

**Rock Koshkonong Lake District  
2014 Annual Meeting  
Meeting Minutes**

Date: August 16, 2014  
Location: Fort Atkinson High School, Fort Atkinson, Wisconsin  
Present: Brian Christianson, Ray Lunder, Jim Bowers, Steve Proud, Joan Huedepohl, Andy Walton  
Absent: Mary Mawhinney  
Guest: Bill O'Connor – Wheeler Van Sickle & Anderson – Legal Counsel  
Rob Montgomery – Montgomery Associates  
Wade Hansen, CPA – Summit Accounting Group  
Captain Henry Sautin – Rock River Safety Patrol  
Dr. Russ Kashian – UW–Whitewater, Professor of Economics

1. The meeting was called to order by Chairman Christianson at 9:03 A.M. The Chair confirmed that notice of the meeting had been legally posted in two local newspapers, CKSD and the 5 townships within the Lake District. Chairman Christianson introduced the members of the Board of Commissioners. The Chair also thanked the volunteers who help with the registration and also Tallgrass Restoration that provides the building and facilities for the Board meetings.
2. Approve 2014 Agenda – A motion was made by Frank Micale and seconded by Tom Kelly to approve the 2014 Agenda for the Annual Meeting. Motion carried by voice vote. The Chair then asked that if there were no objections, we waive the reading of the 2013 Meeting Minutes. There were no objections and The Chair asked if there were any additions or corrections to the 2013 Meeting Minutes. Hearing none, a motion was made by Charles Payson and seconded by Tim Keller to approve the meeting minutes from the 2013 Annual Meeting. The Chair asked for approval of the motion by having electors raise their yellow ballot card. The minutes were approved.
3. Chairman's Report on District Activities Since 2013 – The Chair reviewed the rules for the meeting and asked that participants use the yellow ballot card when they approach a microphone and state their name and address prior to speaking. The Chair went on to detail the speakers for our meeting including Bill O'Connor, Legal Counsel for the Lake District, who will discuss where we are with the Supreme Court victory from last year as well as review the recent petition to the DNR to conduct a comprehensive OHWM study in partnership with the DNR. Rob Montgomery will talk about how Mother Nature impacts lake

levels and also some of the projects that the Board has been discussing in our meetings and what we hope to fund and tackle next as a Lake District.

The Chair also noted that we do have an election today for two Board seats. At this time we have 2 candidates and we will take nominations from the floor if there are any. The results of the election will be counted by our newly formed Audit Committee.

Guests today include Henry Sautin from the Rock River Safety Patrol, Wade Hansen from Summit Accounting and Dr. Russ Kashian from the UW-Whitewater, the author of the Economic Impact Study that was submitted to the ALJ in 2005 that was not accepted testimony that led to the State Supreme court taking our case and ruling in our favor.

Chairman Christianson then discussed the recently formed audit committee that was created as the result of comments from last year's Annual Meeting. The committee was formed to review the work of Treasurer Lunder with our accounting firm, Summit Accounting Group. The Chair introduced the members of the committee, Jennifer Merritt, Lisa Smithback and Frank Boucek. The Chair also corrected a mistake that had been made that Bill O'Connor was a member of the Audit Committee when in fact Bill is the Legal Counsel to the Board.

The Chair then noted that Rob Montgomery would go in to greater detail about what next that we as a Board and you as electors should tackle in order to make a comprehensive Lake Management Plan. The Chair noted that several meetings have taken place with SSA Design to determine where we could make changes perhaps with signage to boat landings around the lake to make the lake a better place. The Chair noted that no official agreements have been negotiated.

The RKLD website has been updated and Chairman Christianson introduced Therese Oldenburg from Firepoint Media in Beloit that re-designed the site for the District and made the website more digital friendly. Chairman Christianson also discussed how talks have taken place with representatives from UW-Madison and Rob Montgomery on how we can bring more science and data real time to the web site that might involve web cams and computer sensors to measure data.

The Chairman also noted the Treasurer Lunder will review the budget and that we are happy to hold the annual charge this year at \$45 per parcel.

He also noted that changes had been made where legal fees have been bumped up as a result of the Board adding Hamilton Group from Madison to our team for the Supreme Court Case. Hamilton Group is made up of attorneys and lobbyists that we hope will compliment what we hope to accomplish with the staff at DNR.

The budget was also impacted as a result of the action brought forth by the Town of Sumner regarding damage to roads during the experimental dredge project. The District had to hire an additional legal team to resolve this issue.

The Chair also talked about how we can protect the Bark River Fish Hatchery and its asset to Lake Koshkonong. The Chair also mentioned other projects that we may consider which included improving the boat landings on the lake.

4. Treasurer's Report – Treasurer Lunder started out by thanking the members of the Audit Committee and asking them to come up and provide a brief explanation of what they do and what they will be doing as members of the committee in conjunction with himself and Wade Hansen from Summit Accounting Group. All three members of the committee took a minute to introduce themselves and discuss their current jobs.

Wade Hansen then described the process that he takes to review the budget and confirmed that everything the electors received is correct and error free. Treasurer Lunder then reviewed his report and went over the respective revenue and costs that comprise the report.

A copy of the report is included on the RKLD web site. The Treasurer also noted that we had received all of our money from the respective counties regarding the agreement on the dam.

The Chair asked if there were any questions from the floor. Tim Keller had a question regarding legal funds on the dredge project and Wade Hansen answered that question.

5. Water Level Proceedings Report – At this point The Chair turned the microphone over to Bill O'Connor, Legal Counsel for the District who started out with a history of dams in the state. Part of Bill's point was that the original laws for dams from 1915 have never been amended. The laws have been relocated in state law so that it changed from power under the Railroad Commission to ultimately the DNR in 1968. The original laws give very broad authority to write operating orders for dams which is the fundamental issue involved in litigation which the Supreme Court finally resolved last year.

It was these laws that the Lake District claimed the DNR violated the very broad authority it was given because they misunderstood and misinterpreted them. In particular we claimed that the DNR had to consider the economic impact that the water level order would have and that they would have to distinguish wetlands that were part of the lake and wetlands that are upland and privately owned. They diminished the importance of what a water level order could do to the value of property, to the level of business activity and to the value of the tax basis around Lake Koshkonong. As a result the Supreme Court said the DNR had to do it all over again.

O'Connor went on to describe that the Supreme Court action resulted in the case going back to where the case was sent to the Supreme Court. O'Connor went on to say that the District has engaged the use of specialists to help work with DNR to make sure they get the order right this time.

We have asked the DNR to give express direction to us so either they prepare a map showing the OHWM or give us instructions so that we can prepare a map showing the OHWM. This will help as we go forward in preparing projects in the future.

5 Economic Impact Report – Dr. Russ Kashian, Professor of Economics from UW–Whitewater is the author of the economic impact study. Dr. Kashian went on to describe how he conducted his economic impact study and how he compared Lake Koshkonong to other lakes similar to Lake Koshkonong. Those lakes included Beaver Dam Lake, Lake Sinissippi and Big Muskego Lake. Dr. Kashian comments included that lower water levels reduce functionality, degrade shorelines and diminish navigability. Dr. Kashian’s study determined that lower water levels decrease property value, inches of water can affect a lake and that higher water levels increase property value which increases tax revenue. Dr. Kashian found that visitors to Lake Koshkonong spend an average of over \$50 per person per day at local businesses. He commented that if your boating experience is diminished visitors will find other lakes where they can boat and spend money. At the conclusion of the report, Chairman Christianson noted that the DNR has never been forced to do an economic impact report regarding water levels and they should be appreciative for the effort and funding of such a report by the Lake District residents. A copy of Dr. Kashian’s presentation can be found on the District’s web site.

6 Operational Report – Rob Montgomery made his annual presentation to the attendees. His topics included the hydrology report, comments regarding the safety inspection of the Indianford Dam, an update of the experimental dredge project and a quick glimpse of new projects that the Board is reviewing.

Due to the late snows in March compounded by heavy rains we experienced a high water level that is just now receding where gates at the dam have to be closed. We did not experience a huge flood this year, however, the duration of high water was longer than usual.

Rob also alerted attendees that FEMA is remapping floodplain areas in the Rock River basin. Rob then discussed that the inspection of the dam took place in 2013 in accordance with DNR regulations. A follow up report has been generated and sent to DNR. The action schedule for 2014 includes updating the emergency operation plan, updating the operating inspection and maintenance plan as well as developing a plan to clean and maintain the trash racks.

On the experimental dredge project, all the seeding of the area was completed in December; supplemental riprap was put in place in February. Due to the high water there have been no opportunities to monitor this area as required by the USACOE; this is now planned for October. More importantly the new Carp Gate will be put in place this winter to be operational next spring.

Rob went on to talk about the overall goals of the Board that include better navigation, improve aquatic habitat and shoreland wetlands and increase property value for land owners by making Lake Koshkonong a top recreational destination.

Rob then briefed the audience on the water quality of Lake Koshkonong and the benefit to the entire district to get involved to improve the overall water quality.

Rob then reviewed with residents the information that was presented at the June Board meeting. Rob did this presentation in conjunction with Dr. Chin Wu of UW-Madison on the topics of data collection and data display and the ability to effectively communicate this information to Lake District residents. Data rich subjects such as wind direction and water level information could be sent real time to the district's web site along with web cam observations.

A copy of the slides used for Rob's presentation can be found on the Lake District's web site.

At this point Chairman Christianson asked if there were any questions from the audience. The Chair indicated that there are some very practical projects that the Board would like to tackle including what is happening on the north side of the lake and at the mouth of the river when we start getting low water levels and the obstructions that become a potential hazard to navigation.

Frank Micale asked if there were any results from the dredge experiment. Rob explained that this is part of the monitoring that will take place in October.

Paul Meyer voiced his opinion that he felt the presentation by Dr. Kashian was lacking.

Tim Keller then talked about boater safety at the mouth of the Rock River where it enters Lake Koshkonong and the fact that there are no buoys to mark these obstructions. The Chair is going to ask our Legal Counsel to determine who is responsible for putting buoys in and also when damage occurs is someone liable. He went on to say that he feels there is a role for the Lake District to play, such as purchasing all new buoys that meet DNR requirements for marking channels and hazards. Maybe we sub-contract with another party to place those buoys, take them out at the end of the season and find a place to store these buoys. Perhaps the Lake District can partner with the DNR on this project.

Much discussion followed on what can be done to mark this area. Public safety is a concern of everyone. A question came up regarding power generation at the dam and Rob responded that this is not economically feasible, at this point.

- 7 Presentation of the Proposed 2015 Annual Budget – Treasurer Lunder reviewed the Proposed 2015 Annual Budget. The Lake District is proposing to keep the annual charge at \$45 per parcel. That will generate \$180,000 in revenue.

A motion was made by Tim Keller and seconded by Frank Boucek to approve the 2015 Annual Budget as presented by Treasurer Lunder. The floor was open to comment.

A question from the floor asked if there was going to be any more dredging until we had the results from the experimental dredge project. Chairman Christianson noted that under the heading of PAS study that monies were budgeted for future dredging. The likely location of future dredging would be Vinnie Ha Ha. Christianson noted "We can budget for a project like this but at the end of the day we still need USACOE and DNR approval and permits."

8 Consideration and Vote on the Proposed 2015 Annual Budget – The Chair called for a vote on the 2015 Annual Budget. Residents were asked to raise their yellow ballot card for or against the budget. The budget was approved unanimously for 2015 and Chairman Christianson thanked the attendees.

9 Election of (2) Commissioners to serve term expiring in 2017 – The Chair asked if there were any nominations from the floor to serve on the Board of Commissioners.

Two incumbents, Jim Bowers and Steve Proud are seeking re-election to the Board.

Having no nominations from the floor, The Chair closed nominations from the floor.

State statutes require that even though we have 2 candidates seeking 2 seats we still must cast our ballot cards. The Chair asked the 3 audit committee members to collect and count the ballots.

Both candidates made a few comments to the audience. Ballots were cast and Frank Boucek from the Audit Committee reported that Steve Proud received 69 votes and Jim Bowers received 67 votes. There were no write in votes and Jim and Steve were re-elected to the Board of Commissioners.

The Chair thanked all participants and asked that they return in 2015.

10 The meeting was adjourned at 11:12 A.M.

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