

**Lake Ripley Management District
Meeting Minutes
September 20, 2003**

9:30 – 9:40 A.M. Reception for Lake Watch Volunteers

Lake Watch volunteers were invited to a reception before the regular meeting so the Board could present Certificates of Appreciation and get feedback on the program. Kent Brown, Rose Marie Ward and Jim Biechler attended to share their experiences and accept their certificates. Much of the discussion focused on perceptions that there needed to be a more consistent, visible and responsive police presence on the lake. Paul Jorstad recommended that the Board send a letter to the Town of Oakland if it was not satisfied with the existing level of law enforcement on the lake. John Molinaro indicated he would like to set up a meeting with Officer Bruce Gondert and someone from the Town to talk about these types of issues.

9:40 A.M. Regular Meeting

I. Call to Order

The meeting of the Lake Ripley Management District (LRMD) was called to order by Chairman Molinaro at 9:40 a.m., following a 40-minute reception and award ceremony for the Lake Watch volunteers. Secretary Hoffman took roll call. Board members present were Derek Hoffman, Dennis McCarthy, Mike Sabella, John Molinaro, Joanne Knilans and Paul Jorstad. Pam Rogers was absent. Others present included Paul Dearlove (Priority Lake Project Manager), Gary Zibell (Cambridge Cable TV 12), Dick Kruger (Oakland Sanitary District), Kent Brown, Craig and Maggie Kempel, Ann Molinaro, Roger Rude, Jim Biechler and Rose Marie Ward.

II. Election of Officers

*Molinaro moved to nominate Sabella as Treasurer. Hoffman seconded, and motion was carried by a 6-0 vote.
Molinaro moved to nominate Hoffman as Secretary. McCarthy seconded, and motion was carried by a 6-0 vote.
Sabella moved to nominate Molinaro as Chair. Hoffman seconded, and motion was carried by a 6-0 vote.*

III. Public Comment

Dick Kruger asked to give a brief update on the recent activities of the Oakland Sanitary District. He provided an overview of the existing sanitary sewer system, and explained that there were infiltration problems that needed correcting. He pointed out the locations of the suspected problem areas, and said remediation would start as early as next year. He then responded to questions pertaining to the system and future upgrades. Discussion related to the public input process and whether it allowed for participation by seasonal property owners, the demographics of people served by the facility, and the available options and funding strategies for upgrading the system.

Also under Public Comment, Maggie Elson Kempel asked the Board if it would be willing to set up a memorial to accept donations on behalf of her late father, Forest K. Elson. She said her father was a long-time resident and avid fisherman on Lake Ripley, and that she wanted to see memorial donations used for fishery-enhancement projects. She also suggested posting donation information on our website. Molinaro expressed interest in setting up the memorial fund, but was concerned that the District was not currently implementing fishing-specific projects for which the money could be earmarked. Sabella noted that although there were mechanisms in place to accept donations into the general fund, a system was not in place to earmark donations on a project-specific basis. Hoffman suggested using the memorial to fund youth education programs, and discussion ensued on the possibility of setting up an educational program or scholarship fund. Kempel voiced concerns about the scholarship idea for which she claimed to have had experience. She felt it was inherently difficult to administer and consistently finance such a program, and didn't like the fact that the money would not go toward local improvement projects. Sabella suggested taking the memorial idea under advisement until a system could be put into place that was mutually acceptable to the District and the Kempel family. Kent Brown encouraged the Board to be aggressive in setting up a system to accept and utilize all different types of donations, especially given the aging of the population around Lake Ripley. Molinaro thanked everyone for their input, and indicated that he would work with the Board to develop the necessary mechanisms for accepting and utilizing these types of donations.

IV. Minutes of Last Meeting

The Board reviewed the minutes of the last meeting and had no additions or corrections. *Hoffman moved to accept the minutes as written. McCarthy seconded and the motion was carried by a 6-0 vote.*

V. Treasurer's Report

Sabella distributed and summarized the two-month interim financial reports for the period ending August 31, 2003 for both the LRMD and Lake Ripley Priority Lake Project (LRPLP) accounts. Highlights are provided below.

LRMD: Receipts for the period were \$18,277.29, consisting of \$86.20 in interest earned on investments and \$18,191.09 in real estate tax revenue. Disbursements for the period were \$4,476.83. A detailed listing of actual disbursements was provided. As of August 31, 2003, there was a total cash balance of \$82,981.52, with a \$39,346.69 receivable due from the LRPLP account and a \$6,000.00 receivable due from the NPS account. These funds were previously advanced to cover expenses prior to receiving state grant monies.

LRPLP: Receipts for the period were \$5,160.07, consisting of \$52.97 in interest earned on investments and a DNR cost-sharing receipt of \$5,107.10. Disbursements for the period were \$9,265.34. A detailed listing of actual disbursements was provided. As of August 31, 2003, there were cash balances of \$200.00 in petty cash, \$42,829.96 in the general checking account, and \$19,785.40 in the nonpoint source (NPS) account. As indicated above, the LRPLP and NPS accounts owe the LRMD \$39,346.69 and \$6,000.00, respectively.

McCarthy moved to accept the treasurer's report. Hoffman seconded, and the motion was carried by a 6-0 vote.

VI. Lake Manager's Report

Dearlove presented the Lake Manager's Report, detailing activities of the Lake Ripley Priority Lake Project since the 7/19/03 regular meeting. Highlights are presented below.

- The Ripples newsletter was distributed to all Lake District and watershed residents.
- An informational tour of Lake Ripley and the Lake District Preserve was hosted for the Oakland Town Board.
- A shoreline survey was conducted to count moored watercraft and measure piers; Information was compiled from public launch registrations, and the summer boat census was concluded; GIS and statistical analyses were performed on the watercraft census data and used to create charts, graphs and maps for the carrying capacity report; A presentation abstract was submitted for consideration for the upcoming WAL Conference.
- A shoreline protection training workshop was held that included a tour of sites on Lake Ripley.
- Weed-harvesting operations continued at a higher intensity due to rapid growth of milfoil; Chuck Schueler was hired as an assistant harvester operator; Preparations are underway to transport the equipment back into winter storage.
- Our parcel-ownership database was updated and 'Welcome Wagon' packets were sent to 15 new residents
- Assistance was provided for the planning of a WAL workshop on managing recreational use on lakes.

Other Announcements:

- The Town of Oakland approved the final plat for Majestic Pines with environmental deed restrictions on most of the wetlands and shoreline
- The Long Sod Farm ditch-repair project is likely to be postponed again at the request of the cost-share recipient.
- A lakefront property owner (Dave Barnes) located adjacent to several shoreline restoration sites is interested in cost-sharing a similar project.
- Another lakefront property owner (Bob Stoehr) signed a cost-share agreement and construction plan to complete a shoreline riprap project next year.
- A few complaints were received regarding abnormally low lake levels due to drought.
- Summer E. coli testing results from the community beach were found to not warrant concern at the present time.
- Lake Ripley Park has been identified as a potential site for a rain garden demonstration project.
- A zoning variance was issued by the Jefferson County Board of Adjustments for the Foersterling deck. In 1999, a portion of the deck was illegally located within the shoreline setback without a permit.
- A joint DNR-Lake District study is proposed to study the impact of pier-shading on near-shore fisheries habitat.

VII. Old Business

A. Recreational Carrying Capacity Report

Molinaro reviewed the status of the Lake Ripley Recreational Carrying Capacity Study that was currently underway. He indicated that the pier and watercraft census was complete, and that efforts were now directed at evaluating the information and writing the report. Molinaro mentioned that the study had recently drawn state-wide interest, and that he and Dearlove planned to present the study's methods and conclusions at two upcoming WAL conferences.

B. Status of Deed Restrictions for Majestic Pines

Molinaro announced that the final plat and deed restrictions for Majestic Pines were passed by the Oakland Town Board. He commended the Town Board for withholding approval until it was satisfied there were adequate environmental deed restrictions in place to protect Lake Ripley. He anticipated that the next point of contention will involve the issue of pier placement, for which the DNR had previously indicated it would not likely grant a permit. Kruger added that the proposed development will also require modifications to two sanitary district lift stations, and that the issue has raised additional concerns about the project.

VIII. New Business

A. Charging Policy for Office Copying

Molinaro and Dearlove informed the Board of the recent open records request by Rumpf Law Offices related to Majestic Pines. It was explained that an unusually large volume of copies had to be made to satisfy this request. Molinaro suggested that the Board consider adopting a charging policy to help recover expenses incurred for these types of requests in the future. He noted that the Town of Oakland currently charges \$0.25 per copy. Jorstad and Sabella felt copying charges should start with the first copy. Sabella also supported trying to retroactively recover copying costs incurred as a result of the open records request. Molinaro responded that he didn't want to create the appearance that the policy was being tailored specifically for Majestic Pines. After some discussion, *Sabella moved to institute a \$0.25/copy fee for all public-open-records requests under the Freedom of Information Act. McCarthy seconded and the motion was carried by a 6-0 vote.* The Board agreed that legal counsel should be sought to determine whether the policy could be used retroactively.

B. Carl Lang Path Proposal in Lake Pointe Conservation Easement

The Board reviewed correspondence from Carl Lang requesting a walking path through property held in conservation easement. Dearlove noted that the applicant had been invited to the meeting to present his proposal and answer questions, but he was unable to attend. After reviewing the proposal and consulting the easement contract, Molinaro asked Board members to share their comments and concerns with respect to the project. He began by pointing out that the information provided to date still leaves some important questions unanswered. In particular, he was concerned that the project would require the clearing of sensitive wetland areas. He was also unclear how a walking path could be installed and used in such a wet, mucky area. Jorstad felt that approving exceptions to the easement invited similar proposals by other residents adjacent to easement property. Molinaro agreed and felt there was no compelling justification to make such an exception. McCarthy echoed concerns about the nature of this ecologically sensitive area, as well as the potential impacts of operating a bobcat in saturated soils during installation. Hoffman added that even the slightest water-level fluctuations could dramatically change site conditions in this flat, marshy area that would not be conducive to a path. Sabella concurred with the comments that had already been made, especially with respect to the dangerous precedent that could be established. *Molinaro made a motion to send a letter denying the request for a path based on the information provided and the Board's determination that it is inconsistent with the purpose of the easement. Hoffman seconded. Sabella made a point of discussion by suggesting that Lang be given the opportunity to resubmit his request. The motion was then carried by a 6-0 vote.*

C. Lake Leaders

Molinaro said he was notified by Bob Korth at the U.W.-Extension in Stevens Point that they were putting together another "Lake Leaders" crew. He explained that the program invites a limited number of lake activists throughout Wisconsin to participate in a series of lake-management training workshops. The workshops take place over the course of several days and are held at various locations in the state. In 2004, the meetings will take place May 20-21 at Green Lake, September 9-10 at Kemp Station near Stevens Point, and sometime in October at a location near Baraboo. Molinaro graduated from the first Lake Leaders crew a few years ago and said he felt it was a very educational and rewarding experience. He said he would be happy to nominate anyone from the Board who might be interested in participating. He also indicated that some money was available to help cover travel expenses.

D. January 31, 2004 Recreational Use Workshop

A recreational-use planning workshop will be held by the Wisconsin Lakes Partnership the morning of January 31, 2004 at the Waukesha Technical College. Molinaro said that he and Dearlove are involved in organizing the workshop, and were invited to give a presentation on how to conduct a carrying capacity study.

In other New Business, Sabella inquired about the status of the Lake Pointe pier which had been the subject of recent modifications. Dearlove explained that he measured the pier and found that it exceeded the dimensional requirements outlined in the conservation easement. He said the length and width were approximately 16 and 9 feet in violation, respectively. Sabella asked what action was going to be taken to resolve the matter. Molinaro responded that Dearlove will contact the DNR warden to determine what steps should be taken. Sabella pointed out that the District has the responsibility to take immediate action and contact the proper authorities whenever noncompliance is discovered, regardless of the situation.

IX. Correspondence

The following correspondence was received since the last meeting:

- An 8/4/03 memorandum was received from Patricia Cicero indicating that the recommendations of the Jefferson Co. Lakes Enhancement Committee were presented to the Zoning Committee and Land & Water Conservation Committee. Both committees accepted the report into their official records.
- E-mail correspondence (8/6/03-8/20/03) was exchanged with Jefferson Co. Zoning and legal counsel for Bob Foersterling regarding an illegally placed deck within the 75-ft. setback. Molinaro indicated that the Jefferson County Board of Adjustments recently approved a variance for the structure. He and Dearlove reviewed the variance approval and were unclear as to how an unnecessary hardship situation could be justified. Because of the precedent it sets, Molinaro said the DNR will be contacted to try and determine whether there was basis for a variance approval.
- An 8/26/03 letter was sent from Attorney Mary Behling to John Probst regarding continued farming encroachment and subsequent property destruction at the Lake District Preserve. The letter seeks compensation for a destroyed prairie restoration and other related expenses, and warns that continued trespass will result in a call to the local sheriff.
- An 8/24/03 open records request was received from Attorney Mike Rumpf relating to Majestic Pines. The LRMD responded with by submitting the requested records on 8/28/03.
- An 8/28/03 letter was sent to our Lake Watch volunteers thanking them for their help, and inviting them to attend a recognition ceremony prior to our September meeting.
- Letters were exchanged between the LRMD and Carl Lang (8/8/03-9/8/03) regarding a proposed walking path through property held in conservation easement.
- A 9/17/03 e-mail was received from Maggie & Craig Kempel requesting that the LRMD establish a memorial fund for Forest K. Elson with proceeds going toward fishery-enhancement projects.

X. Adjournment

Sabella moved to adjourn the meeting at 11:25 a.m. Knilians seconded and the motion was carried by a 6-0 vote. Meeting adjourned.

Respectfully Submitted,

Derek Hoffman, Secretary

Date

Recorder: PDD