUY MORE NORTHERNS THIS YEAR IF THE NORTHERNS IN THE POND DO NOT SURVIVE.

MR. POEPEL EXPLAINED THAT THE REASON HE STARTED THE FISH PROGRAM SIX YEARS AGO WAS TO GET ON A FISH QUOTA WITH THE DNR. HE NOTED THAT WHILE OTHER LAKES IN THE AREA HAVE BEEN RECEIVING FREE FISH FROM THE DNR FOR TWENTY OR THIRTY YEARS, WHITEWATER LAKE HAS ONLY BEEN IN THE PROGRAM FOR SIX YEARS. HE STATED THAT WHEN HE INITIALLY APPROACHED THE DNR, HE WAS TOLD THAT WHITEWATER LAKE HADN'T RECEIVED FISH IN THE PAST BECAUSE THEY HADN'T ASKED FOR ANY. MR. POEPEL RESPONDED, 'WELL, NOW WE'RE ASKING!' AS AN EXAMPLE OF THE BENEFITS OF THE PROGRAM, HE NOTED THAT 50,000 WALLEYES HAD BEEN PUT IN THE THE LAKES AT A COST OF ABOUT \$2,000; EACH FISH IS WORTH 50 CENTS.

IN CLOSING, MR. POEPEL MENTIONED THAT THE DNR WANTS TO CONDUCT A FISH STUDY OF THE LAKE TO FIND OUT WHAT POPULATIONS OF FISH ARE IN THE LAKE. THIS WILL AID IN DETERMINING WHAT TYPE OF FISH TO PUT IN THE LAKE AND HOW TO MANAGE THE LAKE.



10. USGS HYDROLOGIC SURVEY. CHAIRMAN NORRIS REPORTED ON THE USGS SURVEY. HE INDICATED THAT THE PURPOSE OF THE STUDY IS TO DETERMINE THE WATER BALANCE OF THE LAKES, THAT IS, RAIN WATER, GROUND WATER, EVAPORATION, ETC. HE NOTED THAT THE DISTRICT BUDGETED \$10,000 FOR THE STUDY LAST YEAR AND, IF THE STUDY IS APPROVED, THE USGS WILL PAY HALF THE COST. HE REPORTED THAT THE LAKES ARE AT AN ELEVATION OF 893 FEET ABOVE SEA LEVEL. THIS COMPARES TO AN 830-FOOT ELEVATION FOR THE CITY OF WHITEWATER.

THE FIRST TASK INVOLVED WAS TO MAP THE BOTTOM OF THE LAKE. THIS WAS DONE DURING THE WINTER BY THE GEOLOGY DEPARTMENT OF THE UNIVERSITY OF WISCONSIN-WHITEWATER. THE MAP HAS BEEN COMPLETED AND IT WILL BE INCLUDED IN THE NEXT NEWSLETTER. CHAIRMAN NORRIS COMMENTED THAT THE MAP SHOWS THAT THE LAKE IS FAIRLY SHALLOW. THE MAP COST \$2,450 AND COPIES HAVE BEEN SENT TO THE DNR AND THE USGS.

CHAIRMAN NORRIS CLOSED BY STATING THE BOARD EXPECTED THAT THE USGS WOULD APPROVE THE STUDY.

11. WILDLIFE REHABILITATION. CHAIRMAN NORRIS MENTIONED THAT \$500.00 HAS BEEN BUDGETED FOR WILDLIFE REHABILITATION. HE REQUESTED THAT IF ANYONE HAD ANY IDEAS OR SUGGESTIONS FOR ENCOURAGING WILDLIFE, THEY PRESENT THEM TO THE BOARD.

12. WEED CONTROL PROGRAM. CHAIRMAN NORRIS BEGAN DISCUSSION OF THE WEED CONTROL PROGRAM WITH A REVIEW OF THE SUMMER'S ACTIVITY. HE NOTED THAT THE WEED HARVESTING PROGRAM GOT STARTED THREE WEEKS LATER THAN EXPECTED BECAUSE OF DELAYS CREATED BY THE MANUFACTURER WHO HAD TWO HARVESTERS WHICH HAD TO BE DELIVERED TO FRANCE.

HE EXPLAINED THAT THE HARVESTING REQUIRES THREE PIECES OF EQUIPMENT: A 7-FOOT WIDE HARVESTER, CAPABLE OF CARRYING 8,500 POUNDS OF WET WEEDS; A TRANSPORTER, WITH A CARRYING-CAPACITY SOMEWHAT GREATER THAN THAT OF THE HARVESTER; AND, A SHORE CONVEYER FOR LOADING A DUMP TRUCK. IN ADDITION TO THESE ITEMS, WHICH SELL FOR \$102,250, THE MANUFACTURER, D&D PRODUCTS OF NORTH PRAIRIE, ALSO SUPPLIES THE DUMP TRUCK. THE DUMP TRUCK, WHICH IS A USED MACHINE, HAS CAUSED A FAIR AMOUNT OF TROUBLE. THE LAKE DISTRICT PAYS \$112/HOUR FOR THE USE OF THIS EQUIPMENT.

THE WEED HARVESTER WAS PUT ON RICE LAKE ON THE SIXTH OF JUNE AND TWENTY-THREE HARVESTING HOURS WERE BILLED. AT 8,000 POUNDS PER LOAD, 248,000 POUNDS OF WET WEEDS WERE REMOVED FROM THE LAKE. IN CONTRAST, IN 1988 ONLY 61,000 POUNDS OF WET WEEDS WERE REMOVED FROM RICE LAKE.

ON JUNE 11 THE EQUIPMENT WAS BROUGHT TO WHITEWATER LAKE. ON JULY 27, DUE TO SLOWER-THAN-EXPECTED PROGRESS (MOSTLY MAINTENANCE PROBLEMS WITH THE TRUCK), D&D PRODUCTS REPORTED THAT THEY HAD A 5-FOOT MACHINE WE COULD USE FOR AN ADDITIONAL \$36/HOUR. CHAIRMAN NORRIS NOTED THAT THE SAME TYPE OF MACHINE COST THE DISTRICT \$68/HOUR LAST SUMMER. AS A RESULT, THERE ARE NOW BOTH A 7-FOOT AND A 5-FOOT MACHINE IN OPERATION. AS OF FRIDAY, AUGUST 10, 1990, 291 HARVESTING-HOURS HAD BEEN LOGGED ON THE LARGER MACHINE, WHILE 80 HOURS HAD BEEN LOGGED ON THE SMALLER MACHINE. IT WAS ESTIMATED THAT 4,680,000 POUNDS OF WET WEEDS HAD BEEN REMOVED FROM WHITEWATER LAKE. NOTING THAT THE DRY WEIGHT OF THE WEEDS REPRESENTS CLOSE TO 10% OF THE WET WEIGHT,

CHAIRMAN NORRIS ESTIMATED THAT 234 TONS OF DRY MATERIAL HAD BEEN REMOVED. INDICATING THAT THE MAIN ADVANTAGE OF HARVESTING IS THE REMOVAL OF FERTILIZERS FROM THE LAKE (NITROGEN AND PHOSPHOROUS BEING THE MOST SIGNIFICANT), THIS REPRESENTED OVER 5 TONS OF NITROGEN AND 1.5 TONS OF PHOSPHOROUS.

FOLLOWING HIS REVIEW OF THE STATUS OF THE CURRENT PROGRAM, CHAIRMAN NORRIS BEGAN DISCUSSING FUTURE WEED HARVESTING OPTIONS. HE BEGAN HIS REMARKS BY NOTING THAT THE NUMBER OF CONTRACTORS PROVIDING WEED HARVESTING SERVICES ARE DWINDLING; DUE IN PART TO THE FACT THAT MANY OF THE LARGER LAKES HAVE PURCHASED THEIR OWN EQUIPMENT. HE INDICATED THAT THE CURRENT CONTRACT THE DISTRICT HAD WITH D&D PRODUCTS WAS A BARGAIN, BOTH IN TERMS OF COST AND THE PROVISION FOR AN EQUIPMENT PURCHASE CREDIT OF 10% OF THE DISTRICT'S WEED HARVESTING PAYMENTS. HE CAUTIONED, HOWEVER, THAT HE EXPECTED THE COST TO GO UP NEXT YEAR. CHAIRMAN NORRIS SUGGESTED THAT THE LAKES MANAGEMENT DISTRICT MIGHT WANT TO CONSIDER BUYING ITS OWN EQUIPMENT. HE THEN PRESENTED COSTS AND OTHER FACTORS RELATING TO THIS OPTION. CHAIRMAN NORRIS CONCLUDED HIS REMARKS BY EXPRESSING HIS BELIEF THAT WEED HARVESTING WAS THE MOST VIABLE AND MOST EFFECTIVE METHOD FOR LONG-TERM WEED CONTROL.

COMMISSIONER PONYICSANYI COMMENTED THAT HE WAS STRONGLY OPPOSED TO PURCHASING EQUIPMENT AT THIS TIME. HE REASONED THAT IT WAS TOO SOON TO JUDGE THE EFFECTIVENESS OF THE HARVESTING PROGRAM. IN ADDITION, HE FELT THE LAKES MANAGEMENT DISTRICT WAS IN NO POSITION TO TAKE ON THE ADDITIONAL LIABILITY THAT WOULD COME WITH OWNING AND OPERATING ITS OWN EQUIPMENT. HE CLOSED BY SAYING THAT THE CURRENT ARRANGEMENT WITH D&D WAS TOO GOOD OF A DEAL TO (ABANDON) AND RUSH TO PURCHASE EQUIPMENT.

CHAIRMAN NORRIS RESPONDED THAT HE HOPED HIS REMARKS WERE NOT BEING MISINTERPRETED. HE EXPLAINED HE WAS MERELY PRESENTING OPTIONS FOR NEXT YEAR, THAT IS, WHETHER TO CONTRACT WITH D&D AGAIN OR PURCHASE EQUIPMENT. HE STATED THAT HE AGREED WITH MR. PONYICSANYI'S POINT THAT IT WOULD BE PREMATURE TO RUSH INTO PURCHASING EQUIPMENT.

CHAIRMAN NORRIS THEN OPENED THE MICROPHONES TO THE FLOOR. A LIVELY DISCUSSION ENSUED, WITH MEMBERS OF THE BOARD RESPONDING TO QUESTIONS AND COMMENTS FROM AUDIENCE.

13. PROPOSED 1991 DISTRICT BUDGET. CHAIRMAN NORRIS REQUESTED A MOTION TO ADOPT THE 1991 BUDGET. MR. HALE/MR. CHAMBERLAIN MOVED TO ACCEPT THE BUDGET. MOTION PASSED BY A MAJORITY HAND VOTE. ONLY 3 PERSONS VOTED AGAINST ADOPTION OF THE BUDGET.
14. PRESENTATION OF NEWLY ELECTED OFFICER. CHAIRMAN NORRIS INTRODUCED RICK BREIDENBACH AS THE NEWLY-ELECTED LAKES DISTRICT OFFICER. CHAIRMAN NORRIS ANNOUNCED THAT MR. BREIDENBACH HAD RECEIVED 138 VOTES TO 50 FOR MR. HORSWILL.
15. ESTABLISH DATE OF NEXT ANNUAL MEETING. CHAIRMAN NORRIS PRESENTED A LIST OF DATES FOR THE NEXT ANNUAL MEETING, RECOMMENDING AUGUST 17, 1991, AND ENTERTAINED A MOTION TO ACCEPT THAT DATE. MR. CHAMBERLAIN/MR. DOLEZAL MOVED AUGUST 17, 1991 AS THE DATE FOR THE NEXT ANNUAL MEETING. MOTION PASSED BY UNANIMOUS VOICE VOTE.



16. CHAIRMAN NORRIS ENTERTAINED A MOTION TO ADJOURN THE MEETING. UNKNOWN PERSONS MOVED AND SECONDED THE MOTION WHICH PASSED BY UNANIMOUS VOICE VOTE.

CHAIRMAN NORRIS DECLARED THE ANNUAL MEETING ADJOURNED.

MEETING ADJOURNED AT 4:25PM.

RESPECTFULLY SUBMITTED,

*Don Calhoun*

DON CALHOUN, ACTING SECRETARY

# McDonald & Gustafson

ATTORNEYS AT LAW  
(608) 756-2000

August 28, 1990

PATRICK K. MCDONALD  
LYNN L. GUSTAFSON  
GREGORY F. MCDONALD

200 SOUTH MAIN STREET  
JANESVILLE, WISCONSIN 53545-3953

Mr. William P. Norris  
R.R. 3  
5186 State Park Drive  
Whitewater, WI 53190

RE: MILL RATE FOR WHITEWATER-RICE LAKES MANAGEMENT DISTRICT

Dear Mr. Norris

I am writing to you as one of the commissioners of the Whitewater-Rice Lakes Management Board. I have been retained by a group of electors in the Whitewater-Rice Lakes Management District who have asked that I contact you regarding the invalid action which took place at the August 26, 1989, annual meeting of the Lakes Management District.

As I believe you are aware, at the August 26, 1989, annual meeting, a motion was made to amend the by-laws of the Lakes Management District to increase the maximum allowable mill rate from 0.5 to 2.5 mills of equalized valuation. That motion was voted upon and defeated in a written ballot by failing to obtain the required two-thirds majority necessary to amend the by-laws.

Subsequent to that action, a motion to reconsider was made by persons who were not on the prevailing side. The Whitewater-Rice Lakes Management District by-laws specifically provide that Robert's Rules of Order are to be followed in the conducting of meetings. Robert's Rules of Order very clearly states that a motion to reconsider can be made only by a member who voted with the prevailing side. Even if a majority of people vote for a motion, if the motion requires a two-thirds vote as amendment to the by-laws did, those persons voting with a simple majority did not vote on the prevailing side. Thus the motion to reconsider the change in the by-laws should never have been brought to the floor.

Subsequent to the invalid motion to reconsider which was adopted by a majority hand vote, another motion was made to amend the by-laws by increasing the tax mill rate from 0.5 to 2.0 mills of equalized valuation. That motion was erroneously on the floor and should never have been allowed. The action approved by that motion is void.

I am sure you are aware of these problems because at the August 11, 1990, annual meeting of the Whitewater-Rice Lakes Management District, a motion



Mr. William P. Norris  
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was made and adopted to correct the August 26, 1989, minutes. The corrections clearly establish that the motion to reconsider was invalid because it did not comply with Roberts Rules of Order.

I believe that the responsibility of the commissioners of the Whitewater-Rice Lakes Management board is now clear - correct this error before it is compounded. As elected commissioners of the Lakes Management District, I believe you have a responsibility to enforce the current by-laws, which, since the motion to increase the mill rate was invalid, still provide that the current mill rate is 0.5. It is my understanding that the budget which has been adopted would exceed that allowed mill rate. Thus you will need to take action to modify the budget in order not to exceed the allowed mill rate.

It is my understanding that the board has a meeting scheduled on September 6, 1990. Representatives from the electors of the Lakes Management District intend to be present at that meeting to learn what action you as the board of commissioners take to correct this error.

You can, of course, choose any appropriate alternative you wish to correct the problem. I would suggest, however, that the by-laws for the district do provide for the calling of a special meeting, and it appears that may be one alternative which would be appropriate under the circumstances. I would note that the notice requirements for the annual meeting must be complied with for any special meeting as well.

It is imperative that action be taken on this matter at your first opportunity, well before tax bills are prepared.

My clients are hopeful that the Board will take appropriate action to recognize the error in allowing the motion to reconsider and the invalidity of the subsequent motion modifying the mill rate. Hopefully the Board will then confirm that the legal mill rate is still 0.5 mills of equalized valuation. The Board can then proceed with whatever action it feels is appropriate regarding modification of the budget if it exceeds the legal mill rate.

My clients wish to give the Board an opportunity to resolve this problem, but if the Board does not take appropriate action, my clients are prepared to resort to other alternatives to correct this error.

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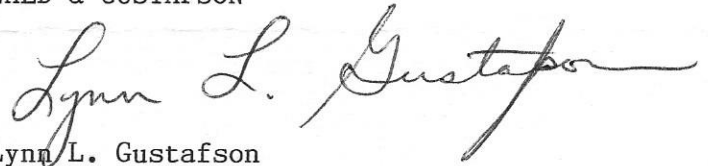
Thank you.

Very truly yours,

McDONALD & GUSTAFSON

By:

Lynn L. Gustafson

A handwritten signature in cursive script, reading "Lynn L. Gustafson". The signature is written in dark ink and is positioned to the right of the typed name "Lynn L. Gustafson".

LLG/smc





CARLO A.  
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Phone (414) 567-8600

September 7, 1990

Whitewater-Rice Lakes Management District  
William P. Norris, Chairman  
5186 State Park Drive, Rt. 3  
Whitewater, WI 53190

Dear Bill:

Initially, let me thank you and the other members of the Whitewater-Rice Lakes Management District Board of Commissioners for continuing to have me represent you as your attorney. This letter is to confirm in writing the opinion that I gave you orally regarding the recent controversy over Roberts' Rules of Order and the legitimacy of the motion made and adopted at your August, 1989 annual meeting to amend the by-laws to raise the maximum mill rate level from .5 to 2.0. As best we can recap the facts, the following appears to have happened at that August 26th meeting:

1. The motion was made, seconded, discussed and voted upon to amend the by-laws to .5 mills to 2.5 mills. That motion was defeated since it did not garner the necessary two-thirds majority needed to amend the by-laws. Discussion continued, and Dick Seip, who voted on the "no" side, and therefore the prevailing side, rose to indicate that he wanted to reconsider the vote and made a motion. A discussion ensued over who could appropriately make a motion to reconsider, and Larry Poltrock, an attorney from Chicago who was seated in the audience, rose to offer his assistance as parliamentarian, indicating that since sixty percent of the vote was "yes" the "yesses" had prevailed and that the person voting "yes" must move to reconsider. Subsequently a person who did vote "yes" made a motion to reconsider which was seconded and passed. A subsequent motion was made to change the maximum mill rate from .5 to 2.0. It passed by the necessary two-thirds vote. Subsequently an overwhelming majority of the electors present voted in a budget of \$84,000, some \$20,000 in excess of what the Board of Commissioners had requested.

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At this year's annual meeting the issue was raised once again and a challenge was lodged to the procedures used to change the mill rate from .5 to 2.0, alleging that the motion to reconsider was out of order, in that the actual prevailing side was that which successfully defeated the motion.

It appears from a review of the tapes that Mr. Seip's motion, although properly made by a person who voted with the prevailing side, was never voted upon. Obviously if that motion had been voted upon the motion to reconsider would have been proper. The main point missed by those challenging what occurred at the 1989 meeting is that the motion to reconsider is irrelevant to their objection. As can be seen from an analysis of the minutes and the tapes of the meeting, the motion to reconsider was brought, debated and acted upon prior to the introduction of the motion to change the mill rate levy from .5 to 2.0. Thus, the motion to reconsider pertained only to the motion to amend the levy to 2.5 mills. The motion to amend to 2.0 constitutes a separate motion under consideration and is not, therefore, subject to the vote to reconsider the original motion.

At any rate, the body of electors present at the meeting ratified the actions of the commission in its overwhelming vote to approve the budget of \$84,000. Obviously it was the will of the people that the district operate with a budget of that size. That money could not possibly be raised with a mill rate of .5 and therefore some action had to be taken in order to increase the mill rate.

As I mentioned in our conversations regarding this issue, it may behoove the district to consider a restatement of its by-laws in order to provide more flexibility in its means of operation. Such a restatement could take the general form of the proposed by-laws set forth in the new edition of the guide to Wisconsin's Lake Management Law, which could be tailored to suit the needs of Whitewater-Rice Lake rather than adopted wholesale from that publication. If the district so wishes I would be happy to prepare a set of proposed restated by-laws for its consideration.