



BALSAM LAKE PROTECTION & REHABILITATION DISTRICT

Monthly Meeting Minutes May 15, 2021 8:30 AM

Call in phone number 612-508-0879

1) CALL TO ORDER:

- Tom Kelly called the meeting to order at 8:35 AM

2) COMMISSIONERS PRESENT:

- Tom Kelly, Gary Schneider, Andy Wilhoit, Bill Mork, Dale Ulbrich (teleconference), Dave Mariani (teleconference)

3) OTHERS PRESENT:

- Patty Kabus, Recorder

4) PUBLIC COMMENTS:

- None

5) APPROVE AGENDA:

- Gary motioned to approve the agenda, Bill seconded, all approved. Motion carried.

6) APPROVE MINUTES:

- April minutes - Bill motioned to approve the April Meeting Minutes, Gary seconded, all approved. Motion carried.

7) TREASURER REPORT:

- Financials / Schneider - Gary presented the April Treasurer's report. Tom motioned to approve the April Financial Reports, Bill seconded, all approved. Motion carried.

8) Water Quality

- East Balsam EBWQ / Wilhoit
 - Alum treatment – Working on Annual Meeting PowerPoint Presentation
 - The bank is prepared for the Alum Treatment money
 - Treatment will be in June next year. The first treatment loan will be paid off next year.
- Healthy Lakes Native Plantings / Kelly
 - Nothing new to report

9) Aquatic Plant Management and Invasive species

- CBCW / Mork
 - The program for this year has been started. Bill is providing more brochures on invasive species, which will be distributed at the landings. Bill will let Cheryl know we are passing out brochures
 - Fishing tournaments have already started
- Purple Loosestrife eradication / Mork
 - Bill is working with the DNR regarding permitting for spraying purple leaf, and lining up someone to do the spraying. Tom suggested talking to Rod to get information about applying for the permit online
- Harvesting CLP & Navigation / Preble
 - The survey was completed, not enough acreage was identified to spray, and rake fullness was minimal. So not spraying is recommended this year
 - Components to determine whether to spray is acreage (over 25 acres) and rake fullness of a level 3 or more. We did not meet this criteria this year
 - Nothing to report on the harvesting side. Permit process is underway and will likely be approximately 60 acres. They will then look for another crop in the fall
 - Georgetown did give us permission to keep the truck and conveyor there, and to close the launch for a day or two when it needs to be done
- APM Plan / Preble
 - The new plan is in its draft form. The committee met 3 times in the last month. The new plan will be cleaner. The next phase is the long-range plan. Dale anticipates this will start next year. Tom noted we are in year 7, but the DNR does not believe we need to update it as long as we are executing the plan.
 - Comments on the draft are due by June 1
 - Dale asked to add an agenda item at some point to discuss the things we want to focus on. This should probably start in the June timeframe

10) OLD BUSINESS:

- Water patrol / PUBLIC MEETING / Preble/ Kelly
 - The meeting is taking place today at 9:30
- 2021 Budget / Schneider
 - Tom asked each person if the current draft budget looks good. Bill asked want to consider increasing the Rapid Response Plan by \$10,000, and will bring it to the annual meeting. Otherwise, everything is pretty set.
 - Discussed what to do with excess from last year. Needs to be researched further.
 - Tom noted we have to post the water safety patrol ordinance at each landing. Improvements have been suggested at the town beach, including a larger sign and an additional dock for transient boats
 - Tom asked if we have expenses budgeted for Cheryl in terms of her work on the long range plan. After discussion, Tom suggested we add a \$1,000 budget item for Cheryl for this work
- No Wake Zone Marina / Schneider
 - No movement until the water patrol is finalized

- Tom explained that the local ordinance needs to be changed to support adding a new no wake zone. This will not be started until after the water safety patrol program is in place. After it is, it would require an amendment and a public meeting, then wait for comments regarding the no wake zone. This probably won't be in place before the annual meeting this year. Bill asked if this could be incorporated with the annual meeting. Tom wasn't sure what the attendance limit is in light of Covid but this is a possibility
- Long Range Plan - Polk County watershed project / Ulbrich
 - Dale will keep us apprised as it gets closer – focus has been on the current plan
- Summer DockSide / Kelly
 - Tom reminded the commissioners that DockSide articles are due today or as soon as possible
 - The Annual Meeting agenda will be included in the DockSide. A vote for the second treatment will be included in the annual meeting

11) NEW BUSINESS

- None

12) OTHER REPORTS:

- Village / Schneider
 - The boat safety training that normally happens on Memorial Day weekend, is being delayed since the county is waiting for Covid guidance
- County / Mariani
 - No updates to report
 - Tom noted that the Inter-County Leader had articles regarding multiple ordinances the county is in the process of making
 - Caitlyn Anderson with Polk County Land & Waters had some information about what other counties are doing regarding mandatory boat spraying upon entering and leaving the lakes. There is a video about it, and it requires an inspector. If the person refuses, then it would require police intervention. Tom can make this information available to the Commissioners
 - Tom has heard that some lakes have not been successful without county enforcement
- Tom notified the Commissioners that he did an interview with the 'Sentinal', a new twice-monthly publication. The first publication will be a mailing to lakeshore owners and will be available for handout at various businesses. It should be available mid-June

13) FUTURE AGENDA ITEMS:

- None

14) PUBLIC MEETING:

- Andy motioned to open the public meeting at 9:30 AM, Gary seconded, all approved, motion carried. 6 Ayes, 0 No's. Meeting opened.
- Commissioners present were Tom Kelly, Gary Schneider, Andy Willhoit, Bill Mork, Dale Ulbrich (teleconference), Dave Mariani (teleconference)
- Dave Mariani read the following resolution:

WHEREAS, Balsam, East Balsam, Little Balsam Lakes and Boston Bay are navigable water bodies and valuable natural resources that provide for abundant public recreation use and habitat for fish and wildlife, and

WHEREAS, the District's Board of Commissioners believe that the establishment of a water safety patrol is necessary to protect public health, safety and welfare, and

WHEREAS, Section 30.77(3)(am) of the Wisconsin Statutes authorizes public inland lake protection and rehabilitation districts to enact and enforce ordinances regulating the use, equipment and operation of boats and related activities regulated by Wis. Stats. §§30.60 to 30.71 on lakes within their boundaries in the interest of public health, safety and welfare, provided that at least fifty percent of the towns, villages and cities having jurisdiction over the lakes adopt resolutions authorizing the District to enact and enforce such ordinances and at least 60 percent of the footage of shoreline of the lake is within the boundaries of these towns, villages and cities and

WHEREAS, the listed Balsam Lakes are entirely within the boundaries of the District's boundary and include shoreline frontage in the Village of Balsam Lake and the Towns of Apple River, Balsam Lake, Georgetown and Milltown, and

WHEREAS, the Village of Balsam Lake Board of Trustees and the Town Boards of the Towns, Balsam Lake, Georgetown and Milltown have each adopted Resolutions pursuant to Wis. Stat. § 30.77(3)(am), authorizing the District to enact and enforce ordinances applicable to the listed Balsam Lakes regulating the use, equipment and operation of boats pursuant to that section and the Town Board of the Town of Apple River will consider such a Resolution at its May 2021 meeting; and

WHEREAS, approximately 89 percent of the footage of shoreline of these lakes is within the boundaries of the Village of Balsam Lakes and the Towns of Balsam Lake, Georgetown and Mill Town, which constitute a majority of the cities, villages and towns having jurisdiction over the listed lakes; and

WHEREAS, the District's legal counsel submitted its proposed Ordinance to the Wisconsin Department of Natural Resources for review under Wis. Stat. §30.77(3)(d) by electronic mail on March 25, 2021 and received the Department's advisory review dated April 13, 2021 and, with due notice, the District's Board of Commissioners conducted a public hearing on the proposed Ordinance on May 15, 2021 and

WHEREAS, the Board of Commissioners have considered the Department's advisory review, public comments submitted to the District and offered at the public hearing, the listed Balsam Lakes' types, sizes, shapes and depths, features of special environmental significance, the amount, type and speed of boating traffic, boating safety and congestion and the degree to which the boating traffic on the body of water affects other recreational uses and the public's health, safety and welfare, including the public's interest in preserving the state's natural resources and an advisory letter from the Wisconsin Department of Natural Resources dated April 13, 2021 and, based on its consideration of the matter, the Board of Commissioners have determined to adopt a boating ordinance

and establish a water safety patrol to protect and maintain public health, safety and welfare, in the listed Balsam Lakes.

NOW THEREFORE, the Board of Commissioners of the Balsam Lake Protection and Rehabilitation District, pursuant to its authority under the laws of Wisconsin, including without limitation, Section 30.77(3) and Chapter 33 of the Wisconsin Statutes and the authorizing resolutions adopted by the Boards of the Village of Balsam Lake and Towns of Balsam Lake, Georgetown and Milltown, adopted the laws of the State of Wisconsin, **DO ORDAIN as follows:**

**ORDINANCE NO. 2021-01
TO REGULATE BOATING AND RELATED ACTIVITIES
ON THE WATERS OF
BALSAM LAKE, EAST BALSAM LAKE,
LITTLE BALSAM LAKE AND BOSTON BAY**

Section 1. This Ordinance is adopted in order to protect the public health, safety and welfare, including the public's interest in preserving the state's natural resources, pursuant to Wis. Stat. §30.77(3)(am).

Section 2. Applicability and Enforcement. The provisions of this Ordinance shall apply to the waters of Balsam Lake, East Balsam Lake, Little Balsam Lake and Boston Bay, within the jurisdiction of the Village of Balsam Lake and the Towns of Apple River, Balsam Lake, Georgetown and Milltown, all in Polk County, Wisconsin. The Ordinance shall be enforced by the officers of the District. The District adopts the citation method of enforcement of this Ordinance; however, the issuance of a citation hereunder shall not preclude the District or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Section 3. Intent. The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests.

Section 4. Definitions. The definitions as set forth in Section 30.01 of the Wisconsin Statutes are incorporated herein by reference as though fully set forth herein. In addition, in this Ordinance, the term “slow-no-wake” means that speed at which a boat moves as slowly as possible while still maintaining steering control.

Section 5. State Boating and Safety Laws Adopted. The State laws regulating boating and related activities as found in Wis Stats, §§ 30.50 to 30.71 are adopted by reference here and made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments of the statutes incorporated herein are intended to be made part of this Ordinance in order to secure uniform state-wide regulation and enforcement of boating ordinance violations.

Section 6. Slow No Wake Areas. No person shall operate a boat faster than slow-no-wake in the following locations: the channels connecting Balsam Lake with East Balsam Lake and Little Balsam Lake and the channel south of the first island

approaching the Balsam Lake public boat landing. The locations of these slow-no-wake areas shall be shown on a map posted at each public boat landing on the affected lakes and may be marked by regulatory markers authorized by the Wisconsin Department of Natural Resources placed each end of those designated areas identified by the Global Positioning System.

Section 7. Penalties and Deposits. Wisconsin state boating law penalties as found in Wis. Stat. § 30.80 and deposits established by the Wisconsin Judicial Conferences in the Uniform Deposit and Bail Schedule, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment are deleted.

Section 8. Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the District Board would have passed the other provisions of this ordinance. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section 9. Effective Date, Posting and Filing. This Ordinance shall take effect immediately upon passage and posting or publication as provided by law, but not earlier than May 25, 2021. This Ordinance shall be prominently posted at all public access points on the affected lakes and filed with the Wisconsin Department of Natural Resources.

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- PUBLIC COMMENTS: Tom opened the floor to public comments
 - Note that Apple River did not pass the resolution
 - Tom Closed the public meeting at 9:45 AM
 - Tom asked if there were any questions from the board. Dave noted Apple River had not yet had the meeting when the resolution was formulated, and asked for clarification that the Apple River area of the lake will be patrolled even though they did not vote for it. Tom confirmed that the entire lake will be patrolled. Gary noted the official title is Water Safety Patrol.
 - The Balsam Lake Protection and Rehabilitation District Commissioners re-convened to vote on the resolution with the following result: Davis/Dale
 - Dave motioned to pass the resolution, Dale seconded, all approved, motion carried. **Resolution Passed and Adopted** at a duly convened meeting of the Board of Commissioners of the Balsam Lake Protection and Rehabilitation District this 15th day of May, 2021 on a vote of:
 - 6 Ayes 0 Nays Abstaining.
 - Tom and Dave will work together to get the certification filed. Tom noted we will want to make it known that the Homeowner’s association will financially support the program in addition to any grants we are able to obtain

15) ADJOURN:

- Bill motioned to adjourn, Gary seconded, all approved, motion carried. Meeting adjourned at 9:55 AM