

**Lake Ripley Management District
Meeting Minutes
June 19, 2010**

I. Call to Order and Roll Call

The Lake Ripley Management District Board met at the Oakland Town Hall on June 19, 2010. Chairman Molinaro called the meeting to order at 9:00 a.m. Board members present: Jane Jacobsen-Brown, Walt Christensen, Georgia Gomez-Ibanez, John Molinaro, Mike Sabella and Dennis McCarthy. Gene Kapsner was absent. Also present: Paul Dearlove (Lake Manager), James Daly (Intern), Kent Brown, Rick Kutz, Debbie Kutz, Bill Ratzberg, Steve Aschbrenner, Dave Schroeder, and Cambridge Cable TV 98.

II. Public Comment

There were no public comments concerning issues not already on the agenda.

III. Approve Minutes of Last Meeting

Draft minutes from the 05-15-10 meeting were previously distributed for Board review. *Gomez-Ibanez moved to approve the minutes without additions or corrections. Motion seconded by McCarthy. Motion carried 6-0.*

IV. Treasurer's Report

Sabella distributed and reviewed the treasurer's report for the one-month period ending May 31, 2010. Receipts for the period were \$318.58. Receipts consisted of \$66.41 in earned interest, and a \$252.17 Town of Oakland reimbursement for buoy hardware. Disbursements for the period were \$4,704.60. A transaction listing documented individual disbursements, which mainly included payroll and general operating expenses. Asset balances as of May 31 consisted of \$152,021.96 in checking and \$200.00 in petty cash. Molinaro reminded the Board that monies were held in an interest-bearing checking account and subject to a rate equal to the Wisconsin money market fund.

Jacobsen-Brown moved to accept the treasurer's report and enter it into the record. Motion seconded by McCarthy. Motion carried 6-0.

V. Lake Manager's Report

Dearlove distributed copies of his monthly activity report, phone logs, and supporting materials. For cost-share projects, it was reported that the Fischer/Schabowski shoreline riprap and upland planting phases were now complete. The next step was to re-establish emergent aquatic vegetation. A riprap project was also completed at the Thompson site, with the planting phase to be wrapped up by next week. New cost-share contracts for Paramore and Mar-Pohl were sent for landowner review and approval.

James Daly, a graduate of Cambridge High School and now a student at St. Olaf College, was introduced to the Board. Dearlove explained that Daly was working for the District as a volunteer, and that he was interested in serving as a nonpaid intern this summer. His recent volunteer work included helping with a fish survey to search for the invasive round goby, assisting Gomez-Ibanez with the weeding of the town hall rain garden, performing watercraft inspections at the boat landing, and researching geese-monitoring and control strategies. The Board was asked to consider approving the internship later in the agenda.

Next discussed were current lake conditions and weed-harvesting activities. Exceptionally clear water, abundant filamentous algae growth on the lake bottom, and an apparent resurgence of milfoil along portions of the east shore were observed this spring. Zebra mussel activity and an unusually warm spring were identified as likely culprits. The influx of runoff and associated nutrients from record flood events was another possible factor. Dearlove commended the harvester operators for keeping up with the weed growth, despite having to deal with some equipment breakdowns. Per the advice of a small engine repair specialist, the shore conveyor engine was recommended for replacement next year at an estimated cost of \$1,500. Dearlove noted that improved lake conditions were observed during a recent tour by the Weed-Harvesting Oversight Committee. His intention was to conduct another aquatic plant inventory in 2011 as recommended in the District's updated management plan. Grant and partnership opportunities were currently being explored. Other announcements included a status report on the 4.5-acre prairie restoration, and the completion of a donor-recognition sign for the Preserve from Ducks Unlimited.

VI. Old Business

A. Discussion and possible action to approve a nonpaid, summer internship position for James Daly
Molinaro confirmed that it is, in fact, legally permissible for the District to take on a nonpaid intern. State requirements were that the intern must be at least 18 years old and could not be brought on to replace a paid employee. Sabella noted that it was also important for the internship to provide educational-enrichment opportunities. As a nonpaid volunteer, it was reported that Daly would be covered under the District's existing liability insurance policy. Dearlove distributed a summary sheet outlining the proposed internship program, including expected project activities and reporting procedures. Hearing no objections from the Board, Molinaro welcomed Daly and thanked him for his interest in volunteering this summer.

B. Review of pier-registration requirements required by Wisconsin Department of Natural Resources
Molinaro reviewed the state's new pier rules, as well as the eligibility requirements to register for automatic grandfathering certain non-conforming piers that existed prior to 2004. DNR summary information was also provided. Molinaro said that while most piers around the lake would be exempt from registration requirements, it may not be the case for some community piers and those with large decks or "loading platforms." Such piers, if eligible, had to be registered by April 2011 to be considered for automatic grandfathering. Molinaro said he wanted to get the information out so people understood how the new rules might affect them and what actions they needed to take. He said his intention was to eventually set up a special meeting or informational workshop, preferably with DNR, to help answer questions and guide people through the process. There was also discussion among the Board about possibly sending out a special mailing.

VII. New Business

A. Discussion and possible action relating to an apparent contract violation and associated impacts to a Lake District-financed grass waterway installed on the north side of the Lake District Preserve

Color photographs, landowner contact logs, and other pertinent evidence were distributed documenting damages from recent farming operations to the Aschbrenner side of the grass waterway. The grass-swale waterway was installed by the District on April 12, and subsequent damages were first observed and reported on May 11. Non-authorized activities included the removal of marking stakes, repositioning of a check dam, the killing of grass through an apparent herbicide spraying, and the planting of soybeans through the north portion of the grass swale. Molinaro pointed out that the erosion-control practice was paid for and installed by the Lake District, and that Aschbrenner previously signed a contract agreeing not to remove or impair the function of the practice for a period of 10 years. Mr. Aschbrenner was first informed of the problem by phone, and then sent documentation and a repair estimate a week later by registered letter. Since that time, later-germinating grasses in the seed mix had succeeded in establishing themselves, meaning damages were less extensive than originally feared. Molinaro said his main concern at this point was that farming into the swale not be allowed to continue.

Steve Aschbrenner, the property owner's son, and Dave Schroeder, the tenant farmer, were both in attendance and denied any culpability. Schroeder argued that he did not cause any damages by driving across and planting soybeans into the swale. He also complained about weeds growing in the swale and questioned what the District intended to do about them. He and Aschbrenner demanded that the Board void the contract and issue a formal apology to Larry Aschbrenner for the aggravation.

Board discussion ensued about the situation and an appropriate course of action. Board consensus was that farming activities did take place on the landowner's property that negatively impacted the swale. The initial \$1,037 repair estimate from the installer was to redo that portion of the project. This estimate was recently revised to \$500 after it became apparent that some of the seed mix ended up surviving. There was also consensus that farming activities on the Aschbrenner property did inflict damages that constituted a breach of contract. This led to considerable discussion on whether legal action would be necessary. The consensus opinion of the Board was that legal action would likely be necessary if the landowner chooses not to abide by the agreement. Sabella made it clear that this was not a personal issue, but that it was the Board's responsibility to protect the interests of the District residents and taxpayers. He requested that the matter be tabled, for a period certain, to give the property owner a couple weeks to reflect on the Board's position and hopefully arrive at some amicable solution. Molinaro requested that Aschbrenner talk to his father and have him get back to the Board prior to July 4th regarding his future intentions in honoring the agreement. The issue would then be placed back on the agenda for discussion and possible action at next month's meeting.

In other New Business, Molinaro reported on his meeting with the Cedar Shores Homeowners' Association. The meeting included a question-and-answer session in which lake conditions and ongoing management efforts were discussed. He indicated that the group was very supportive of the District's ongoing efforts. Molinaro also reported that Jefferson County will be re-writing its shoreland zoning ordinance to bring it into compliance with the new state rules. Finally, he expressed an interest in discussing carp and related control strategies as part of next month's meeting agenda. McCarthy added a brief water-quality-monitoring report, including 17-ft. clarity readings over the last week and a trial run of the new dissolved oxygen meter.

B. Scheduling of 2011 budget meeting

Molinaro and Sabella set the budget committee meeting for 7/16/10 at the Oakland Town Hall, with a time yet to be determined. Molinaro confirmed the meeting would be noticed and open to members of the public wishing to observe the proceedings. Budget recommendations would then be presented to the full Board prior to the Annual Meeting. He said an agenda notice would go out when a meeting time is determined.

VIII. Correspondence

- 5/18/10 certified, registered letter to Larry & Carol Aschbrenner documenting grass waterway damages and estimated repair costs.
- 5/18/10 letter to Richard Preuninger documenting his incomplete riprap work and expired completion deadlines relating to the Fischer/Schabowski and Thompson cost-share projects.
- 6/9/10 e-mail to Susan Graham (DNR) appealing for consideration that Lake Ripley receives aquatic-plant-inventory assistance in 2011.
- 6/10/10 e-mail from John Lyons (DNR) reporting that the round goby, an invasive fish species found in the Great Lakes, is believed not to be present in Lake Ripley following a recent investigative survey.
- 6/14/10 letter from Larry Aschbrenner indicating he was not interested in attending the Board meeting, and demanding a letter by July 1st dropping our request for compensatory damages.
- 6/15/10 e-mail from Joe Dorava of Vierbicher asking for the opportunity to present the Ripley Waters Estates' inlet-dredging proposal and funding request at the Annual Meeting. The e-mail indicated that a U.S. Army Corps of Engineers permit had been issued, and that the DNR permit approval was still pending. It was further requested that they be allowed to distribute dredging-related materials through the Ripples newsletter or a special mailing prior to the Annual Meeting date. Molinaro said the group was invited to present its proposal and any funding requests at the July 17th Board meeting. He said he had serious concerns about whether the District should distribute any materials on behalf of the group since the Board had not yet taken a position either supporting or objecting to the project. Discussion was postponed until the July meeting when it could be placed on the agenda.
- 6/18/10 e-mail from Amanda Boyce (DNR) calling for stepped-up inspections of watercraft during the weeks leading up to the busy July 4th weekend to educate boaters on aquatic invasive species prevention.
- Molinaro said he received multiple phone calls and e-mail correspondence from Mia Myklebust and Ron Buss of the Ripley Waters Estates asking for a meeting with him to discuss their proposed dredging project and the idea of selling wetland property to the Lake District. He said he responded by agreeing to a strictly informational meeting, but made it clear that he does not speak for or make commitments on behalf of the Board. The meeting was set for 6/22/10 at 6:30 p.m. at the Oakland Town Hall.

IX. Adjournment

McCarthy moved for adjournment at 10:25 a.m. Motion seconded by Jacobsen-Brown. Motion carried 6-0.

Next meeting: July 17, 2010 at 9:00 a.m. at the Oakland Town Hall.

Respectfully Submitted,

Jane Jacobsen-Brown, Secretary

Date

Recorder: PDD