DRAFT – SUBJECT TO REVIEW/REVISION/APPROVAL

Berry Lake Community District

Annual Meeting Minutes – August 23, 2025, 9:00am

Call to Order

Commissioner Krainik, acting as Chairperson, called the meeting to order at 9:01am at the Town of Underhill Community Center located at 5597 Cardinal Road, Gillett, WI 54124.

Confirmation of Proper Notice

Notice of this meeting in compliance with ss 33.30(2)(a) of the Wisconsin Statutes was mailed to all owners/electors within the District, "whose address is known or can be ascertained with reasonable diligence". The District's tax roll information was used for this purpose. A Class 2 newspaper notice of the Annual Meeting was also placed in the Oconto County Times Herald, as provided under ss 33.30(2)(a) and ss 19.84 of the Wisconsin State Statutes. Notice was further provided to the Wisconsin Department of Natural Resources in accordance with Chapter 33 of the Wisconsin Statutes. Copies of the complete agenda were available for inspection at the Town of Underhill Community Center. In addition, notice and agenda were posted on the Town of Underhill's website under the Berry Lake tab, on the Berry Lake Property Owners Association website and on the Berry Lake Community District Website.

Discuss Operating Guidelines of the Meeting

Commissioner Krainik introduced himself and Commissioners Heimerman, Morrow and Winkler to those in attendance, and proceeded to outline the manner in which the Annual Meeting would be conducted. Among the guidelines discussed, Commissioner Krainik requested that when speaking, Electors raise their assigned Voter Number to be recognized, and Commissioner Krainik asked that only one individual speak at a time and that all communication be conducted in a considerate and respectful manner and that remarks and questions be limited to the agenda item currently being discussed.

Chairperson's Report

Commissioner Krainik welcomed Owners and Electors (hereafter "Electors") to the meeting and provided a Chairperson's Report summarizing the District's activities since its inception as of January 1, 2025, as follows:

- The organizational structure for the District was established
- District Bank Accounts were established
- A Google Workspace was established to allow for District communication and recordkeeping as well as to provide a platform for virtual meetings via Google Meet
- Grants were secured
- A partnership between the District and Oconto County to develop the District's 10-Year plan was established, and significant savings were recognized because of such partnership
- The District Website was established
- Mandatory commercial insurance policies were secured for the District

- EWM Treatment was conducted on the Lake

Commissioner Krainik indicated that the following topics would be a focus of the District's activities in 2026:

- Policies and procedures to conduct District business will be established
- A plan for solvency, stability and consistency regarding District fiscal responsibility will be established
- The 10-year plan and activities related thereto will be near-final in 2026

Committee Reports

Aquatic Invasive Species Committee Report

Jennifer McDermot provided an Aquatic Invasive Species Committee Report as follows:

- AIS Committee members were named, recognized and thanked for their service
- Water sampling was conducted, and samples were delivered directly to the State office rather than being mailed resulting in significant savings.
- Onterra will provide a summary, and results will be posted on the District website.
- A description of the EWM treatment conducted on June 10, 2025, was provided
- A follow-up survey was conducted on August 24, 2025, and no EWM was detected, water lilies showed some sign of stress and bladderwort was located which is a sensitive plant, so its presence is a healthy sign
- A request was made to document and report any sighting of EWM for further investigation
- The 10-year lake plan, expected to be completed in early 2027, is being worked on which is mandatory for future grant applications
- A new 5-year plan will be embedded within the 10-year plan.
- Because of grant-sharing, the 10-year plan will come at a cost of only about $3,000, a very significant savings.
- If there is any grant money remaining, the District will petition to reallocate funds
- Onterra will survey the lake and report in 2026
- Approximately $10,000 is set aside for potential diver-assisted harvesting
- Grants require volunteer hours and 50.5 hours of Clean Boats, Clean Waters volunteering have been recorded (50 hours are required)
- Volunteer sheets outside of Clean Boats, Clean Waters should be completed and provided to Tonni Larson or Traci Winkler
- A reminder was provided to be mindful of the fact that what is done on the land directly affects the health of the lake.

Education and Communication Committee Report

Commissioner Krainik provided an Education and Communication Committee Report as follows:

- The District website is located at: Berrylakecommunitydistrict.org
- Electors and community members are encouraged to sign up for email notifications via the District website
- Completion of the perception survey located on the District website is highly encouraged as it is a vital element in the 10-year plan.

Treasurer's Report

Commissioner Krainik presented a Treasurer's Report for District Operations through June 30, 2025, and highlighted the following:

- **Revenue**
  - $42,788.06 – Town of Underhill Loan
  - $16,367.81 - DNR Grant Advance
  - $5.00 – General Admin
  - $5,000 – Town of Underhill Donation
  - $36.51 - Interest
- **Expenses**
  - $43,030.43 – AIS Lake Treatment
  - $87.50 – Professional Services – Website
  - $406.15 – General Admin
  - $420.67 – Meeting Expense (Notices, Newspaper Ads, Communication)

- **July 31, 2025, Ending Balance = $20,726.64**

2026 Budget – Presentation of, and Vote to Approve by Show of Voter Number

Commissioner Krainik presented the 2026 Budget Proposal as included in the Annual Meeting Notice highlighting the following:

- **Expected Year End 2025 Lake Management Costs**
  - $42,788.06 – APM – EWM Treatment
  - $6,475.00 – Monitoring Analysis Samples to Madison Lab ($175 savings realized due to hand delivery of samples)
  - $5,490 – EWM Monitoring – Onterra

- **Expected Year End 2025 Expenditures/Administration Operational Costs**
  - $262.50 – District Website
  - $651.15 – General Admin (Office supplies, PO Box, Tax Filings, Google Workspace)
  - $420.67 – Annual Meeting Expense
  - $2790 – Insurance (Increased from $2,139 due to required adjustment in Workers Compensation Premium)

- **Expected Year End 2025 Revenues**
  - $24,878.76 Grant Reimbursement
  - $5,499.54 – Oconto County Grant
  - $42,788.06 – Town of Underhill Loan
  - $25.16 - Interest

- **Expected Year 2026 Lake Management Costs**
  - $6,290 - EWM Monitoring Onterra
  - $10,500 - Follow-up Hand Harvesting
  - $6000 – Lake Management Plan

- **Expected Year 2026 Expenditures/Administration Operational Costs**
  - $17,775.08 - Grant Matching Funds
  - $42,788.06 – Town of Underhill Loan Payment
  - $200 – Website
  - $2,747 – General Admin (Office Suppliers, Postage & PO Box, Tax Filings, Google Workspace)
  - $1,500 – Unanticipated
  - $500 – Meeting Expense (Notices/Newspaper Ads/Communications)
  - $275 - Google Workspace
  - $2790 - Insurance
  - $750 - Training – Conference
  - $50 - OCLWA Membership
  - $25.16 – Other

- **Expected Year 2026 Revenues**
  - $5,000 - Town of Underhill
  - $12,592 – DNR Grant Reimbursement
  - $1,383 – Oconto County Treatment Reimbursement
  - $3,000 – Oconto County Lake Management Plan Reimbursement

- **$31,874.75 - Proposed Tax Levy**

A discussion ensued regarding the reasoning behind the Proposed 2026 Tax Levy as follows:

- The interaction between the timing of receipt of Tax Levy dollars from the Town of Underhill in comparison to the District's required disbursements and the fact that the Proposed Tax Levy allows the District to avoid falling into a cash negative position at any point during 2026.
- The Proposed Tax Levy provides for a 2026 Year-end surplus which allows the District to plan for future expenses and have more uniform and predictable assessments.
- The Proposed Tax Levy allows for the creation of non-lapsing funds which carry over to future years.

Commentary from the Electors relating to the Proposed Tax Levy was received as follows:

- Voter # 15 – Jennifer Grissman - Is there a target amount for the accrued carryover funds?

  - The District would like to plan to accrue carryover funds to allow for EWM treatment every 3-5 years while keeping the annual Tax Levy fairly uniform

- Voter # 27 – Sarah Theeke – Why is the amount of General Administration Costs increasing by over $2,000 from 2025 to 2026?
  - To account for $1,500 added to the Budget to allow for unanticipated costs

- Voter #23 – Steve Deprey - Motion to approve Proposed 2026 Budget illustrating a Tax Levy of $31,874.75 (accounts for Workers Compensation Insurance cost adjustment) – Second by Voter # 31 – James Rather – Discussion ensues as follows:
  - Voter #23 – Steve Deprey – Inquiry regarding the percentage of the Town of Underhill Revenue funded by Berry Lake Property Owners.
  - Voter #6 – Tonni Larson – Inquiry regarding the required timing of the $6,000 Lake Management Plan Cost and whether that cost could be pushed to the 2027 budget

- Voter #4 – Gina Kozlik - Motion to amend the previous motion to approve the Proposed 2026 Budget to remove the $6,000 Lake Management Plan Cost and the corresponding $3,000 Lake Management Plan Reimbursement to result in a $28,874.75 Proposed 2026 Tax Levy. Second by Voter #23 – Steve Deprey. The Electors Vote 23 in favor of amending the Motion and 12 opposed to amending the Motion. Motion to Amend carries.

- Vote on Amended Motion resulting in a $28,874.75 Tax Levy – 38 Electors in favor, none opposed. Motion to Approve the Amended Budget reflecting a $28,874.75 Tax Levy carries.

2026 Assessment Method – Vote by Secret Ballot

Commissioner Krainik explained to the Electors that the green slip provided to each Elector will be utilized to vote, by secret ballot, on the method to impose the newly approved tax levy, either per parcel (budget divided by 159) or via mil rate (budget assessed per $1,000 of assessed value) and Commissioner Krainik provided an example of how the tax levy would be imposed per parcel and by mil rate.

Commentary from the Electors relating to the Assessment Method was received as follows:

- Voter 19 – Anthony Wells – Question regarding whether an improved lot is assessed differently than a vacant Lot
- Unidentified Voter – opinion voiced in favor of per parcel because the purpose of the assessment is to protect the quality of the lake and that shouldn't be based on property value.
  - A discussion ensued regarding the application of per parcel vs. mil rate assessment methods.
- Voter #32 – Douglas Krueger – Question regarding the interaction between maximum assessments established by Chapter 33 and the application of mil rate vs. parcel rate
- Voter #30 – David Coopman - Comment – the break-even point between per-parcel and mil rate given the approved 2026 Budget is a property value of approximately $275,000.
- Voter #31 – James Rather – Is it possible to use a hybrid assessment method? Response that it is not possible to utilize a hybrid assessment method.

- Voter #24 – Jonathon Jensen – Expressed concern with mil rate assessment method because there is no control over the assessment process and a reassessment will impact how much is paid. This concern was dismissed by explaining that the Budget is what has been approved, not any particular mil rate so if the assessment on a property increases, the mil rate will decrease.
- Voter #11 – Michael Mcdermot - Is this an item that is decided on each year? An item must be on the Annual Meeting Agenda to address it at the meeting and assessment method will not necessarily appear on the Annual Meeting Agenda each year.
- Voter #16 – Mark Lang – Expressed an opinion that higher value properties do utilize the lake more so they should pay more.
- Voter #36 – David Green – Commentary regarding how the tax-exempt status of the Camp interacts with the assessment.
- Voter #34 – Mary Lyness – Commentary regarding the benefit or lack of benefit that non-riparian properties included in the Lake District have based on the health of Berry Lake.

Hearing no additional commentary, the Ballots were collected and counted with results as follows:

- In favor of Mil Rate – 25
- In favor of Per Parcel – 14

The 2026 Berry Lake Community Lake District Budget will be assessed on a mil rate basis.

Election of Commissioners – Vote by Secret Ballot

- Commissioner Krainik explained to the Electors that the yellow slip passed out to each Elector would be used to elect 3 Commissioners to varying terms of office of 3 years, 2 years and 1 year in duration.
- Commissioner Krainik explained to the Electors that the 3 individuals (other than the Oconto County appointee and the Town of Underhill appointee) currently serving as Commissioners were appointed by Oconto County.
- Commissioner Krainik explained to the Electors that individuals are elected to the Board by the Electors, but they are not elected to certain roles.
- Commissioner Krainik explained to the Electors that priority is given to one permanent resident occupying a position on the board.
- Commissioner Krainik explained the nomination process to the Electors
- Commissioner Heimerman further explained the nomination and election process and explained that the Commissioner receiving the most votes will receive a 3 year term, the Commissioner receiving the second most votes will receive a 2 year term and the Commissioner receiving the least number of votes will receive a 1 year term.
- Commissioner Heimerman received nominations from the floor as follows:
    - Voter #12 - Jenny Morrow, nominated **Andre Krainik**, Voter #13 – Gary Watry seconded the nomination and in response to the nomination, Andre Krainik expressed his willingness to serve.
    - Voter #37 – Virginia Stein, nominated **Jenny Morrow**, Voter #39, John Egan seconded the nomination and in response to the nomination, Jenny Morrow expressed her willingness to serve.

  - Voter #23 – Steve Deprey, nominated **James Deprey**, Voter #11, Michael McDermot seconded the nomination and in response to the nomination, James Deprey expressed his willingness to serve.
- Commissioner Heimerman called for nominations three times and heard the following:
  - Voter #34 – Mary Lyness, nominated Tonni Larson, Voter # 39 – John Egan seconded the nomination and in response to the nomination, Tonni Larson respectfully declined the nomination.
  - Commissioner Heimerman again called for nominations three times and hearing none, on motion by Voter #23 – Steve Deprey, and seconded by Voter #22, Michael Hughes, nominations were closed, the ballots were collected and counted with results as follows:
    - Jenny Morrow – 31 Votes – 3-Year Term
    - Andre Krainik – 29 Votes – 2-Year Term
    - James Deprey – 27 Votes – 1-year term

Open Discussion

Commissioner Krainik announced to the Electors that the meeting's open discussion period would commence and reminded the Electors to present commentary and questions with respect and decorum.

Following Commissioner Krainik's announcement, commentary was submitted as follows:

- Voter #11 – Michael McDermot – Expressed thanks to the Commissioners and provided information regarding the Berry Lake Property Owner's Association, how to join and the activities engaged in by the BLPOA
- Voter #12 – Jenny Morrow – Expressed thanks to Tonni Larson for her efforts in forming the Lake District and in serving the District throughout 2024 and encouraged individuals to join and remain involved with the BLPOA

Schedule 2026 Annual Meeting

On motion by Voter # 4 – Gina Kozlik and seconded by Voter # 28 – Marie Goffard, to establish August 22, 2026, at 9:00am, as the 2026 Berry Lake Community Lake District Annual Meeting date and time, the motion was voted on and was carried.

Adjourn

On motion by Voter #13 – Gary Watry and seconded by Voter #12 – Jon Morrow, to adjourn the meeting, the meeting was adjourned at 10:48am.

Respectfully Submitted: Jenny Morrow, Secretary Posted: DRAFT