

**Lake Ripley Management District
Meeting Minutes
December 17, 2005**

I. Call to Order & Roll Call

The Lake Ripley Management District (LRMD) Board of Directors met at the Oakland Town Hall at N4450 CTH A on December 17, 2005. Chairman Molinaro called the meeting to order at 9:00 a.m. Secretary Hoffman took roll. Board members present included John Molinaro, Derek Hoffman, Jane Jacobsen-Brown, Sheri Walz, Dennis McCarthy, Mike Sabella and Gene Kapsner. Also present were Paul Dearlove (LRMD Project Manager), Kent Brown, Dawn Kubly and Gary Zibell (Cable TV).

II. Public Comment

Dawn Kubly requested the opportunity to comment on the idea of a phosphorus-fertilizer ban, explaining that she was unable to stay for the later agenda item. Citing the 2001 Lake Ripley Management Plan, she said that a prior recommendation was to encourage the use of no-phosphorus fertilizers within 200 feet of the lake to help protect water quality. Kubly did not think the recommendation went far enough. She asked the Board to consider supporting a ban on the residential use of phosphorus fertilizers throughout the Lake Ripley watershed. She proposed using the recent City of Madison and Dane County bans as models.

Molinaro asked if there were objections to amending the agenda so discussion on item VII. A. could take place under Public Comment. Hearing no objections, he asked Dearlove to review the summary information he prepared on the topic. Dearlove distributed a detailed summary report and highlighted some of his key findings. He began by providing some background on phosphorus and how its misuse can contribute to water quality problems. He then reviewed what he felt were the important management implications, and presented some relevant case studies from Wisconsin and Minnesota.

Molinaro said that past LRMD efforts had largely centered on education, mostly through newsletters, Welcome Wagon packets, newspaper articles, etc. He also described previous attempts to persuade a local manufacturer to sell his phosphorus-free products at cost to the LRMD. The idea was that we could help promote and distribute the lake-friendly product to area homeowners at the discounted price. He said that the manufacturer rejected the idea, claiming it would undermine his relationship with area distributors. The manufacturer was later put in contact with Cambridge Ace Hardware which agreed to carry the product. This occurred a few years before the Dane County ban went into effect.

Jacobsen-Brown said she was recently informed by Cambridge Ace that they can no longer even sell conventional fertilizers due to the county ban. She had been told that some people were driving into Fort Atkinson to stock up on the conventional products. Dearlove offered to work with Ace and other distributors to try to set up poster displays touting the benefits of no-phosphorus fertilizers. Jacobsen-Brown suggested also including information in the next Ripples.

Molinaro volunteered to bring the issue before the Jefferson County Land Conservation Committee. He pointed out that while the LRMD does not have the authority to pass ordinances, another option was to bring the matter before the Town Board which does have that authority. Kapsner said he thought it made more sense to take the issue straight to the county level. He explained that other waterways besides Ripley could then benefit from whatever measures may be implemented.

Kapsner moved to send a letter to the county requesting consideration of a countywide ban on phosphorus-based lawn fertilizers. Motion was seconded by McCarthy. Discussion: Sabella requested that the letter reference the Dane County ban. Walz agreed and felt it would be beneficial to include copies of any authorizing resolutions so the county didn't have to reinvent the wheel. Molinaro said the letter should be addressed to the attention of the Jefferson County Land Conservation Committee and Land and Water Conservation Department. Motion passed by a vote of 7-0.

Kent Brown asked the Board if any numbers were available regarding phosphorus loading to Lake Ripley. Dearlove responded that the Lake Ripley Priority Lake Project's 1995 Nonpoint Source Control Plan contained both sediment- and phosphorus-loading numbers, which were also summarized in the report he distributed. He said a phosphorus-budget study could be performed to update those numbers and help fine-tune management efforts. According to Dearlove, a state grant could be used to help pay for such an analysis.

III. Minutes of Last Meeting

The Board reviewed the minutes of the 10/15/05 meeting and had no additions or corrections. ***Sabella moved to approve the minutes as written. Motion was seconded by Walz with no further discussion. Motion carried 7-0.***

IV. Treasurer's Report

Sabella distributed and reviewed his Treasurer's Report for the two-month period ending November 30, 2005, for both the LRMD and Lake Ripley Priority Lake Project (LRPLP).

LRMD: Total receipts for the period were \$1,033.28, consisting of \$698.53 in interest income, \$330.00 in F.K. Elson Memorial Fund donations, and \$4.75 in photocopying fees. As a point of information, Sabella noted that there was a current total of \$610.00 in the memorial fund. Total disbursements for the period were \$5,184.19. As of November 30, 2005, there were cash balances of \$55,102.62 in regular checking, and \$80,000.00 in an investment account. It was reported that the \$80K certificate of deposit matured in early December. After comparing competing bids, another six-month CD was purchased for \$95,000.00 at 4.35% through the Cambridge State Bank. Sabella explained that he stayed below \$100K to avoid having to pay insurance or provide collateral for the loan which also reduces the rate.

LRPLP: Total receipts for the period were \$1,517.96, consisting of \$17.96 in interest income and \$1,500.00 in grant funding for the Town Hall rain garden. Total disbursements for the period were \$15,909.38, consisting mainly of cost-sharing reimbursements, payroll and office expenses. As of November 30, 2005, there were cash balances of \$200.00 in office petty cash, \$7,789.98 in general checking, and \$19,048.03 in the Nonpoint Source (cost sharing) account.

Jacobsen-Brown moved to accept the Treasurer's Report as presented. Motion was seconded by Hoffman with no further discussion. Motion carried 7-0.

V. Project Manager's Report

Dearlove distributed phone logs and reported on his activities since the last meeting.

Cost-share Projects

Dearlove reported that the 2006 Local Assistance Grant for administering the Priority Lake Project was approved for \$46,350.00. A lump-sum payment would be issued by the DNR upon receipt of our 2005 expense report. Sabella agreed to assist Dearlove in completing the report. Year-end reporting also includes estimating pollutant-load reductions based on successfully installed practices. Dearlove said he would have those numbers calculated by the next meeting. It was also reported that \$15,300 in additional state cost-share funding had been obtained from another priority watershed project in Racine County. He explained that the funding transfer will allow state dollars to be directed to projects previously approved for LRMD-budgeted cost sharing. Finally, Dearlove reviewed a spreadsheet printout summarizing pending projects, estimated implementation costs, and available funding for the 2006 fiscal year.

Information and Education

Outreach activities included the printing and distribution of the Ripples newsletter, which featured the results of the Lake Ripley opinion survey. Dearlove disseminated a summary analysis of the survey findings, which were available for downloading off the LRMD website. Based partly on this feedback, Dearlove presented several topic ideas he was considering for the next newsletter. Other recent activities included the purchase of an informational sign for the Town Hall rain garden, and the preparation of Welcome Wagon packets for 18 new property owners. He added that the Cambridge Aquatic Environmental Club will be installing the rain garden sign when the ground thaws. He said Club members also recently hosted a steering committee meeting at the Town Hall for the purpose of producing the educational video. The objective was to obtain feedback from Lake District, DNR, UW-Extension and Jefferson County officials on what content to include and who the video should target.

Other Activities and News

Dearlove reported that Aquarius Systems will be contracted to perform some needed repairs on the weed harvester. He explained that the harvester would remain parked at Roger Rude's farm until Aquarius retrieved it. Molinaro suggested that Dearlove move the equipment into the Town storage building if any significant delays were anticipated. Sabella noted the limited amount of harvesting that was done this summer, and questioned whether consideration might be given to selling the equipment. Molinaro responded that the harvester was originally purchased using a state grant. It was his recollection that the grant did not permit the rental or sale of the equipment. He and Dearlove were concerned that selling the equipment would prevent being able to respond to yearly variations in weed-growth conditions. While overall milfoil growth does appear to be on the decline, Dearlove cautioned that nuisance conditions can and do still occur in certain areas of the lake. Sabella offered to compile some numbers (i.e., harvesting hours, wages, etc.) if the Board wished to discuss the matter at a future meeting.

Finally, Dearlove informed the Board that the keyholing and slow-no-wake ordinances would be the subject of discussion and possible action at next week's Town Board meeting.

VI. Old Business

A. Subcommittee-approved Cost-Share Projects

There was considerable discussion regarding the current status of cost-share funding, the estimated costs of pending projects, and what Board approvals were still needed for Dearlove to proceed. Kapsner felt it was now appropriate to authorize 70% cost-share funding for those subcommittee-approved projects reviewed at the last meeting. Consensus was received after it was verified that sufficient funds were available to cover the projected costs.

Hoffman moved to authorize the use of currently available LRMD cost-share funding, if needed, for the following subcommittee-approved projects: Ball/Luzwick (W9338 Ripley Rd.), Ehrenberg (W9297 Ripley Rd.), Gaulke (W9007 Ripley Rd.), Reay (W9011 Ripley Rd.), and Golf Side Association (adjacent to W9441 Golf Side Ln.). Jacobsen-Brown seconded. Motion passed by a 7-0 vote without further discussion.

B. Wisconsin Pier Rules Update

Molinaro provided a status report on the NR 326 rule-making process governing piers and boat slips. He expressed his frustration over recent actions by the legislature and certain special-interest groups, which he felt subverted established public-hearing and rule-making procedures. The Board was provided with copies of recent news articles and position statements with respect to the issue. Molinaro cautioned that there was a lot of misinformation being circulated by self-serving interest groups. He said he feared for the future quality of Wisconsin's lakes if the legislature fails to adopt common-sense limits on new piers.

VII. New Business

A. Phosphorus-fertilizer Ban Proposal -- Dawn Kubly (Discussed under Public Comment due to agenda repair)

B. Kaashagen Actions/Proposal within Lake Pointe Conservation Easement

Molinaro informed the Board of alleged illegal clear-cutting activities at N4083 Island Ln. It was reported that about a 30-foot-wide swath had been cleared from the house down to the lakeshore; an area that is part of the Lake Pointe Conservation Easement. Pictures were passed around depicting the damages. Molinaro said that Kaashagen had previously been warned not to engage in such activities. Dearlove noted that he and Mike Halsted at DNR were working on drafting a notice of violation. He said that Halsted promised to send the letter as soon as the attorneys had a chance to review it. He noted that the Kaashagen residence was currently for sale, and that he was pushing the DNR to take immediate action.

Next, Dearlove passed around a copy of a wetland restoration plan that was subsequently prepared by the landowner's consultant, Natural Resources Consulting, Inc., and received on December 12, 2005. He said the landowner and his consultant had been invited to today's meeting but were unable to attend. Kaashagen had requested that a final decision on the plan be tabled if any questions arise. Molinaro said that while he was relatively impressed by the plan, he had a number of questions and concerns. He said he wanted to know who would be responsible for making sure the plan is implemented properly and within an acceptable timeframe. He also wanted to know why there were so few trees proposed.

Sabella felt the landowner had been sufficiently warned and needs to be held accountable for his actions. He added that the Board must now stand behind the DNR as it attempts to enforce the easement. Jacobsen-Brown asked if the landowner had provided any explanation for the clear cutting. Dearlove said that he had not received an explanation. Sabella said it would send the wrong message to approve a restoration plan without also levying a fine or other penalty. A number of other legal questions were posed that could not be addressed. Jacobsen-Brown said the Board now needed time to review the plan. She and Sabella also supported seeking legal advice on how best to proceed. Molinaro said he would ask for the advice of the county corporation counsel. Walz asked Dearlove if he thought the plan, if properly implemented, could transform the area into an even higher quality wetland than it was before. Dearlove said he thought it was entirely possible, but was reluctant to endorse any plan that essentially preserves an illegally cut viewing corridor. Molinaro said it was his intention to make the Board aware of the situation. He promised to keep everyone updated as additional discussion was tabled until the next meeting.

C. S.E. Wisconsin Regional Lakes Workshop (2/18)

Molinaro reminded the Board about the February 18th regional lake-management conference. He said that he and Dearlove would be participating as speakers and session moderators. Conference agendas and other information will be shared when available.

D. 2006 Meeting Schedule

The Board scheduled the following meeting dates for the first half of 2006: 1/21, 3/18, 4/15, 5/20, 6/17 and 7/15.

VIII. Correspondence

All correspondence had been reviewed and discussed during the course of the meeting.

IX. Adjournment

Sabella moved to adjourn the meeting at 10:55 a.m. Motion was seconded by Hoffman without further discussion. Motion carried by a 7-0 vote.

Next meeting: January 21, 2005

Respectfully Submitted,

Derek Hoffman, Secretary

Date

Recorder: PDD