

CITY OF DELAFIELD PLAN B DREDGING COMMITTEE MEETING MINUTES

CALL MEETING TO ORDER

Al Zietlow called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Absent

- Al Zietlow, District 6
- Mike Hausman, District 1
- Bob Aulik, District 3
- Mark Millot, District 4
- Raffi Shirikian, District 5 (arrived at 7:02 p.m.)
- Beth Leonard, Alderperson District 2
- Tim Aicher, Alderperson District 7

A. Zietlow moved to Item 3 on the meeting agenda at this time.

1. APPROVE MINUTES OF APRIL 21, 2010 DREDGING PLAN B COMMITTEE MEETING

**T. AICHER MOVED TO APPROVE THE APRIL 21, 2010 DREDGING PLAN B COMMITTEE MEETING MINUTES AS PRESENTED. B. AULIKSECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

2. CITIZEN'S COMMENTS PERTAINING TO ITEMS ON THE AGENDA

There was no one present wishing to speak at this time.

3. PRESENTATION BY GUEST SPEAKER, DR JEFF THORNTON, SEWRPC "LAKE MANAGEMENT DISTRICTS", COULD THIS BE A PLAN FOR NAGAWICKA LAKE MAINTENANCE?"

Dr. Jeff Thornton, guest speaker from the Southeastern Wisconsin Regional Plan Commission, was present to explain opportunities for residents of the City of Delafield in formation of a lake management district. Lake management districts are a special unit of government used to protect and rehabilitate lakes. There are approximately 400 in the state of Wisconsin. Dr. Thornton then reviewed his history of work in lake management and lake planning since 1990. He explained the process that must be followed for creation of a lake management district, noting the surrounding municipalities must agree to formation, with certain exceptions, and then the County also has to approve that the district can be created. When considering whether a municipality should create a lake management district, several issues need resolution. The first issue is whether to form a lake management district. Secondly, the boundaries of the district must be established. Once those issues are resolved, the formation process for the district would begin by petition that must include collection of signatures on a petition of at least 51% of the owners of land or the owners of at least 51% of the land. Petitioners are only those

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whose names appear on the tax roll on the third Monday in December in the year prior to the year the district is to be formed, and could include corporate representatives. Land owners whose names appear on the formation petition must own land that will be included as a portion of the district. Cities have, on occasion, decided to include the entire city in the lake district. A boundary should be established that would include those property owners that would see value in having the lake maintained and would also include property owners that identified with the water body and saw value in a lake community. Typically, the further away from the lake, the less value was seen in being gained from the lake. Those that have deeded access or general lake access would usually see value in the lake's health.

T. Aicher questioned whether it was necessary to include all lakefront property owners in the district. J. Thornton explained situations had historically existed where the boundary lines of the district did excise certain lands.

A. Zietlow questioned how lands that belonged to the County or State were included in the district boundaries and what impact that had on financing issues associated with the lake district. J. Thornton explained there were three mechanisms in financing for a lake district, including use of a tax levy, assessment through special charges, and special assessments. He noted the instances and kinds of project each financing vehicle would be utilized for in a lake district.

Once the district is formed, it is governed by an annual meeting of the Lake Management District Board. The initial Board of Commissioners is comprised of five Commissioners. Three of these Board members are elected from the population, and two are appointed. One of the two appointees would be from the City of Delafield and the other is appointed by the County Board. The purpose of the appointed positions is to provide avenues of communication between special units of government. A work agenda for the year is established at the annual meeting and is limited by State Statute to issues of lake biology, water quality, storm water management, fisheries stocking, and enhancement programming, such as those found in stewardship and lake protection grant programs. Lake management districts do not have broad powers for things such as boating regulations despite the misconception that many people think they do. Powers are regulated by the State unless specifically granted by the municipalities in its boundaries.

Dr. Thornton noted a book titled People of the Lakes that is published by the University of Wisconsin Extension service. This book is considered a great resource as it deals with all types of lake organizations. There are three types of lake organizations, including a lake management district, and lake associations. There are two types of lake associations, including a voluntary lake group or a qualified group. A voluntary group is a group of people with the lake in common or common lake interests. It might be purely social or focused on the lake. A qualified group becomes able to access state grants and would have to meet criteria for formation. Its function would resemble that of a corporation with the state.

After dealing with the name and boundary in formation of a lake management district, Dr. Thornton explained the reasons or need for forming and purpose the district would fulfill must also be determined. Related issues should include lake management and

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rehabilitation of the lake. Benefits that would result from formation of a lake management district would include contributions to public health, safety and wellness and should be examined and thought of from the lake's perspective. People that have surrounding property to the lake would receive a direct benefit from the lake and a district would create a mechanism through public or educational programming that would inform all how best to manage backyards to help maintain the lake and maintain a good quality environment for the fish, wildlife and plants that are then able to be enjoyed by all.

T. Aicher questioned whether precedent had been set in the State for formation of a lake management district that would have the larger share of a lake's shoreline excluded due to ownership by a separate municipality that was not interested in formation of a district. Dr. Thornton explained while they could not exclude that municipality in the formation process, the boundary would run on the Ordinary High Water Level (OHWL) mark and the land itself could be excluded. T. Aicher noted this question related to inclusion of the Kettle portion of the lake and the discrepancy between various maps in the Chapter 30 permit of whether it should be included as part of the lake or not.

Once the district would have its boundary, name, and purpose determined, it would be necessary to gain the agreement of the City and Village to participate. If that agreement could not be had, there could be no formation of such a district. This agreement did not mean the City was acting as a signer of the petition; it would simply mean the City had no objection to the special purpose unit of government being formed within its boundary. Dr. Thornton recommended that once a direction to form a lake management district is established, it is important to be clear and honest in expectation and information being shared with area residents about the purpose, process, and powers allowed for implementation of a lake district. Formation of a lake management district usually takes approximately 9 to 18 months.

M. Millot questioned whether the majority of lakes in Southeastern Wisconsin were governed by a lake management district. Dr. Thornton listed numerous municipalities in the area that had lake management districts, noting these were typically found where a major lake was present.

Discussion ensued regarding use of the tax levy or special charge mechanism to fund day to day activities and large capital projects. Daily activities could include such operations as aquatic plant management, fish stocking, management of a boat ramp, as well as construction of a storm water management pond. Special assessments would be used in cases where there might be purchase of a dam or replacement of dam; usually in instances where there were large capital projects needing accomplishment. Dr. Thornton shared examples of School Section Lake and Little Muskego Lake efforts regarding dredging.

In response to a question, Dr. Thornton noted a lake district can accept donations from foundations or individuals. He also noted grants were available to fund lake management plans and for planning purposes once a district was established.

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On behalf of the Committee, A. Zietlow thanked Dr. Thornton for being present this evening. Dr. Thornton stated he would be happy to help any way possible for future needs. His email contact is [jthornton@sewrpc.org](mailto:jthornton@sewrpc.org) and his phone number is 262-547-6721 ext 237.

### 4. UNFINISHED BUSINESS

#### A. DISCUSSION OF ASSIGNMENTS UPDATES

T. Aicher distributed information related to an assignment completed with Bob Aulik of the factors/rationale that determined how residents voted in the dredging referendum.

T. Aicher explained the information gathered in his informal survey yielded a variety of opinions regarding why the referendum failed and reports provided to the Committee were kept anonymous as to the participants. These opinions included extreme variation about funding formulas, source of siltation, roles of dredged and non-dredged lake owners, and what constituted a need for dredging. Common opinions found included the idea that the funding formula was unfair, others such as the City, County, State, and lake users should have to pay for a portion of the dredging, the problem was getting worse, and the City had an obligation to pay for a portion of the dredging project. If anyone wanted to be included in the survey results, they could contact T. Aicher or B. Aulik via the dredging website.

Discussion ensued regarding the findings and clarification of opinions was provided. T. Aicher noted it was very evident that there was a desperate need for dredging in clusters of shoreline where it was impassable currently. There was also a general desire for education on the dredging.

Discussion further ensued by the Committee regarding specific areas of the lake noted where it was impassable or very difficult currently to navigate. Additional discussion was held regarding how to convey the concept of direct benefit and how a decrease in lake use due to lack of dredging would decrease value of homes for all.

At this time, A. Zietlow moved to Item 1 on the agenda.

R. Shirikian distributed an alternative payment plan for the dredging project to the Committee members. He complimented T. Aicher and B. Aulik for a job well done on interpretation of the survey data. In addition, he had worked with K. Attwell since the last Committee meeting regarding possible funding formulas that could be utilized if some areas of the lake did not want to be dredged.

Discussion ensued regarding the various opportunities for dredging and implications to the formula presented if a property owner did not want to be dredged and neighbors did. Additional discussion ensued regarding the reasons why a property owner might not want to be dredged as a result of other issues other than cost. If some of those issues were resolved, then the cost might be

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more palatable and more property owners would opt in to the dredging project and that would also impact the cost of the project. A discussion of benefit took place at this time.

A. Zietlow suggested meeting with a group of property owners in an area that voted no to the dredging referendum and asking for opinions on the funding formula alternative presented for feedback.

R. Shirikian stated he had utilized logic in the alternative payment plan presented that lake dredging would become like any other infrastructure item in the City budget in order to have long term maintenance of the lake. Discussion ensued regarding the issues that needed to be solved in order to make dredging an ongoing line item in the budget.

A. Zietlow suggested a brief discussion of the Committee and its findings to date could be presented at the Annual Lake Awareness meeting sponsored by the Lake Welfare Committee. He stated he would meet with B. Aulik, T. Aicher, and R. Shirikian prior to the next meeting regarding information that could be presented at the Annual Lake Awareness meeting. This information would be shared with the Committee at the next meeting.

A. Zietlow recessed the meeting at 9:32 p.m. and reconvened at 9:37 p.m.

**B. DISCUSSION AND REVIEW OF THE FOLLOWING ITEMS:**

**i. REPORT ON BENEFITS NAGAWICKA LAKE HAS FOR ALL CITY RESIDENTS**

M. Millot distributed information regarding the environmental, navigational, and financial benefits to the dredging project for all City residents. He noted the issue was one of mutual dependency found in the relationship between the lake and the property values for homeowners within the City. There will be a significant depreciation in home values if the lake is allowed to degrade. Final numbers were still being reviewed that would demonstrate the impact on property values and M. Hausman would provide additional information on this topic at the next Committee meeting.

**ii. DEVELOPMENT AND EDUCATION PLAN FACT SHEET**

A. Zietlow stated the Committee needed to begin development and planning for an education fact sheet on the dredging project and related recommendation for that project. An educational page was distributed to all Committee members with common data base information regarding key costs associated with the dredging project. In addition, information was provided regarding possible recommendations from the Committee. Additional discussions would need to be had on these topics and Committee members should begin to consider recommendations for the dredging project for possible discussions in upcoming Plan B Dredging

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Committee meetings. It was noted that all financial information shared should be accurate and concise for all.

Discussion ensued regarding which numbers to use that accurately and consistently represent the properties being assessed.

iii. REVIEW STATUS OF "WATERWAY COMMISSION GRANT APPLICATION"

A. Zietlow explained Jim Ritchie of the DNR had responded in written form to the Waterways Commission Grant Application submitted earlier in the year. J. Richey questioned various issues related to navigability and recreational boating use. City Staff would be responding to this request for additional information. The final grant application deadline was June 1, 2010.

5. NEW BUSINESS

A. DISCUSSION AND SELECTION OF POSSIBLE METHODS OF FUNDING THAT THE COMMITTEE MAY WISH TO DEVELOP AND DETAILED INFORMATION ON PUBLIC PRESENTATION

This item had been discussed in Items 4a and 4bii

B. UPDATE AND DISCUSSION ON PRIVATE RIPARIAN OWNERS APPLYING FOR SMALL AREA DREDGING PERMITS

Private riparian owners had taken steps to apply for small area dredging permits with the DNR. Their project would be put out for bids in the next few months. While the yardage of spoils would be less overall for the private permits, it was believed this information would provide cost comparisons for the possible larger dredging project. Other dewatering sites would be utilized in the private projects; however, the spoils would be dewatered in the same manner as described on a larger scale in the Chapter 30 permit.

C. DNR CHAPTER 30 PERMIT UPDATE

A. Zietlow requested the Committee review pages 15-16 of the Chapter 30 Permit to become familiar with the information presented as a chemist would be present at a future Committee meeting for educational purposes.

M. Hausman questioned whether steps would be taken to request an extension to the Chapter 30 permit from the DNR. A. Zietlow explained the process that would need to take place should the City wish to file an extension.

6. CORRESPONDENCE

None.

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7. COMMITTEE SUGGESTIONS FOR NEXT MEETING--MAY 19, 2010

The following items were suggested for inclusion on the May 19, 2010 Committee meeting:

- DNR Chapter 30 permit extension including Resolution of the same
- Possible education and recommendation sheet
- Schedule summer meeting dates on first Thursday if possible
- Discussion topics for Annual Lake Awareness meeting with LWC

8. NEXT MEETING DATE MAY 19, 2010 7pm

A. Zietlow noted the next meeting date of the Committee would be held on May 19, 2010 at 7:00p.m. at the City of Delafield Public Safety Building.

9. ADJOURNMENT

**M. MILLOT MOVED TO ADJOURN THE MAY 6, 2010, DREDGING PLAN B COMMITTEE MEETING AT 10:06 P.M. M. HAUSMAN SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes prepared by:

Accurate Business Communications, Inc.