

**Lake Ripley Management District  
Meeting Minutes  
November 18, 2006**

**I. Call to Order & Roll Call**

The Lake Ripley Management District (LRMD) Board met at the Oakland Town Hall at N4450 County Highway A in Cambridge on November 18, 2006. Chairman Molinaro called the meeting to order at 9:00 a.m. Secretary Jacobsen-Brown took roll. Board members present included Dennis McCarthy, Mike Sabella, John Molinaro, Gene Kapsner, Mike Burow and Jane Jacobsen-Brown. Derek Hoffman was absent. Others present included Paul Dearlove, Kent Brown and Jeff Knops. The meeting was taped by Cambridge Cable TV Channel 12.

**II. Public Comment**

Jeff Knops of the Lake Pointe Homeowners Association asked if the agenda could be amended to allow early discussion on New Business item VII.A. He said he was representing the Association on the matter, but was not able to stay due to a scheduling conflict. Molinaro asked if the Board had any objections to moving the agenda item so it could follow the Treasurer's Report. Hearing no objections, the agenda was duly amended.

**III. Minutes of Last Meeting**

The Board reviewed the minutes of the 10/21/06 meeting and had no additions or corrections. *Sabella moved to approve the minutes as written. Motion seconded by McCarthy with no subsequent discussion. Motion carried 6-0.*

**IV. Treasurer's Report**

Sabella presented the treasurer's report for the LRMD and Lake Ripley Priority Lake Project (LRPLP) for the one-month period ending October 31, 2006.

LRMD: Total receipts for the period were \$28.76, representing interest earned on investments. Total disbursements were \$13,459.97. A listing of disbursements was included. It showed an \$11,000.00 loan to the LRPLP to cover operations, \$1,400.00 in board stipends, and other expenses related to weed harvesting, legal fees and office petty cash disbursements. As of October 31, 2006, there were cash balances of \$49,245.46 in checking and \$95,000.00 in a bank certificate of deposit. Sabella noted that the certificate of deposit was set to mature in December at which time the interest will be posted. He estimated that approximately \$85,000 of the money was designated to the restricted capital reserve account. It was also reported that \$42,395.66 was due from the LRPLP account.

LRPLP: Total receipts for the period were \$11,006.76, consisting of an \$11,000.00 loan from the LRMD for operations and \$6.76 in interest income. Total disbursements were \$4,829.65. A listing of disbursements was included. It showed disbursements related to staff wages and payroll taxes, office rent, and general office expenses. As of October 31, 2006, cash balances were \$200.00 in petty cash, \$10,924.92 in checking, and \$27,160.55 in the nonpoint source (cost sharing) account. There was also a balance due to the LRMD of \$42,395.66. With the expiration of LRPLP funding, Sabella noted that the LRPLP account will be merged into the LRMD account on January 1, 2007.

*Kapsner moved to accept the treasurer's report as presented. Motion seconded by Burow without subsequent discussion. Motion carried 6-0.*

**V. Lake Manager's Report**

Dearlove reported on his activities since the last meeting. Highlights included:

- Repairs on the weed harvester and shore conveyor were completed.
- The Ripples newsletter was produced and disseminated, and updates were made to the LRMD website.
- Four proposed cost-share projects were evaluated by the subcommittee and recommended for Board approval.
- ABEX Survey was hired to tie the recently installed staff gage into an existing elevation benchmark.
- Midwest Prairies was hired to perform prescribed burning at the Preserve this spring.
- An inspection of the Kaashagen restoration was conducted. A summary report was prepared and provided to the Board.
- A site investigation was conducted with Dan Hunt to evaluate the Lake Pointe proposals in relation to the easement.
- A partnership was formed with Dr. Richard Chenoweth at UW-Madison to have his graduate students implement a community-based social marketing project to affect desired behavior changes around Lake Ripley. A proposed project outline with estimated costs was distributed to the Board. A funding source had not been identified.
  
- Attorney Bill O'Connor was being consulted to establish the necessary legal framework for our cost-share program, and to finalize the landowner-agreement template.
- Efforts are underway to apply for a \$10,000 DNR lake planning grant due February 1, 2007. The grant would be used to update existing management plans, map Lake Ripley's groundwater-recharge area, and take additional sediment cores to evaluate the effectiveness of ongoing pollution-control programs.

Dearlove asked for input on the Lake Ripley E-Bulletin as far as its future use and content. He noted that it was last distributed on November 7<sup>th</sup> with upcoming meeting reminders. Sabella requested that Dearlove send weekly or biweekly e-mail updates to the Board in addition to the occasional E-Bulletin that goes out to the general public. He felt it was important for Board members to know what was going on between meeting dates. Dearlove agreed to provide these more frequent updates to the Board. He also asked that the Board continue thinking about how it wanted to utilize the more broadly distributed E-Bulletin, especially in terms of its frequency and content.

## VI. Old Business

### **A. Approval of F.K. Elson Fund disbursement for Baker tree-drop**

Molinaro said a Board motion was needed to authorize a disbursement from the F.K. Elson Fund to pay for expenses related to the Baker tree-drop project. *Burow moved to approve allocating \$577.22 from the F.K. Elson Fund to pay for the Baker tree-drop. Motion was seconded by Jacobsen-Brown without subsequent discussion. Motion carried 6-0.*

## VII. New Business

### **A. Consideration and possible action on proposed Lake Pointe pier activities affecting conservation easement**

Dearlove introduced Jeff Knops from the Lake Pointe Homeowners Association. He said the Association was requesting permission to 1) cut wetland vegetation to a 2' height within 15' of either side of the boardwalk, 2) build a 12x15' sitting area adjacent to the pier and set back 35' from the lake, and 3) create a stone parking area for bicycle parking off the road. Dearlove reminded the Board that the property was deed restricted by a conservation easement co-owned by DNR and LRMD since 1995. He explained that the deed restrictions relate to wetland and shoreline areas that would be affected by the proposed activities. They also stipulate the maximum size and configuration of the existing pier, which he noted currently exceeds its maximum length by about 20 feet. Dearlove distributed copies of the proposals, recent and historic pictures and aerial photographs of the site, wetland inventory maps, and a copy of a November 15<sup>th</sup> e-mail from Dan Hunt articulating the DNR's position on the proposals. At Molinaro's request, Dearlove read Hunt's e-mail into the record:

“As far as the Lake Pointe request, I really don't see the need for a sitting area and graveled area for the bikes. The wetland appears to be within several feet of the road pavement. I think it would be difficult to place gravel without placing it in the wetland. As a matter of fact, it appears that the sign and associated rock may already have been placed in a wetland, unless they can place the rock directly adjacent to the road and extending only several feet off the pavement. I don't think that placing rock there will keep kids from leaving their bikes on the road. Can they do it without placing it in wetlands and within the requirements of the conservation easement?”

Second, I don't think the sitting area is needed either. The pier appears to be 4 feet wide and there's enough room to walk on it safely. I don't see how having a "sitting area" would prevent kids or adults from falling off the boardwalk/pier. If they want a simple bench seat on the pier that is allowed under state regulations and the easement. I think that would be a better alternative and also give the owners more use of the pier. The area adjacent to the boardwalk and between the road and the lake is a nice sedge meadow. There was a previously disturbed area near the lake and that allowed Reed Canary Grass, an aggressive, invasive plant, to establish. I think this would happen again if a sitting area were installed.

Also, I understand that the piers can extend a maximum of 100 feet from the shoreline. We measured them yesterday and they appeared to extend at least 120 feet from the shoreline.”

Molinaro invited Knops to speak on behalf of the Association. Knops said that their intention was to increase safety and security around the pier. He said keeping vegetation trimmed next to the pier was necessary to maintain pedestrian visibility from the road, and was recommended by the police as a way of deterring vandals. He said the Association had been cutting next to the pier in years past, and that he was just recently informed that the activity was prohibited under the easement. As for the bike pad, he explained that marshy conditions do not allow for a safe place to park bikes except for on the road where they risk getting run over. Finally, he said a sitting area was needed to more safely accommodate children and recreational gear when multiple families are trying to use the pier at the same time. Knops asked the Board to consider each proposal separately, rather than as an all-or-nothing deal.

Molinaro gave a brief overview of how and why the easement originally came about. He said it was his opinion that allowing any further development or disturbance of that area was against the original intent of the easement. He also expressed concern about what he considered to be existing violations, including excessive pier length, clear-cutting around the pier and shoreline, and the placement of a sign and stone in the wetlands. He did not see the need for a 12x15' sitting area given that the pier was already bigger than most others on the lake. Molinaro felt the pier was already plenty wide to be safe, and suggested that a railing could be added to the boardwalk.

Kapsner concurred that it was hard to see how a sitting area would make the pier safer. He suggested mounting a bench to one side of the pier to allow for sitting. As for bike parking, he offered that the Association could approach the Town to request a larger shoulder area. However, he cautioned that a wider shoulder may just invite unwanted vehicular parking, regardless of whether no-parking signs were used. Kapsner said he would also have a hard time supporting anything more than limited cutting near the road. He did not think there was adequate justification or a need to cut down to the shoreline.

Sabella said the Board not only had a responsibility to protect the lake, but also to serve tax-paying homeowners around the lake. He said homeowners should have the right to reasonably improve their properties, voicing support for the idea of a sitting area even if it impacts some of the wetlands. He said the Association should not be penalized for having a pier at that location, and that the homeowners bought their properties with the expectation of having a certain level of lake access. He said the Board should keep an open mind and ask itself whether it's time to change the law so it makes more sense and helps the homeowners. He said it wouldn't be fair to compare the present situation with the Kaashagen enforcement matter because they involve completely different circumstances. Sabella said the Board should not deny the request simply because it might not conform to the language of the easement.

Burow countered that people had the right to develop and improve their properties as long as it was done within the confines of the law and existing land-use restrictions, which were put in place for a reason. He said it was incumbent upon the homeowners to understand these restrictions prior to buying their properties. Burow cautioned that the law can't be changed to help one person or group without it being changed for everyone.

Molinaro asked if any other Board members had comments. Jacobsen-Brown responded by thanking Knops for coming to the meeting and trying to do the right thing. She said that after visiting the pier, she had to admit walking away feeling that it was plenty wide and big enough already. She said she was surprised by the extent of the cutting, especially down near the lakeshore. Jacobsen-Brown said that it would be a slippery slope to ask DNR to penalize one neighboring property owner for unauthorized cutting while turning around and granting permission to another property owner to do something similar. While she was opposed to the deck and continued cutting all the way down to the lakeshore, she said she did not see anything wrong with limited cutting near the road. She was also amenable to allowing some more stone around the sign to accommodate the parking of a couple bikes.

Sabella told Knops that the Association risked having their requests rejected in total unless it was willing to come back to the Board with a scaled-back version. Knops concurred, saying the discussion had been educational for him. He offered to spend more time working with Dearlove and Hunt to craft a more acceptable proposal. ***Molinaro moved that the Board deny the Lake Pointe Association's requests in their present form, but with the idea that the Board would be willing to consider a modified request at a later date. Motion was seconded by Burow. As a point of discussion, Jacobsen-Brown said that no further cutting shall be allowed until a plan is approved. Motion carried 6-0.***

#### **B. Consideration and possible action on recommended cost-share projects**

Molinaro announced that he, Hoffman and Dearlove met on November 8<sup>th</sup> to evaluate four proposed cost-share projects. Completed scoring sheets and photographs of each project site were distributed. They included:

- Daniel & Kristie Lorden (W9071 Ripley Rd.); proposed shoreline buffer received score of 13; recommended for approval

- Jim & Janice Hoiby (N4376 Friedel Ave.); combined shoreline restoration and rain garden received score of 13; recommended for approval
- Town of Oakland (next to W9215 Ripley Rd.); shoreline buffer received score of 13; recommended for approval
- Lake Ripley Marina (N4098 Ripley Rd.); public signage for lake rule postings received score of 10; recommended for approval

Molinaro noted that he and Hoffman felt that new signage at the marina might be something the Town of Oakland could cover through its boat-launch fund. Kapsner replied that the suggestion had merit and was worth consideration. He said he would make the request at the Town meeting next week, and would also present the idea of installing a shoreline buffer on the Town's Beach Lane property.

***Sabella moved to approve cost sharing the Daniel & Kristie Lorden project. Motion was seconded by McCarthy without subsequent discussion. Motion carried 6-0.***

***McCarthy moved to approve cost sharing the Jim & Janice Hoiby project. Motion was seconded by Sabella without subsequent discussion. Motion carried 6-0.***

***Burow moved to approve cost sharing for the Town of Oakland project. Motion was seconded by Sabella without subsequent discussion. Motion carried 6-0.***

***Sabella moved for continuation with respect to the Lake Ripley Marina project. Motion was seconded by McCarthy. As a point of discussion, Kapsner requested that Dearlove submit a letter to the Town Board prior to its next meeting requesting the use of restricted boat-launch funds to improve public signage at the marina. Motion carried 6-0.***

#### **C. Regional and state lakes conferences**

Molinaro announced two upcoming conferences for which he was helping to plan. The Wisconsin Association of Lakes will be sponsoring a southern Wisconsin regional conference in Waukesha on February 21, 2007. The Wisconsin Lakes Conference will then take place in Green Bay on April 26-28, 2007.

#### **VIII. Correspondence**

All correspondence had been discussed with the exception of an e-mail received 11/3/06 from Gary Chamberlain of TruGreen ChemLawn. The e-mail provided written confirmation that the company uses only phosphorus-free product mixes in our area.

#### **IX. Adjournment**

***Kapsner moved for adjournment at 10:50 a.m., and was seconded by Burow. Motion carried 6-0.***

Meeting adjourned. Next meeting: January 20, 2006.

Respectfully Submitted,

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Jane Jacobsen-Brown, Secretary

Date

Recorder: PDD