

Rock Koshkonong Lake District
2017 Annual Meeting Minutes
Rock Koshkonong Lake District Board of Commissioners

DRAFT UNTIL APPROVED BY 2018 ANNUAL MEETING

Date: July 29, 2016 - 9 AM
Location: Fort Atkinson High School Auditorium, Fort Atkinson, WI
Present: Brian Christianson, Ray Lunder, Steve Proud, Joan Heudepohl, Jim Bowers, Andy Walton, Al Sweeney
Guests: William O'Connor - RKLD Legal Counsel, Wheeler, Van Sickle & Anderson
Rob Montgomery - Montgomery Associates
Mitch Cagney, CPA - Summit Accounting

1. Call to Order - The meeting was called to order by Chairman Christianson at 9:02 A.M. The Chair commented that we had an interesting agenda for today and that what caught most people's attention was the recent press reporting and RKLD newsletter that proposes raising the property tax bill to \$65 per parcel.

Christianson then introduced the current RKLD Board of Commissioners. He also went on to thank all the volunteers who work to make this a successful meeting and a special thanks to Pete Layton from Tallgrass Restoration who is kind enough to let the District use his building for quarterly meetings.

At this time, Chairman Christianson asked for a moment of silence to honor one of our founding fathers, Jerry Richardson, who recently passed.

The Chair then confirmed that the meeting notice was legally posted with the local newspapers, town clerk offices as well as the CKSD administrative building. Additional mailings were sent to District residents asking them to "save the date" prior to the Annual Meeting. The Chair then asked attendees that when they speak to use one of the microphones available and to also identify yourself with your green ballot card.

2. Approve 2017 Agenda - The Chair asked for a motion and second from the floor to approve the agenda for the meeting. After a motion and second the agenda was approved. Later in the meeting Christianson asked for a motion to waive the reading of the 2016 meeting minutes as well as a motion to approve the 2016 meeting minutes. A motion and a second were provided for both and were carried by a ballot vote.
3. Chairman's Report on District Activities - Christianson then introduced Bill O'Connor, RKLD legal counsel as well as Rob Montgomery, Lake District Hydrologist. Rob is going to discuss the gate operations at the IndianFord Dam and how the gates at the dam impact or do not impact high water levels.

The Chair then expressed his concern about the new water level order where the DNR and Wetland Owners broke their promise to RKLD to include RKLD experts in the evaluation of wetlands that took place earlier in 2017 and will occur again in 2019 prior to the second installment of the water level order. At this time, Christianson introduced Todd Westby who has been employed by the District to keep 1 the trash racks clean at the IndianFord Dam. Todd has been on the job for approximately 8 months.

4. Treasurers Report - The Chair asked Treasurer Lunder to provide his annual report. Lunder started by thanking the members of the Audit Committee (Frank Boucek, Jennifer Merritt, Lisa Smithback) and by also introducing Mitch Cagney from Summit Accounting. Mitch started by saying that he and Wade Hanson do the compilation for the District that is included in the meeting packet. Lunder went over the report by detailing the fiscal 2016 actual numbers and 2017 numbers through June.

At this time Chairman Christianson then went on to explain why the District is proposing a \$20 increase in the special charge. A line item in the Treasurer's report showed \$80,000 to be dedicated solely to dam modifications. Christianson went on to explain that the proposed increase of \$20 in special charge would generate approximately \$80,000 that would be used for dam modifications. Christianson then expounded on the reason that the Board is proposing this charge. He cited both the Wetland owners as well as George Wellenkotter as believers that the gates are not open or are plugged. This despite the presentation from the dam subcontractor the gates are cleaned on a regular basis. What the Wetland clubs have suggested is taking out the wicket gates at the Indianford Dam and replacing them with slide gates. Continuing, Christianson noted that the Lake District has to report to the DNR on a daily basis the water levels and the status of the gates. **And when the District reports that the gates are open and the racks have been cleaned, the gates are open and the racks are clean.** Christianson explained that later in the meeting Lake District residents will have the opportunity to vote on the increase to the special charge.

5. Water Level Proceedings Report - The Chair introduced Bill O'Connor, Lake District legal representative. O'Connor started his report by announcing that after 14 years of litigation the DNR this past Thursday has signed the new water level order that will be implemented in two stages. O'Connor then explained what has transpired since the 2016 Annual Meeting where electors and the RKLD Board voted to accept the DNR compromised proposal.

O'Connor said that the initial increase effective July 1, 2017 allows the Lake district to raise the summer water level by 2 ½ inches and the second increase would be in 2019. He went on to say that the second order in 2019 is under DNR authority if the DNR determines that the initial increase has resulted in severe adverse impact to wetland areas, it can be nullified. ***As part of these discussions the DNR had indicated they would allow the Lake District to participate in the field study. It turns out that two areas we were assured would happen did not happen.***

One was that the District would be able to view the DNR plan for this study. The Lake District was extremely disappointed that the DNR conducted this wetland baseline study without sharing to the District a description to their approach. Second, the District was disappointed that the DNR changed its mind on their original promise to include Lake District professionals in the initial study. This happened because owners of **private wetlands adjacent to Lake Koshkonong prohibited DNR staff from going on their property if any members of the RKLD were present.** The District was also disappointed that this study only included private wetlands and not any of the public wetlands including a substantial area owned by the DNR that is below the OHWM.

Two other items that are part of the DNR order include the Lake District creating a comprehensive planning process for the lake as well as a dam management plan. The dam management plan was finalized earlier this summer. At this point the Chair asked if any members of the audience had any comments. One of the first questions had to do with the DNR plan, to which O'Connor said he had contacted DNR asking for the plan and DNR said they would get back to him and they have not done so as of the Annual Meeting.

Many in the audience expressed concern over trusting the DNR including one wetland owner who would welcome to have his land reviewed by the DNR as his wetlands are

not impacted by the water level increase. Concern was expressed about controlling the lake levels and the Chair asked all to stay in place for the presentation from Rob Montgomery.

6. Operational Report - Rob Montgomery - Rob's presentation focused on the capacity of the dam and what the dam can really do. There is a limit as to what the dam can do in high water. Montgomery continued that the primary value of the dam and its effectiveness is in low water, not high water like we are having in 2017.

Rob reviewed the water level for the past many years and also noted that in recent years we have had November and January floods that are irregular. YTD rainfall in the Rock River basin as of the Annual Meeting was 50% above normal. Rob went on to note that we have experienced almost double the water volume this year that has gone over the dam yet the peaks were not the highest. Regarding the IndianFord Dam, Rob reviewed a picture of the dam that showed the spillway, slide gates and wicket gates. Rob went on to discuss how the wicket gates work in the Powerhouse Dam.

Rob then discussed removal of the wicket gates /trash racks. Rob explained that removing the trash racks/wicket gates would free up a little of the maintenance , however, since a "on/off" switch would be needed for low water a mechanism would have to be in place to stop the flow of water. This would be with the costly installation of slide gates.

Rob then went on to discuss his evaluation of three different scenarios for controlling the water level. Wicket gates shut, wicket gates open as they are today and wicket gates removed. Rob then said that if the dam was not even in place, the level on the lake as of the Annual Meeting might drop a foot. This shows there is a capacity limit downstream. In high water, the dam has little to do with the level of the lake. However in low water, approximately 1000 CFS it would make more difference. Rob's conclusion was the water service differential between the gates shut and gates open at this water flow was about the same as opened and removed. A 2 to 3 inch difference at the dam but only about a one inch difference on the lake.

A recommendation from the audience was to install another gate between the spillway and the Powerhouse. Several members of the audience thanked Rob for his presentation and clarifying that the dam can only do so much in high water levels. The final audience comment centered on the \$20 increase to the special charge that would generate \$80,000 in revenue for the Lake District and be used to remove the wicket gates. It was felt that this was a total waste of money.

Chairman Christianson then said that the reason the Board had reviewed costs to remove the wicket gates was the simple reason that members of the wetland clubs did not trust that the Lake District was operating the dam within the DNR mandates. Christianson then stated that he felt the expense was high just to overcome a trust factor. He went on to say that the District is a local unit of government and are regulated by state agencies and that "trust is not part of this, it is the law." Estimates of the costs for this project were up to be \$250,000 by JP Cullen and Morse Group of Beloit. A review by the District Board and specifically Andy Walton, the Fulton Township appointee who is an electrical engineer, was that electrical costs were not included in the original proposal submitted to the Board. He felt that overall cost would approach \$300,000 or more for this project.

The DNR asked the District to bring this cost to the Annual Meeting for the electors to review and discuss as there is a 50% cost share grant that would bring the cost down to around \$150,000. Subsequently, DNR officials told the Chair that wetland owners would look to contribute to the cost of the project. The Chair asked the DNR to approach the wetland owners for \$100,000 to be contributed to the project. Nothing was received or communicated to the DNR of Lake District prior to the Annual Meeting.

Christianson went on to say that the current costs to clean the trash racks are \$6,000 per year. Compare the costs of the dam subcontractor to the cost of the project and you would approach 50 years for a payback if no grants are received. The District could dredge every year at the dam and still not reach the \$300,000 for 10 years.

7. Presentation of Proposed 2018 Annual Budget - Treasurer Lunder presented the 2018 budget to the electors. A copy of the proposed budget was included in the Annual Newsletter sent to Lake District residents. The budget includes a \$20 increase to the special charge, making the special charge \$65 per parcel. Lunder reviewed the Cost of Operations as well as the Lake Management costs. The total of the budget is \$265,000. A motion was made to approve the budget and then seconded.

At this time, the budget was open for comment. ***A motion was made from the floor to eliminate the \$20 extra charge for dam modifications.*** At this time a point of order was called from the floor. The point of order was subsequently withdrawn. The Chair clarified that the motion on the floor was to amend the \$20 increase to the special charge. Further clarification was that the budget was to be amended by eliminating the Indianford Dam Modification line from the budget. This motion was seconded and with no further discussion on the amendment, a ballot card vote carried the motion reducing the special charge to \$45 per parcel and the line item of \$80,000 for Dam Modification was removed from the budget. The budget for 2018 with the special charge of \$45 per parcel was then carried by a ballot vote.

8. Election of Commissioners to serve a term expiring in 2020 - The Chair explained that we had 2 opening and 2 announced candidates, Jim Bowers of Edgerton and Steve Proud of Fort Atkinson.

The Chair asked if there were any nominations from the floor. Buck Sweeney, from Thiebeau Hunting Club and attorney for the Wetland owners nominated George Wellenkotter for the Board.

After comments from Mr. Wellenkotter and the announced candidates, a ballot card vote was taken.

Jim Bowers and Steve Proud both had 85 votes and George Wellenkotter received 25 votes. Jim and Steve were elected to terms expiring in 2020.

The meeting was adjourned at 11:21 A.M.