

**Lake Ripley Management District
Meeting Minutes
December 11, 2004**

I. Call to Order & Roll Call

Chairman Molinaro called the meeting of the Lake Ripley Management District to order at 9:00 a.m. Secretary Hoffman took roll call and noted the following Board members present: John Molinaro, Derek Hoffman, Dennis McCarthy, Sheri Walz, Mike Sabella and Jane Jacobsen-Brown. Paul Jorstad was absent. Others in attendance included Paul Dearlove (Lake Manager), Gary Zibell (Cambridge Cable TV 12), Dawn Kubly, Ron Buss, Junior Gerstner, Roger Rude, Allen Howe, Marian Korth, Mike Rumpf, Buck Sweeney, Angela Black, Kent Brown and Jim Rank.

II. Public Comment

Ron Buss commented that the recent ordinance proposals did not adequately address the real problem on the lake, which he felt was the large number of boats. He asked what the Board planned to do to reduce the number of boats. Mr. Buss also indicated that there was an overabundance of piers that do not meet reasonableness standards. He asked who monitors and regulates these piers, and whether the proposed DNR rule changes will grandfather such structures. Both Dearlove and Molinaro attempted to briefly respond to his questions. Molinaro then offered to add the topic as an agenda item for the next meeting if further discussion was requested. Mr. Buss asked that the Board offer a position with respect to the DNR's proposed "grandfathering" of existing piers as part of the rulemaking process for Wisconsin Act 118.

Junior Gerstner commented that it appeared the Lake District was on a timeline to get the ordinance proposals adopted. He said that as a Town resident and property owner he was entitled to have discussion on the matter. Molinaro pointed out that this was not the appropriate forum. He explained that this was not a public hearing but rather a meeting of the Lake District commissioners. He further explained that accepting public comment was strictly at the discretion of the Board, with the exception of the Annual Meeting of the electors held in August. Mr. Gerstner requested an agenda item for the next meeting calling for the postponement of the proposed ordinance changes. He said he wanted the public to have ample opportunity to comment. Molinaro pointed out that there had already been a public hearing and an extended public comment period, and that a significant number of responses have been received. He said the Town was responsible for setting the hearing date and public comment period, as well as for deciding whether to take further action on the joint committee's proposals. Dearlove added that a special edition of the Ripples newsletter was mailed to every property owner within the Lake District in an attempt to get additional public input.

Dawn Kubly commented that the joint committee's attempt to compromise has lowered the bar for protection standards on Lake Ripley. She felt that many of the proposals did not go far enough, and said the board needs to uphold its mandate to protect the lake. She said she reviewed the Lake Ripley Management Plan that was prepared five years ago, and was disappointed that many of the recommendations were not being implemented to their fullest extent.

III. Minutes of Last Meeting

The Board reviewed the minutes of the 10/09/04 meeting and had no additions or corrections. *Sabella moved to accept the minutes as written. Hoffman seconded and there was no further discussion. Motion carried 6-0.*

IV. Treasurer's Report

Treasurer Sabella distributed and reviewed financial statements for the Lake Ripley Management District (LRMD) and Lake Ripley Priority Lake Project (LRPLP) for the two-month period ending November 30, 2004. A summary is provided below.

LRMD: Receipts for the period were \$122.06, consisting entirely of interest earned on investments. Disbursements were \$3,563.41, consisting mainly of board stipends, office petty cash charges, shoreline rental for weed harvesting, and prairie burn expenses at the Preserve. As of November 30th, there was a cash balance of \$119,559.10, with a \$39,000.00 receivable due from the LRPLP to cover operations prior to receipt of our Priority Lake Project grant. Sabella explained that monies owed were previously budgeted in anticipation of the grant not being sufficient to cover all expenses. He pointed out that the annual grant amount has not changed and is not adjusted for inflation. He said the receivable is paid back prior to the end of the year.

LRPLP: Receipts for the period were \$6,656.61, consisting of \$24.11 in interest income and \$6,632.50 in cost-share reimbursements from DNR. Disbursements were \$32,995.98, consisting mainly of project cost-share reimbursements,

payroll, and office-related expenses. As of November 30th, there were cash balances of \$200.00 in petty cash, \$22,200.51 in general checking, and \$8,730.37 in the NPS checking account. There was also a \$39,000.00 payable due to the LRMD.

McCarthy moved to accept the Treasurer's Report as written. Walz seconded and there was no further discussion. Motion carried 6-0.

V. Project Manager's Report

Dearlove presented his Project Manager's Report, detailing Lake District and Priority Lake Project activities since the last meeting. A summary is provided below.

Cost-Share Projects

- The multi-year effort to reshape and stabilize 17,425 feet of eroding ditch banks at the Long Sod Farms was completed.
- Van Acker shoreline riprap project was corrected by the contractor and reimbursement was issued.
- To date, a total of 3,821 feet of eroding shoreline have been stabilized and restored through riprap and re-vegetation. Over 700 feet of additional shoreline are scheduled to be repaired in 2005. Over 90% of our "priority" shoreline and drainage ditches targeted in our non-point source pollution abatement plan have been addressed. These efforts have resulted in an estimated annual reduction of 1,103 tons of sediment from entering the lake.
- Two new cost-share participants have signed onto the program since the last meeting. Cost-sharing contracts, construction plans and DNR permit applications are currently being developed.
- This year, we were able to utilize all but \$540 of our annual \$25,610 state cost-sharing grant. These remaining funds will be carried over and added to our 2005 installment. In 2005, a sufficient number of projects are lined up to fully utilize all these funds.
- The LRMD has partnered with Cambridge High School's advanced biology classes, Aquatic Environmental Club and the Town of Oakland to install rain gardens at the new town hall site. LRMD cost-sharing funds will be used to supplement a \$1,500 Youth Service-Learning Mini-Grant to complete the demonstration project. We are working with the high school students and U.W. graduate students to design the gardens, select and order plants, and create interpretive displays.

Weed Harvesting

- The weed harvester, shore conveyor and dump truck have all been serviced and moved back into winter storage.

Lake District Preserve

- A controlled prairie burn was successfully conducted at the Lake District Preserve. These burns are performed every few years to facilitate seed germination of native prairie plants and help prevent the infestation of non-native, undesirable species.
- Interpretive educational kiosks were ordered and will be installed along the nature trail before the end of the month. We plan to produce the informational materials in-house at a later date.
- The cutting of invasive shrubs and "junk" trees will also be performed to prevent their further encroachment into the marsh.

Information/Education

- The Ripples newsletter was produced and distributed to all LRMD and watershed property owners. A special insert was included to make people aware of the recommended ordinance proposals. The insert included a public comment form and instructions on how to obtain further information.
- 'Welcome Wagon' informational packets were sent to 21 new property owners. The purpose of these packets is to inform new residents about ongoing lake-management issues, and to educate them on what actions they can take to help protect the lake.

Other News

- Our grant-funded aquatic habitat study continues. The remaining lab work and data analysis will be completed within the next couple months. Results will be shared when available.
- The DNR conducted its fall fish-shocking survey back in October. We have obtained the raw data and are awaiting a summary analysis from the fishery biologists.

VI. Old Business

A. Lake Ordinances Review Committee

Molinaro reviewed the status of the proposed ordinance changes recommended by the joint committee of the Town of Oakland and LRMD Boards. He explained that the Town held a public hearing on November 16th, and had extended the

comment period to December 15th. A special edition of the Ripples newsletter was distributed with information on the proposals and a public comment form. Molinaro said the Town had received significant input. It was his understanding that the Town Board would review the public feedback before deciding how to proceed with respect to each of the proposals.

B. Town Hall Rain Gardens

Molinaro explained that the LRMD is working with Cambridge High School's advanced biology classes, Aquatic Environmental Club and the Town of Oakland to create rain gardens at the new town hall site. Molinaro said that digital photography and a video will be used to document the rain garden installation process for future educational purposes. The rough site grading is done, and the planting will take place in the spring. Roger Rude asked if the Town had plans to temporarily cover exposed soils with mulch for purposes of erosion control. Dearlove responded that he would contact the Town to see what could be done to stabilize the site until the planting/seeding takes place. He pointed out that the existing rain garden berm and silt fencing should prevent any runoff from leaving the site.

VII. New Business

A. New Office Needs

Molinaro provided a brief update on the construction of the new town hall. He said the building was supposed to be completed by the first of the year at which time we would be moving into our new office. He invited the Board members for a short tour of the building after the meeting. Molinaro explained that the office would be smaller than our existing space, and that there was a need for some different office furniture to maximize this space. He pointed out that new furniture has never been purchased in all the years of the LRMD. He estimated that a "new" desk, window treatments, etc. would cost just under \$1,000 after considering various discounts. Molinaro passed around a catalogue and asked the Board for input. ***Sabella moved to approve a budget not to exceed \$1,500, and to authorize the Project Manger to expend such funds at his discretion. McCarthy seconded, agreeing that the budget was appropriate in order to make the small office space as functional as possible. Jacobsen-Brown added that the office should also be reasonably attractive and presentable for visitors. Motion carried 6-0.***

B. Weed Harvester Storage Contract

Molinaro informed the Board that Gerald Pooch had requested a fee increase from \$100 to \$150 per month for the storage of the weed-harvesting equipment. Dearlove explained that Mr. Pooch has acted as our mechanic and winter storage provider over the last several years. ***After some discussion, Sabella moved to authorize the Project Manager to negotiate an acceptable agreement for the current and future storage of the harvesting equipment. Hoffman seconded. Walz asked about bid requirements, and Molinaro responded that it did not meet the threshold. Motion carried 6-0.***

Jim Rank asked if there was sufficient space at the new town hall to allow for the storage of the harvesting equipment in the future. Molinaro responded that the issue has been discussed with the Town. He said the Town's budget does not currently provide for the development of additional building space that could be used for such purposes.

C. S.E. Wisconsin Lakes Conference

Molinaro announced the February 19th regional lakes conference for which he and Dearlove served on the planning committee. The conference will take place in Waukesha. Molinaro said he has volunteered as a moderator, and will be leaving for the conference immediately following our scheduled LRMD Board meeting. Walz suggested moving the meeting time an hour earlier. ***Jacobsen-Brown moved to change the February 19th meeting time to 8:00 a.m. and inform the public. Walz seconded and there was no further discussion. Motion carried 6-0.***

Roger Rude asked why Paul Jorstad, as the appointed Town representative to the LRMD Board, continues to be absent for most of the meetings. He felt a letter should be written to the Town chair to make him aware of the issue. Rude felt Jorstad's poor attendance record made it appear that the Town doesn't care about what happens on and around the lake. Molinaro confirmed the spotty attendance record, and indicated that Jorstad had previously tried to get the Saturday meetings changed to weekday evenings. He said the Board at the time had voted overwhelmingly against the idea since it would essentially prevent part-time residents from attending. Jim Rank asked if Jorstad advises the Board ahead of time whenever he is going to be absent. Molinaro responded that advanced notice is usually not forthcoming.

VIII. Correspondence

- A number of letters and e-mails were received commenting on the proposed ordinance changes now before the Town Board. These public comments were forwarded to the Town Board for its consideration.
- A letter was received via Bill O'Connor from Buck Sweeney, attorney for Allen Howe of Majestic Pines, requesting a meeting to discuss possible piers in designated sensitive areas. Molinaro informed the Board that a meeting was subsequently arranged for Friday morning, December 17th, at Mr. O'Connor's office to hear what they have to say.

Sabella inquired about the purpose of the meeting, and said it wasn't a good idea to have a meeting without a clear agenda. Molinaro asked Mr. Sweeney, who was in attendance, if he would respond as to the agenda topics he had in mind. Sweeney replied that the meeting was an attempt to work with the LRMD on matters related to pier development at Majestic Pines. He said the focus of discussion will be on proposed "improvements" to Vasby's Channel. He acknowledged that any permitting would have to go through DNR. Sabella said they needed to be in better communication and more forthright with the LRMD Board regarding these matters. Sweeney apologized and indicated they had been in communication with our legal counsel. Molinaro explained to Sabella that the representatives of Majestic Pines had repeatedly made claims during recent Town meetings and hearings that the LRMD was unwilling to meet with them. Following these accusations, Bill O'Connor sent Mr. Sweeney and Mike Rumpf a letter explaining that it was their ethical and professional responsibility to communicate through him as the LRMD's legal counsel. The letter also agreed to a meeting since a formal request had finally been received. Sabella explained that the Board meets every month and that all meetings are open to the public. He indicated that if the Majestic Pines group had wished to approach the Board they had only to show up to one of these meetings.

- A letter was received from Steven Bentz informing the Board that he planned to install a woodchip path on his property, and that the path would be located entirely outside the Lake Pointe conservation easement. Dearlove said he verified that the proposed location is outside the easement area.
- An open records request for our mailing list was received by Mr. Rumpf on behalf of Allen Howe of Majestic Pines. Dearlove said the request was fulfilled despite subsequent correspondence from Rumpf claiming otherwise.
- A letter and our year-end financial statements for the past three years were sent to Marian Korth of Majestic Pines following her open records request for this information. Sabella inquired as to the format of all these recent open records requests. Dearlove replied that the requests had been received in various formats, including e-mails, verbal requests and letters. Sabella recommended that in the future we get written acknowledgment from the recipient once the requests are fulfilled.

IX. Closed Session

McCarthy moved to go into closed session under the Board's authority under Wis. Stats. Sec. 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Walz seconded and the motion carried 6-0.

X. Return to Open Session

Walz moved to return to open session. Hoffman seconded and the motion carried 6-0. The Board offered Dearlove a 5.5% raise in salary to take effect in both January 2005 and 2006. A three-month severance agreement was also offered in which Dearlove would receive full pay and benefits. Dearlove thanked the Board and accepted the two-year compensation agreement. *Jacobsen-Brown then moved to formally approve the two-year agreement. Sabella seconded and motion carried 6-0.*

XI. Adjournment

McCarthy moved to adjourn the meeting at 11:25 a.m. Hoffman seconded and the motion carried 6-0.

Next meeting: February 19, 2004 (9:00 a.m. @ Oakland Town Hall)

Respectfully Submitted,

Derek Hoffman, Secretary

Date

Recorder: PDD