

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

Date: June 9, 2016
Location: Tallgrass Restoration - 3129 E County Road N, Milton, WI
Present: Brian Christianson, Ray Lunder, Steve Proud, Joan Heudepohl, Jim Bowers, Andy Walton, Justin Shultz
Guest: Frank Boucek - RKL D Audit Committee, Bill Burlingame, Ted Shultz, Debbie Hart

1. Call to Order - The meeting was called to order by Chairman Christianson at 6:05 P.M.
2. Meeting Notice and Agenda - The Chair confirmed that the meeting notice and agenda had been legally posted in the Edgerton Reporter, Lake District web site and the 5 town halls.
3. Approval of March 31, 2016 Meeting Minutes - a motion was made by Steve Proud and seconded by Jim Bowers to approve the meeting minutes. Motion carried by a voice vote.
4. Treasurers Report - Treasurer Lunder gave his report. The report appears on the next page of the minutes. Some basic discussion followed. Treasurer Lunder indicated that he had sent a draft budget out for the Annual Meeting.

Treasurers Report			
Meeting Date June 9, 2016			
Previous Meeting Date March 31, 2016			
Section I: Operations Checking FCB Milton			
	Deposits	Charges	Total
Beginning Checking Account, Feb 29, 2016 (1842)			\$63,719.90
March	\$26,323.74	\$54,688.32	
April	\$18,795.08	\$13,915.75	
May	\$0.00	\$5,274.66	
Totals from statements	\$45,118.82	\$73,878.73	-\$28,759.91
Checking Balance, May 31, 2016 (1842)			\$34,959.99
Section II: Lake Improvement Segregated Fund held at FCB Milton			
	Deposits	Charges	Total
Segregated Lake Improvement Fund Savings Account Balance Feb 29, 2016 (3406)			\$105,127.90
March	\$35.72	\$0.00	
April	\$33.42	\$0.00	
May	\$36.89	\$0.00	
Totals from statements	\$106.03	\$0.00	\$106.03
Total of Segregated Lake Improvement Fund Feb 29, 2016 held at FCB Milton (3406)			\$105,233.93
Section III, Dam Savings Segregated Fund held at FCB Milton			
	Deposits	Charges	Total
Dam Savings Account Balance Feb 29, 2016 held at FCB Milton (8428)			\$448,733.17
March	\$152.45	\$0.00	
April	\$142.66	\$0.00	
May	\$157.46	\$0.00	
Totals from statements	\$452.57	\$0.00	\$452.57
Total of Segregated Dam Fund May 31, 2016 held at BMO Harris (8428)			\$449,185.74
Section IV, Dam Savings Segregated Fund CD held at FCB Milton			
	Deposits	Charges	Total
Dam Savings CD Account Balance Feb 29, 2016 held at FCB Milton (98-1)			\$225,000.00
March	\$0.00	\$0.00	
April	\$0.00	\$0.00	
May	\$1,173.39	\$0.00	
Totals from statements	\$1,173.39	\$0.00	\$1,173.39
Total Dam Savings CD May 31, 2016 held at FCB Milton (98-1)			\$226,173.39
Total all Segregated Dam Fund May 31, 2016 FCB Milton			\$675,359.13
Section V, Grand Total All Funds FCB Milton			
Total of All Funds FCB Milton, May 31, 2016			\$815,553.05

5. Committee Reports

- Audit Committee - The Chair asked Frank Boucek to work with Ray to set a time for the Audit Committee to meet at Summit Accounting in Janesville. It was suggested that a moratorium be placed on any bill payments until July 1, 2016 so that the Treasurer can complete the Statement for the Annual Meeting.
- Bark River Fish Hatchery - The Chair advised that Adam Walton had agreed to speak at the Annual Meeting regarding the hatchery. Commissioner Bowers reported there was nothing new on this topic.
- Dam Committee - Minutes were circulated from the May 9, 2016 Dam Committee meeting at which no action was taken. It was also noted that we are still working on the RFP for the dam operator.

6. Old Business -

- Kuehn Road Boat Launch - An RFP will need to be completed and the Chair indicated that legal counsel will draft the RFP.
- RFP for Dam Maintenance Subcontractor - Chairman Christianson noted that legal counsel will draft the RFP for this position.

7. New Business -

- Install of the Safety Cable at the Dam - The Chair noted that he had received some complaints and that individuals had been taking pictures. Commissioner Bowers noted that the cable was loose and Treasurer Lunder noted that he had tightened the cable and had been at the dam on a weekly basis since then and no further issues were noted. The chair then said that speaking of pictures that he had been called by Tallgrass after the March meeting to say that a recording device had been left turned on at Tallgrass. Appointee Shultz took responsibility for leaving the recorder. The Chair asked that if anyone felt compelled to tape the meetings, that out of courtesy you let people know you are recording the meeting. Appointee Shultz admitted to recording the current meeting. The Chair asked if anyone else was recording to which there were no replies.
- Annual Meeting Prep - The newsletter will be written for the Annual Meeting and submitted to Debbie Hart for the artwork. The plan will be to have this completed as close as possible to the end of the month. Treasurer Proud will have volunteers ready to work the registration table for the Annual Meeting. Chairman Christianson confirmed that we do have the auditorium at Fort Atkinson High School for the meeting.
- Resolution 2016-01; Legislation Amending WI Statutes, Ch. 33 - The Chair distributed the results of our lawyer/lobbyist Hamilton Group that works with a group called Great Lakes Foundation. Hamilton had GLF perform an open records request that was talked about at the

December meeting because there had been some emails sent by one of our new board members opposing the Lake District. What was discovered was that those emails were sent to the DNR and the DNR and other people (The Shackelfords and others) circulated the emails to the county boards. The emails were loaded with misinformation and contained strong accusations against the Lake District, particularly the Chairman for freezing out other members. The Chair felt that the memo should be shared with the other board members about what was found in those open records request. The Chair went on to say that he felt we needed some accountability on this board. He went on to say that it was no secret that he was opposed to the process of how Rock County made their appointment. It was the first time in the history of the Lake District that Rock County had not appointed one of their elected supervisors. Upon investigation Chairman Christianson found out that the Rock County appointee opposes most of what this Lake District has been charged to do for the last 10-12 years.

With the help of legal counsel, The Chair has drafted a resolution that he wanted the board to take action on at this meeting. The Chair distributed the resolution which amended State Statue 33.28. The Chair then read the resolution to attendees. A copy of the resolution is posted on the district web site. This resolution was a result of the findings from the previous memo from Hamilton Group that has been written about the correspondence that has come from one of our board members. This resolution allows RKLD to use our lawyer/lobbyists to get that section of the state statutes amended.

The Chair reminded the Board that he had asked appointee Shultz at the December meeting to step down from his appointment and run for a seat on the RKLD Board of Commissioners. Appointee Shultz said he considered this and he has decided to do the job that the county sent him to do. Shultz continued by saying that he understood where Chairman Christianson was coming from with this resolution. He went on to say that he felt that land conservation and business could work together and that characterizing him that he is opposed to everything that the district is trying to accomplish is accurate.

Secretary Proud made a motion to approve the resolution as written that was seconded by Treasurer Lunder. At this time the Chair opened this up for discussion by telling Shultz that there is no bigger issue facing this Lake District after securing the future existence of the IndianFord Dam than amending and adjusting the water level orders. The Chair went on the say that nothing that the Lake District has been proposing would harm the ecosystem of Lake Koshkonong. Shultz countered that Lake Koshkonong is not unanimous. Commissioner Bowers said that an overwhelming majority of residents favor the Lake District's request. Bowers noted that the emails sent to the DNR overwhelmingly supported the request. The Chair injected that the majority allows us to spend tax dollars to fund research that verifies what we are requesting. This funding is done by PHD's from the UW system and not a bunch of guys with opinions. The Chair then noted that the opposing side has **done nothing and have not spent any financial resources.**

The Chair asked Shultz why he sent secret memos to Sue Joseff of the DNR. Treasurer Lunder added that no members of the RKLD board were copied on his secret memos. Shultz said all he wanted to do was to be accepted by the board to which Christianson asked him how he could be accepted by the board when he opposes nearly everything the taxpayers have told us to do. Christianson again asked Shultz to go the Annual Meeting and run for election to which Shultz said he would not do. Fulton Township Appointee Walton then asked Shultz if it were Rock County's intent when they appointed him to have come and express his personal opinions or represent the opinions of the majority of elected officials. Shultz suggested that we should ask them what their intention was when they appointed him to the RKLD board. The Chair noted that this is the essence of this and that Justin claimed he represented X number of supervisors and 166 some thousand residents of Rock County. Christianson then asked Shultz if 166,000 residents of Rock County supported his actions. Christianson added that he wanted Rock County to nominate another supervisor and not someone who came in with an agenda, not someone who cannot be responsive to the voters of the Lake District

because they cannot vote you out of office. Shultz's appointment has cost the Lake District thousands of dollars as a result of Shultz's emails and testimony in the state senate. Shultz countered by saying the Rock County told him he could go and say that. Commissioner Heudepohl then asked Shultz if he had permission from the Rock County Board to go before the state senate. Shultz said he asked and received permission from the Rock County board to go before the state senate. Heudepohl then asked Shultz if this was in any minutes that Rock County said he could go before the state senate and oppose RKLD desires. Shultz answered by saying he talked with Russ Podzilni first.

After more conversations, Shultz asked Christianson if he had it in for him and his family. Christianson answered by saying he did not know who his family was. Shultz then passed around an interchange of emails between Christianson and his cousin's wife during a stressful time in 2008. For the purpose of the minutes Christianson read aloud the email string. Shultz went on to say that he read this email prior to his first Lake District meeting and the highlighted portions seem to indicate that you have some strong feelings toward the Shearer family. Christianson said he did not know who they are....Christianson went on to note that his first response Robyn Shearer was signed "With respect and courtesy, Brian Christianson, Chairman, RKLD." Christianson went on to read the June 17, 2008 email from Robyn Shearer where she asked to leave the water level alone unless you can get 4 feet of it out of my brother in law's house. Christianson then asked Shultz if he thought 7 inches of water contributed to the flood of 2008. Christianson went on to say that in his response to Ms. Shearer that he would post her email on the Lake District web site and consider including her email in the Lake District newsletter and if she liked adding her to the Annual Meeting agenda. Christianson finished reading the email to the board and his response to Ms. Shearer. A highlighted portion of Christianson's response on June 19, 2009 said "for far too long, a very small minority of ancestral families has treated this lake as their private playground - and if you need me to document the illegal activities that I mentioned in a previous response, I will." Christianson then asked Shultz if he knew what this was about because Shultz had highlighted this portion. Shultz admitted that he did not. The Chair then went on to describe illegal activities performed by one of Shultz's neighbors a Wetlands owner that pounded spike in the lake bed to tear the nets of the carp seiners. Christianson added that he was fined and this is public record and citations issued by the DNR. Shultz added he did not advocate this activity. The end of the Chairman's response including that he choose to express his sympathy to flood victims by filling sandbags in Newville and not by firing off emails to the Lake District implying the flood was the board's fault. Christianson added that he may have been smug in his response and he may have said things better but as Mrs. Shearer said in her email, she could have said things better. After more banter between Shultz and Christianson, Secretary Proud asked Shultz if he understood what was going on here. Treasurer Lunder then added that maybe Shultz could go and educate these people and yourself that are fighting this so hard. Lunder added to Shultz that if he understood the science and facts that have been discussed, you might not have these opinions that you are coming up with and sending to the DNR.

Fulton Township appointee Walton then added that Shultz added some valid points and that it is not a necessarily a bad idea to have someone representing other opinions of the district. Walton added that he thinks Mr. Shultz has to understand that his actions have to be here in an open meeting. You can't go out and represent yourself as a member and express your opinion outside of the meeting. Walton then said maybe this needs to get resolved with the county. Walton added that he felt there was some merit to 33.28 statewide, however, a small incidence in the scope of the state justifies changing. Walton concluded by saying this was a good discussion and telling Shultz that the emails Shultz had sent out indicated that he had personal agenda and that is what you have to get rid of. You can't have that on a Commission.

The Chair then called the question and with no further discussion a roll call was taken. Joan - in favor, Ray - in favor, Andy - opposed, Justin - against, Steve - aye, Jim - in favor, Brian - in favor. 5 ayes and 2 nays, the motion carries and Secretary Proud signed the resolution.

8. Public Participation - The Chair opened it up for public participation and Bill Burlingame indicated that he felt the board had an issue with Justin, but the real issue is with Rock County. He added that the resolution should wait until the issue with Rock County is cleared up. He also added that he felt there are many people frustrated with the Lake District meeting. Christianson asked Bill if he could interrupt him as this is a common point and he understands what Bill is saying but isn't that always the case with elections? Burlingame added he has the same problem with town board meetings. Christianson and Treasurer Lunder welcomed input on how to increase attendance at the Annual Meeting.

Ted Shultz then got up and asked who are some of the PHD's that the district has used. Christianson gave Shultz the answer and Shultz said the meeting here was sour grapes and he was shoved down your throat. He echoed Burlingame's comment that if we have an issue we should take it up with Rock County and we should be used to dissent and should live with it. Ted Shultz went on to say that Justin has lived on this lake I don't know 3 -4 plus years. Ted Shultz added that you could take that address and go waste some more of your all's money. I apologize if you all are wasting money because he is on the board; it seems to me you have wasted money on a bounty hunt to get him off this board. So take it up with them. Ted Shultz then told Chairman Christianson that he should get used to working together because you have an identified problem. He added if we realized that we had a former state chess champion there, a guy who can really think. Ted Shultz then added that 7.2 inches is erosion and how you can raise 7.2 inches and it does not erode the shoreline. The Chair and Commissioner Bowers offered to answer his question. Chairman Christianson then told Shultz that the whole issue with erosion and filling in the lake bed and someone coming back years from now asking for another 7.2 inches that is the most common accusation made by those people that are opposed to the Lake District. The Chair added that we have documented with photos and posted on the web site where not only is that not true but how it can be remedied and then finally the of the Ordinary High Water Mark. Christianson went on to say that what you think is your shoreline is not your shoreline it is within the Public Trust Doctrine. Most people, both personal property owners as well as wetland owners do not where their property ends and the lake bed begins and that is the issue. That is the issue. That is science. Your opinion about erosion is common but we have spent hundreds of thousands of dollars to say why that is not true. Christianson went on to add that 2 years ago when the DNR and RKLD wanted to determine the OHWM so we could substantiate this issue of erosion and the lake bed filling in, the group that fought this was the finding of the OHWM was the same people that are joint litigants with the DNR. They do not want to know where the OHWM is. What does that say? Ted Shultz said he had seen photos from the 40's and the land had gone out to sea. Christianson then said that the IndianFord Dam had changed the hydrology of Koshkonong. Christianson then closed public participation.

9. Adjourn - A motion was made by Jim Bowers and seconded by Ray Lunder to adjourn the meeting. The motion was carried by a voice vote. Meeting adjourned at 7:31 PM.