

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

Date: December 10, 2015
Location: Tallgrass Restoration - 3129 E County Road N, Milton, WI
Present: Brian Christianson, Ray Lunder, Steve Proud, Joan Huedepohl, Jim Bowers, Andy Walton, Justin Schultz
Guest: William O'Connor - Lake District Counsel
Captain Henry Sautin - Rock River Safety Patrol
Kevin Slagg - Representing Bark River Fish Hatchery Fundraiser

1. Call to Order - The meeting was called to order by Chairman Christianson at 6:00 P.M.
2. Meeting Notice and Agenda - The Chair confirmed that the meeting notice and agenda had been legally posted in the weekly newspapers, the Sanitary District and the RKLD web site.
3. Approval of July 17, 2015 and August 8, 2015 Meeting Minutes - A copy of the meeting minutes was distributed to the attendees. The Chair asked if there were any additions or corrections to the minutes. Hearing no objections a motion was made by Andy Walton and seconded by Joan Huedepohl to approve the July 25th meeting minutes and a motion was made by Steve Proud and seconded by Andy Walton to approve the August 8, 2015 meeting minutes. Both motions carried by a voice vote with Justin Schultz not voting as he had yet to be recognized as a member of the Board.
4. Consideration of legal and conflict issues with Rock County designee - The Chair at this time recognized both Justin Schultz, the new Rock County appointee to the Board and Bill O'Connor, legal counsel to the district. The Chair elected not to discuss all of his concerns with the appointment at this time. Chairman Christianson wanted to get a legal opinion regarding the appointment prior to tonight's board meeting. The Chair asked Attorney O'Connor to review a copy of his December 9th letter regarding the appointment. Counsel O'Connor's short version was that Justin Schultz was lawfully appointed to the Board and that it does not matter that **he is not a member of the Rock County Board of Supervisors**, nor does it matter that Schultz is not a resident or a taxpayer within the boundaries of the district. O'Connor went on to say that that around the state it was normal for County Board members to be appointed to boards and that the law has recently been changed. New law states that as long as the appointee is nominated by the Land Conservation Committee of the County all is legal. So the appointee could be a resident of California or Canada and would be qualified to be on the board. You do not have to be a taxpayer, resident or member of the County Board. O'Connor then asked if there were questions from the members of the Board. Hearing none, Chairman Christianson welcomed Justin to the Board

The Chair asked Justin if he would like to say anything and Justin stated "I am glad to be here and to be a part of the Lake District governing body." At this time Justin was asked if he would mind taking any questions from the Board. "Sure, go ahead" was the response and The Chair asked if anyone had any questions. Commissioner Proud was the first to ask Justin any questions.

Proud asked Justin questions regarding his comments that appeared in the Janesville Gazette regarding scheduling conflicts and also about comments that Schultz had made stating that current Board members stand to gain from higher water. Schultz stated that he became aware of scheduling conflicts because he knows an old man who takes care of duck boxes who knows Russ Podzilni, County Board Chairman who said the current Rock County appointee had a scheduling conflict with the meeting. Chairman Christianson advised attendees that the meeting of the RKLD board was changed a number of years ago from a Tuesday to a Thursday and from 6:30 to 6:00 PM at the request of newly elected Board members at that time. The change was voted on by the Board at that time without any knowledge that the time and date conflicted with Rock County Board meetings. Nobody from Rock County notified the district of any conflicts with the meeting change. This is the first time since the inception of the Rock Koshkonong Lake District in 1999 that Rock County has not appointed a county supervisor to the RKLD Board.

Proud then went on to ask Schultz about his quote from the Gazette where he stated that "A number of sitting board members are tied to business interests and affiliations that stand to gain from higher water." Proud went on to ask Justin if he knew what he did for a living, what Andy does, what Ray does, what Joan does, what Brian does"...Schultz interrupted to say "that he wished the paper had not used that quote." Proud questioned him further about the basis for his claims about personal gains from higher water. Schultz said, "Y'all have had this lawsuit going for ten years and you are going to tell me you don't have anything to gain by it?" Proud then asked him to "tell me how I or anybody here has personal gain from the state awarding what we asked for? I guess I don't understand that, where does the personal gain come from?" Commissioner Lunder then asked Justin if he thought we personally gained from this. "We have been doing this for 10 years and you can't believe we would be doing this unless there was personal gain for us? I take offense to that." Lunder went on to say, "what we have been doing here is what the majority of constituents wanted us to do or pursue and that has been taking through multiple votes every year." Commissioner Bowers said that "he felt Schultz's comments were a personal attack at him." He then asked Schultz is "he would be the one to work out a settlement with the RKLD?" The interaction between Schultz and the board continued for the next hour.

Chairman Christianson asked Schultz "why do you want to be on this board?" Chairman Christianson continued to state facts regarding Schultz's interaction with the DNR and public comments with the newspaper prior to ever sitting at a Board meeting. The Chair was openly concerned about private emails sent to the DNR staff that were counter to what the Lake District has been trying to achieve for all user groups of the district. The Chair also talked about the roles of appointees to the Board.

At this time Fulton Township appointee Andy Walton interjected that he understands Schultz's position regarding property owners rights, however, he also sees the other side for the overwhelming support for the higher lake level. Commissioner Lunder asked Schultz about his comments in a private email to the DNR and stated that he felt that Schultz was not going to be a liaison from Rock County and a representative of the people of Rock County to the board. Lunder asked if he had any comment to which Schultz countered "no comment."

The Chair asked Schultz to back up his comments to the DNR where the "DNR has been very responsible in taking a long time to consider the economic impact of higher water." Schultz said that he thinks "it takes a long time to come to a good decision." Christianson pointed out that the reason the DNR has taken such a long time is they have taken in to consideration the economic impact, thereby do not have the staff to conduct such a study.

Schultz asked “how long are you going to take to beat up on me here?” Christianson said “I am just asking you to respond to what you sent the DNR.” The Chair went on to say that the district has tried to eliminate all opinions from sides in the information that has been given to the DNR. He then added that this is completely different than what this board has heard from previous appointees from either Fulton Township or Rock County.

At this point Chairman Christianson asked if we could move the public participation up on the agenda. Ted Schultz, Justin’s father, defended his son and his appointment to the board. A question was asked regarding the November 24th DNR tour and where the notification was sent. Christianson responded that this was not a board function and board members chimed in that they became aware by reviewing the district’s web site.

Len Mueller expressed concern about not getting responses on the increase in water level from the DNR. Susan Johnson expressed that “you have a point where you are going to have to let the water out, I don’t care if it is low on the lake or not, because you have to have it down river also.” The Chair then pointed out how the dams are regulated and that Indianford comes under DNR jurisdiction and that Janesville has their own dam within city limits and they regulate their own dam operation.

The Chair then went on to educate the audience on what the higher water would do. If the district’s petition is approved by the DNR it only means that the gates would be closed perhaps a week earlier in low water conditions. Since the spillway is at 775, water is always going over the spillway. Slowing the drain down by a couple of weeks means everything to the bars, businesses and marinas. Christianson then said, “that is part of the misunderstanding and education of the general public that it is a daily challenge to take complex hydrology issues that experts write up for us for the general public to understand.” Lunder interjected that “our petition is not wanting to raise the water level, it is maintaining the water we have on extremely low flows that we have on the end and mid-summer. That is what the petition is all about and it has to do with the operating orders at the dam. “

Bill Burlingame asked questions about the operation of the wicket gates at the dam and why they were not cleaned out earlier. The Chair explained that we are not to use the wicket gates to adjust water levels as mandated by the DNR. We have to start with the slide gates. Christianson went on to say the DNR is now allowing the district to use the wicket gates to comply with the operating orders. The orders as they are written say that before we touch the wicket gates, you have to adjust the slide gates up and down.

Burlingame then stated that he had never heard that the higher water was desired in the three summer months, saying that is basically what you want and tonight is the first I ever heard or read it. He went on to say that he had never read that anywhere in any article that was written that this is what you are trying to accomplish.

Christianson then concluded this session by telling Justin that his opinions are “fine if you were like the other five members of this elected board. If you went before the voters at the Annual Meeting and grabbed a microphone and said these are my opinions and this is what I want to fight for and face the voters, the taxpayers, I think that would be the right way to do it. Being an appointee, a protected person because you are appointed by Rock County Board is not the right way to do this. You have been an advocate and your emails reflect that you have been an advocate not a liaison and that is fine. I am not asking you to be a rubber stamp. But if you are going to be an advocate and express your opinions like you are expressing, then I think you should have to face the voters. You shouldn’t have the protection where three thousand people say we have been funding this thing for ten years.” Schultz said he understood the Chair’s concern. The Chair then asked if he would give up his appointed post and run for an elected position on the Lake District board. Schultz said he would talk to the county as it is really about them. Schultz went on to say he would consider it.

Treasurers Report			
Meeting Date December 10, 2015			
Previous Meeting Date July 17, 2015			
Section I, Operations Checking			
	Deposits	Charges	Total
Beginning Checking Account, May 31, 2015 (7761)			\$112,717.42
Monthly Activity			
June	\$782.91	\$7,513.92	
July	\$50,500.80	\$54,472.49	
August	\$35,486.37	\$90,215.11	
September	\$179.13	\$699.59	
October	\$3,160.00	\$2,888.07	
November	\$305.19	\$3,204.66	
Totals from statements	\$90,414.40	\$158,993.84	-\$68,579.44
Checking Balance, Nov 30, 2015 (7761)			\$44,137.98

Section III, Dam Savings Transactional

	Deposits	Charges	Total
Dam Savings Account Balance May 31, 2015 held at BMO Harris (2293)			\$70,294.50
June	\$5.78	\$0.00	
July	\$0.99	\$46,874.35	
August	\$0.99	\$0.00	
September	\$0.96	\$0.00	
October	\$0.99	\$0.00	
November	\$0.96	\$0.00	
Totals from statements	\$10.67	\$46,874.35	-\$46,863.68
Total of Segregated Dam Fund Nov 30, 2015 held at BMO Harris (2293)			\$23,430.82

Section IV, Dam Savings MM BMO Harris

	Deposits	Charges	Total
Dam Savings MM1 Account Balance May 31, 2015 held at BMO Harris (2407)			\$405,457.30
June	\$33.33	\$0.00	
July	\$34.44	\$0.00	
August	\$34.44	\$0.00	
September	\$33.33	\$0.00	
October	\$34.45	\$0.00	
November	\$33.34	\$0.00	
Totals from statements	\$203.33	\$0.00	\$203.33
Total of Segregated Dam Fund Nov 30, 2015 held at BMO Harris (2407)			\$405,660.63

Section V, Dam Savings MM BMO Harris

	Deposits	Charges	Total
Dam Savings MM2 Account Balance May 31, 2015 held at BMO Harris FSB (9826)			\$244,188.60
June	\$20.07	\$0.00	
July	\$20.74	\$0.00	
August	\$20.74	\$0.00	
September	\$20.08	\$0.00	
October	\$20.75	\$0.00	
November	\$20.08	\$0.00	
Totals from statements	\$122.46	\$0.00	\$122.46
Total of Segregated Dam Fund Nov 30, 2015 held at BMO Harris FSB (9826)			\$244,311.06
Total all Segregated Dam Fund Nov 30, 2015 from all locations			\$673,402.51

Section VI, Lake Improvement BMO Harris

	Deposits	Charges	Total
Segregated Lake Improvement Fund Savings Account Balance May 31, 2015 held at BMO Harris (9295)			\$105,014.78
June	\$8.63	\$0.00	
July	\$8.92	\$0.00	
August	\$8.92	\$0.00	
September	\$8.63	\$0.00	
October	\$8.92	\$0.00	
November	\$8.64	\$0.00	
Totals from statements	\$52.66	\$0.00	\$52.66
Total of Segregated Lake Improvement Fund Nov 30, 2015 held at BMO Harris			\$105,067.44
Section VII, Grand Total All Funds			
Total of All Funds, Nov 30, 2015			\$822,607.93

6. Old Business -

- Cost Recovery Judgement against Town of Sumner - As noted in previous minutes, the district won the cost recovery against the Town of Sumner. At the Annual Meeting it was announced that the money would be sent back as a good faith measure. This has been a tight budget year for the district with the dredging project at the dam. The district decided to invest in boom logs in an effort to divert debris from the river over the spillway. The district has decided to redirect that money for the boom installation at the dam.
- Dam Boom Installation/Adjustments - Treasurer Lunder who acted as the foreman on this project updated the board on this project. Initially, the boom logs were installed from an abutment on the dam to a concrete block that was installed up from the dam. After the initial installation, additional cable had to be purchased to secure the boom further upriver from the dam. This was done to move debris over the spillway that was starting to collect from the original installation. Additional booms will need to be purchased to complete this project.
- Kuehn Road Boat Launch - This has been talked about for several board meetings. It was determined that an RFP would be written for this project. Rock County Appointee Schultz asked about the parking at this launch and Commissioner Bowers noted that the field to the west of Norm's is dedicated for parking as well as Kuehn Rd.
- Bark River Fish Hatchery Funding/Progress Report - As discussed at the Annual Meeting, the district is looking at ways to not have to perpetually fund the hatchery. The district reached out to Adam Walton of the Pike Pole Fishing Guide Service who is the son of Fulton Township appointee Andy Walton and formed a committee and a board to address the funding project. The Chair then introduced Kevin Slagg, an officer of the BRFH funding project. This group is forming an IRS non-profit foundation so that all donations made are tax deductible. Kevin advised that a banquet will be held at Anchor Inn in Newville on March 12, 2016 in an effort to raise money for the hatchery. Cocktails at 5 PM

with dinner at 7 PM. Tickets will be \$50 and capacity is 200 people. More information will be forthcoming after a bank account is set up and the tax status finalized.

7. New Business -

- Name new public depository - Treasurer Lunder reviewed that the district funds used to reside at M&I Bank in Janesville. With the acquisition of M&I by Bank of Montreal, the district has been reviewing the possibility of moving funds to a local financial institution. The District has been working with First Community Bank of Milton in recent months and funds will be transferred after year end.
- Discussion of Bus Tour w DNR on Nov 24, 2015 - That came about after a meeting at UW-Whitewater with the DNR where Dr. Kashian explained the methodology for his report. Upon learning of this meeting, Mr. Sweeney of the wetlands group invited the DNR to tour by boat the wetlands shoreline. Due to weather conditions that day, a walking tour of the Persson property was conducted. The DNR asked the district if we wanted to do something similar. The original idea was to take a plane tour of the shoreline of the lake. A bus tour was suggested to review sites and landmarks around the lake. President of the RKBA (Business Association) Jim Bowers acted as the tour guide and stops were made at the Indianford Dam, boat landing at Ellendale Rd and then a private residence by the mouth of the river. This resident has to have a 300 foot pier in order to launch a boat.

The water level that day was approximately 4 inches below what is being requested so the DNR was able to observe where the water is on the shoreline. The next stop was Lakeview Campground at the mouth of the river where business owners were able to talk about the economic impact of the water level request.

Chairman Christianson then noted that at Lakeview you really see how many different users of the lake there are. You stand on the shoreline at Lakeview and you see the campers, the economic activity with the restaurant and tavern at Lakeview. As you look to the north you see the wetlands and how they wrap around the shoreline. What the district wanted to impress on the DNR is that the district has shown and respects all user groups on the lake.

- Discussion of boat lift at Indianford - Discussion was deferred to the next meeting.
- Indianford Dam subcontractor remuneration review - Our subcontractor at the dam has requested a pay raise. The Chair is going to refer this to the Indianford Dam Committee for resolution.
- WE Energies billing/Navigational Lighting - The Lake District received a letter from WE Energies that they were going to disconnect the power at a boat launch on Vinnie Ha Ha. The bill for this light has formerly been sent to the RRKA and had not been paid in over 2 years. A past due balance over \$300 is now due. After discussion, the district felt this was better handled by the neighborhood group, township or county.
- Rock River Safety Patrol Contribution - At the Annual Meeting this past summer we substituted the donation to the RRSP in order to purchase new DNR regulated safety buoys. The mechanics of how these will be installed is still being worked out. Chairman Christianson presented Captain Sautin of the RRSP with a check for \$2,000. Captain Sautin then provided an overview of the services provided by the safety patrol.

- Appointments to Indianford Dam Committee - The resolution of the district allows for the Chairman to make the appointments that has to be confirmed by the Lake District Board. The Chair suggested that the 3 officers of the board comprise this committee. The motion was made by Chairman Christianson and seconded by Steve Proud. Commissioner Huedepohl asked what this committee is for. The Chair noted that the committee can then act on the pay raise requested by our subcontractor at the dam and also stay on top of dam issues. The motion carried by a voice vote.
- Date/Discussion of 2016 Annual Meeting - After much discussion, it was determined that July 30, 2016 would work the best for the Annual Meeting.

The meeting was adjourned at 8:16 PM by a voice vote.