

Minutes from 3/2/13 Teleconference DPL Board Meeting

1. Roll Call

Present were Jim Michels, Neal Kuhn, Brooke Jensen, Judy Jooss, Mary Adams and Nancy Michael. Mike Halvorson was absent due to work.

2. Citizen Comments

Dan O'Connell expressed a concern that the focus may have shifted on the issue of Jefferson Island Channel project. He felt it was due to change in the makeup of the board following the appointment of a new commissioner, Mary Adams, to replace Colleen Keating. He also questioned the appointment for the remainder of the 3 year term. Dan called for a recall and new election.

3. Jefferson Island Channel {JIC} Phase 1 Status

Jim Michels said the status was reported in the January newsletter and reviewed that. Dave Kraft, Hey & Associates, prepared a proposal and we proceeded with Phase 1 of the proposal which was a survey of the channel. Per phone conversation, Dave reported:

1-1.5 ft. depth in the channel with approximately 5 feet of sediment

The area under the road culvert showed 2-2.5 ft. depth with 1-1.5 ft. granular material in bottom of culvert. No beaver debris was noticed. This can be confirmed during warm weather also. There was no comparison with the 1990 profile. That will be done during the dredging investigation report. Dave said project would be primarily for recreational reasons and secondarily for environmental concerns.

4. JIC Phase 2 Status

Jim Michels said that assuming channel is 800 ft. in length by 20 ft. width and 5 ft. of sediment, estimated volume of excavation is approximately 2,900 cubic yds. DPL is in an information gathering stage.

Decisions will be made at future meetings. The permit for Phase 1 was for maintenance only. A maximum amount of 420 cubic yards of material and was based on previous activities on the north and south ends of the channel. He also feels that any further activities in Phase 2 should be done by a contractor. We still need information regarding costs. Communications with the DNR indicate that further permitting for dredging would be no slam dunk. To remove all may not be necessary with recovery of lake levels and could be postponed indefinitely or performed by JIC owners, district or some other entity. Judy Jooss indicated that permitting costs can be driven up the more difficult and detailed the project is so we need to be careful about our limit.

Remaining funds available for 2013 include \$9,000 for consulting and \$8,000 which was moved from the legal fund to contingency fund. Contingency fund is for any contingency. We cannot change or use dollars from the Aquatic Plant Management without a special meeting since this was a special project exceeding \$10,000.

It was suggested that we invite individuals from SEWRPC and DNR to attend our April meeting in addition to Dave Kraft giving his report.

5. JIC Property Ownership Discussion

Mary Adams reported that the DPL does have the authority to act in this regard since riparian rights go to high water mark according to the Kenosha County Land and Development Office. They also said that the waters were the waters of the state. Travis Holt, DNR Water Specialist, greatly appreciated the fact that we are consulting them before we act. He would like to take a deeper look next week at our current aquatic plants, possible erosion due to dredging, spawning beds, motorized vehicle use and environmental assessments. We will continue consulting with him.

Mary also spoke with Al Byla of the DNR who issued our latest permit and he indicated we are beyond our maintenance permit. We did clear the north channel opening but anything else would require another separate individual permit from the DPL or anyone else. Jim Michels indicated he believes our permit extends until October, 2014 and additional work could be scheduled but permit costs may be higher than estimates in proposal. Our permit volume is limited to 420 cubic yards. In reviewing our 1991 SEWRPC Lake Management Plan there were no recommendations regarding the JIC. The plan did not recommend dredging of the Knolls, Honey Bear or Jefferson Bay. Then Mary spoke with Dr. Jeff Thornton, SEWRPC, who said it might be advantageous to wait and see what results have been achieved from our most recent efforts. When asked if there would be a benefit to the entire lake in doing this project, Jeff said that the primary benefit of this project would be to the riparian owners. As far as benefit to the entire lake it would also improve the recreational factor for canoes and kayaks. He said we could wait and see if considering dredging. He also said we should consider unintended consequences of improved flow perhaps resulting in sediment being deposited in Jefferson Bay. The DNR also is concerned that if you increase flow to the channel the sediment may go in the direction of Jefferson Bay.

6. JIC District of Powers Lake Responsibility

Jim Michels stated that the DPL has the authority but the question is do we have the ability to enter into this aspect of Phase 2? Does this benefit the entire lake or a certain segment of the lake?

Neal Kuhn stated he feels it is the job of the DPL to shepherd this along, gather facts but it is not the responsibility of the board to make this decision without participation at the annual meeting. Our objective is to gather facts, present at the annual meeting and allow people of the lake to decide the fate of this project.

7. JIC Financial Participation and 8. JIC Property Owners Financial Participation

Judy Jooss said in addition to the facts we should inform residents of options of how it could be paid for at the same time so they know they have different ways of funding this. Brooke Jensen indicated this may involve preparing several different budgets reflecting these options. Expanding on the different ways of funding, Judy indicated these options:

- a. This part of the levy would be proportional to the property value as the rest of the assessment is done.
- b. A per parcel fee could equal or weight parcels that get more benefit since they are close to the channel and presumably would use it more often.
- c. In either case, there could be a special assessment spaced out over 5 years. We would borrow money to pay for the project but get it paid back to us over 5 years taking out a loan. We are eligible for state loans at a very low rate.

Jim Michels indicated that the wetlands purchase involved a state grant which paid 50% of the cost and our costs were spread over 2 to 3 years. We have no definite idea of the costs of dredging which can be determined from estimates from dredging contractors. Dredging also hinges on an approved disposal site being a key element to the project.

8. Other

Neal Kuhn made a motion to authorize Hey and Associated to proceed with the #2 task of a Dredging Investigation for the fee of \$2,500. Judy Jooss seconded the motion. A roll call vote was a unanimous yes to this and the motion carried.

9. Citizen Comments

Jim Michels, as a citizen, indicated that the tax levy increase of the DPL was due to the loss of grant money from the state, We wish to retain an aggressive posture regarding AIS as we are far ahead of other lakes. Jim also recapped the resignation of Colleen Keating and appointment of Mary Adams as a Commissioner to fill the vacancy. He refutes but respects Dan O'Connell's position stated in previous citizen comments. Nancy Michael, as a citizen, stated that at the October meeting and in the January newsletter, we quoted and followed the state statutes. As far as changing the appointment or election, this is determined by state law not our bylaws. We were meticulous in this process.

Tom Kraft said the teleconference meeting was a dynamite idea. He would like to extend thanks to the volunteers who donated time and equipment in getting the north dam on the channel cleared. Regarding Dave Kraft's statement saying this project is recreation first and environmentally second, Tom feels it should be the reverse. We should be careful going forward to avoid putting sediment in Jefferson By. We need good advice from our consultants.

Eugene Altweis expressed concern about Knolls Bay water quality on weekends due to low water levels and heavy boat traffic. Buoy placement and traffic in shallow areas should be considered. Knolls Bay is very shallow where boats are piered. His concerns were shared by Jim Michels.

10. Other

11. Adjournment was at 11:05 a.m.