

CITY OF DELAFIELD LAKE WELFARE MINUTES

- 1. CALL MEETING TO ORDER

Chairman J. Bills called the meeting to order at 6:01 p.m.

- 2. ROLL CALL

Present

Absent

Kent Attwell
 Jerry Bills
 John Brodie (Nashotah Rep)
 Jerry Burg
 Jerry Dunnick
 Bonnie Fieber
 Gayle Gaborsky
 Lynn Morrison
 Gary Pratt
 Don Tills
 Ken Wiedmeyer

Richard Landwehr

- 3. APPROVE MINUTES OF NOVEMBER 8, 2006

K. ATTWELL MOTIONED TO APPROVE THE MINUTES FROM THE NOVEMBER 8, 2006 MEETING. D. TILLS SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- 4. CITIZEN'S COMMENTS ON ITEMS PERTAINING TO THE AGENDA.

Herb Rasmussen, 3098 Stonebridge Isle – Spoke regarding the methodology that was going to be recommended. Although two classifications are being recommended, he thought that a third classification should be added for riparians that were not being dredged. He also thought that on Item 2c of the Recommendations that the access channels should be common responsibility. He had questions on the northwest channels that had conservancy abutting against parcels. He felt that too much of a burden was placed on some of the property owners. Thanks were expressed to the Lake Welfare Committee (LWC) for their hard work and the wonderful job on this project. Although he would like a deadline on this project, he didn't want to rush to get the answers.

Tom Schoenauer, 1217 A Milwaukee Street – He did not think that riparians not being dredged should pay as much.

Michael Wiggins, Edgewood Court, Nashotah – has been appointed by the Village of Nashotah as their LWC alternate and was present at the meeting in the audience.

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Without objection, Item 6d3 was moved to be discussed prior to Item 6d1.

Without objection, Item 6b1 was moved to be discussed prior to Item 6a.

5. OLD BUSINESS

a. BOAT HOUSE APPLICATION (LARRY CHAPMAN – FORMER HEATH PROPERTY)

Herb Rasmussen was present on behalf of Larry Chapman.

K. ATTWELL MOTIONED TO APPROVE. L. MORRISON SECONDED THE MOTION. B. FIEBER wanted to know the difference between this application and that of the previous Heath application. H. Rasmussen was not knowledgeable of the details in the first application. He is doing the landscape design. B. Fieber stated that a rep was supposed to attend this meeting to discuss the differences between this boathouse and the other one. H. Rasmussen stated that the location of this boathouse has been moved to the west where the gazebo currently is located. He could not speak on the design of the boathouse. D. Tills discussed the rain gardens and rain gutters. H. Rasmussen stated that the boathouse pitch would be away from the lake. He explained the landscaping in this area. D. Tills had a problem with the bathroom being in the boathouse. The code states that boathouses are for storage of boats and not for living quarters. There was no detail on the lighting. FIVE WERE OPPOSED TO THE MOTION. FOUR WERE IN FAVOR OF THE MOTION. J. BRODIE ABSTAINED. MOTION FAILED.

B. Fieber stated that she wanted more information on the boathouse. J. Bills stated that the sense of the committee was that there was concern about the bathroom, boat storage, lighting, and living quarters.

G. PRATT MOTIONED TO APPROVE WITH THE EXCLUSION OF THE BATHROOM. L. MORRISON SECONDED THE MOTION. D. TILLS THOUGHT THAT THERE WAS NOT ADEQUATE INFORMATION TO REVIEW. SIX WERE IN FAVOR OF THE MOTION. FOUR OPPOSED THE MOTION. J. BRODIE ABSTAINED. MOTION CARRIED.

b. REVISED BOAT HOUSE CODE – DON TILLS

D. Tills and J. Bills went to the Plan Commission meeting where discussion took place on the Revised Boathouse Code. Questions were asked by the Plan Commission about why there was not a unanimous vote from the LWC. The Plan Commission recommended that a public hearing take place in May when everyone would be back from their winter vacations. After the public hearing this code will go back to the Plan Commission for a recommendation to the Common Council.

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6. NEW BUSINESS

a. LAKESHORE RESTORATION PROJECT

1) STATUS OF DREDGING APPLICATION

The DNR has the application, but the City was notified on the Wednesday before Thanksgiving that pictures needed to be included. J. Bills went out, took pictures and will send the photos to Foth & Van Dyke in the near future for inclusion in the application. J. Brodie will submit photos of the northern areas.

J. Brodie discussed someone taking core samples on farmland without permission. J. Bills will investigate and follow-up on this matter.

J. BRODIE MOTIONED THAT J. BILLS INVESTIGATE THE TRESPASSING INCIDENT AND DRAFT A LETTER (TO THE LANDOWNER) IF NECESSARY. L. MORRISON SECONDED THE MOTION. DISCUSSION TOOK PLACE ON CITY CONTACT WITH THE LANDOWNER. ALL WERE IN FAVOR. MOTION CARRIED.

2) ONGOING DREDGE MAINTENANCE

No report.

b. PLANT MANAGEMENT PLAN

1) DISCUSSION OF PLAN

Dr. Jeffrey Thornton, SEWRPC, was present at the meeting. The Plan has been published, delivered to the City, and is available on the SEWRPC and DNR websites. The aquatic plant survey has been updated. He recommended continuing aggressive treatment of the Eurasian Water Milfoil. He commented on the proposed dredging project. He suggested planting along the shorelines. Upcoming conventions would be advantageous for the committee members to attend and can be found on the website www.wisconsinlakes.org. Early season treatment using herbicide treatment has been very beneficial and could be a means of controlling Eurasian Water Milfoil. Dr. Thornton would recommend using a granular 2-4-D. He did not recommend using biological or physical control methods for controlling aquatic plant growth. Controlling aquatic plants through the use of manual methods around piers and docks, using mechanical methods in larger areas, and using herbicide treatment in specific areas was recommended. D. Tills discussed the erosion of the northwest islands. J. Thornton stated that this was included in Map 9.

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J. Brodie discussed Map 8, page 35 of the draft, specifically the area labeled "H". J. Thornton stated that the map is the same in the final as it was in the draft. This determination was made by Dr. Thornton's work in the area. J. Brodie was concerned with the way SEWRPC had the area labeled which indicated that this was not a navigable area. J. Bills stated that as this area exists now, it is not physically navigable. Once dredging takes place in this area, it would change and would be a boating channel. G. Pratt stated that he agreed with J. Brodie. He too was concerned about the cut-off on the northeast side. J. Bills stated that as the map indicates, this is how the area presently is. J. Thornton would need a decision to be made by the LWC in order to update the map to show the northern channel and the northeast channels as a boating access lane. B. Fieber stated that in the DNR survey, it was stated that this area was not a questionable area. J. Bills stated that it would be a minor to change the map. G. Pratt would like the SEWRPC map to be in agreement with the DNR philosophy.

B. FIEBER MOTIONED TO RECOMMEND SENDING A LETTER TO SEWRPC TO CLARIFY AND IMPROVE MAP 8 AREA "H" ON THE NORTHWEST AND NORTHEAST SIDE OF THE LAKE SPECIFICALLY ENCOMPASSING THE NORTHERN MOST ACCESS LANES INTO THE CHANNELS AND THE EXTENSION OF THE RED AREA NORTH ON THE EAST SIDE OF THE LAKE. K. ATTWELL SECONDED THE MOTION. J. Thornton stated that it was in writing that these areas should be maintained for navigation. J. Brodie stated that the text should match the graphics. B. FIEBER AMENDED HER MOTION TO INDICATE THAT M. CARLSON SHOULD SEND THE LETTER TO DR. THORNTON. K. ATTWELL AGREED WITH THE AMENDMENT. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

c. DAM REPAIRS – TOM HAFNER

No report.

d. WORKGROUPS REPORTS

1) COMMUNICATIONS AND EDUCATION– BONNIE FIEBER

a. COMMUNICATOR

Copies of the articles that were put into the newsletter were provided to the Committee members. J. Brodie expressed displeasure about the article regarding the focus group's recommendations, particularly item #2. R. Lartz asked that a copy of the City Communicator be sent to the Village of Nashotah Village Hall on a permanent basis. B. Fieber will ask E. O'Brien to do this.

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2) RESTORATION REFERENDUM AND FUNDING

a. FOCUS GROUP MEETING – KENT ATWELL & DON TILLS

A copy of the “Lake Nagawicka Restoration Plan Funding Focus Group Results and Open Issues” was provided to the Committee Members. This summarized the activities of the Funding Group’s meeting. L. Morrison thought there was a lot of discussion about linear and high water frontage at the Focus Group meeting. D. Tills stated that the City Assessor has a frontage calculated for assessment purposes that has been assigned to each property. The Assessor has been contacted and these numbers have been used. The same numbers will be requested from the Village of Nashotah. G. Pratt recommended striking “linear footage” in 1A of the report. K. Attwell stated that the recommendation from the focus group was on linear footage based on the published figure. It was suggested to delete the word “customarily”. K. Attwell stated that the focus group felt that linear footage was the fairest method. This report was submitted for feedback and reviewed the ideas and recommendations that the Focus Group came up with.

J. Brodie did not think that the paper accurately reflected what took place at the Focus Group meeting. He felt that the northern access was not deemed a common good area and should have been.

Discussion took place on common good areas. J. Bills stated that the role of the focus group was to given input and direction. Changes can be made.

One Hundred Percent Common Good Areas were voted on:

K. ATTWELL MOTIONED THAT THE LWC CONFIRMS THAT THE SEDIMENT TRAP BY THE BARK RIVER SHOULD BE DEFINED AS A COMMON GOOD AREA. L. MORRISON SECONDED THE MOTION. He displayed the area that would encompass the sediment trap. L. Morrison called the question. NINE WERE IN FAVOR. J. BRODIE ABSTAINED. MOTION CARRIED.

B. FIEBER MOTIONED THAT ST. JOHN’S POND DOCK AREA BE CONSIDERED COMMON GOOD. J. DUNNICK SECONDED THE MOTION. THE AREA WAS DISPLAYED ON THE SCREEN. NINE WERE IN FAVOR. J. BRODIE ABSTAINED.

J. DUNNICK MOTIONED THAT THE BLEEKER STREET AREA BE DEFINED AS A COMMON GOOD AREA. B. FIEBER SECONDED THE MOTION. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

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K. ATTWELL MOTIONED TO INCLUDE THE FOOTAGE IN THE WEED HARVESTOR CHANNEL AS A COMMON GOOD AREA. J. BURG SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

K. ATTWELL MOTIONED THAT THE KETTLE ACCESS AREA BE CONSIDERED A COMMON GOOD AREA. B. FIEBER SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

B. FIEBER MOTIONED THAT ALL CITY OWNED PROPERTIES THAT ARE BEING RESTORED BE CONSIDERED COMMON GOOD. J. BERG SECONDED THE MOTION. DISCUSSION TOOK PLACE HOW THE VILLAGE OF NASHOTAH RESIDENTS WOULD FEEL ABOUT THIS. NINE WERE IN FAVOR. J. BRODIE OPPOSED. MOTION CARRIED.

Discussion took place on Item ICii: This should be worded:
"Nashotah's proportion is calculated as 12.4% of the ~~project~~ common good areas."

J. Brodie stated that the common good areas are based on the evaluation of riparian properties. L. Morrison will find out how many of the boat launch permits were issued to the Village of Nashotah.

Julie Petras, Village of Nashotah Board Member – thought that the Lake Restoration project was wonderful but that more information was needed to sell it to their residents. She stated that there need to be good reasons for the residents to support the project. L. Morrison thought that it needs to be shown that it is not a lot of money and that selling the project is another subject. J. Bills stated that the LWC must come up with rationale alternatives with the associated costs along with the pros and cons for each option.

M. Wiggins volunteered to assist with the analysis of data.

"Administrative costs" in Item I-C need to be defined.

K. ATTWELL MOTIONED THAT USING PROPERTY VALUATION OF THE VILLAGE OF NASHOTAH AND CITY OF DELAFIELD IS A FAIR WAY OF SPLITTING COMMON GOOD AREA COSTS AND ADMINISTRATIVE COSTS. G. PRATT SECONDED THE MOTION.

R. Lartz felt that it would be advantageous to come up with three or four different options. K. Attwell stated that this motion would state that the LWC favors this method. J. Bills felt that this was premature. B. Fieber stated that this was the goal of the focus group. It was clarified that this is the 2006 equalized value of land and improvements. J. Bills thought that other alternatives should be

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given and that the Common Council will most likely want to see other alternatives. The methodology stands alone. **L. MORRISON CALLED THE QUESTION. NINE WERE IN FAVOR. J. BRODIE OPPOSED. CARRIED.**

B. FIEBER MOTIONED THAT J. BILLS PUT TOGETHER FUNDING OPTIONS FOR THE COMMON COUNCIL AND THE VILLAGE OF NASHOTAH FOR THE COMMON GOOD AREAS AND ADMINISTRATIVE AREAS. M. WIGGINS VOLUNTEERED TO HELP WITH THIS. J. BRODIE SECONDED THE MOTION. L. MORRISON DID NOT THINK THAT THE MOTION SHOULD INCLUDE THE VILLAGE OF NASHOTAH. B. FIEBER WITHDREW HER MOTION.

J. BRODIE MOTIONED THAT J. BILLS COME UP WITH A LIST OF FUNDING OPTIONS TO PRESENT TO THE COMMON COUNCIL. HE WITHDREW HIS MOTION.

IIA & B – Does the LWC agree with the Focus Group’s recommendation that the City should include City-owned properties in the Common Good areas to be funded proportionately by all residents in the two communities and to assess non-restored riparian properties in the same, proportionately, as non-lake residents?

K. ATTWELL MOTIONED THAT THE LWC MOVE THAT KEEPING TWO GROUPS IS THE FAIREST WAY TO ALLOCATE THE COSTS FOR THE COMMON GOOD AREAS AND ADMINISTRATIVE COSTS. J. DUNNICK SECONDED THE MOTION. THE MOTION WAS AMENDED TO STATE THAT THE LWC AGREED WITH THE FOCUS GROUPS’ RECOMMENDATION TO ASSESS NON-RESTORED RIPARIAN PROPERTIES THE SAME, PROPORTIONATELY, AS NON-LAKE RESIDENTS. B. FIEBER SECONDED THE AMENDMENT. General discussion took place regarding the perception of the voters. J. BURG AMENDED THE MOTION TO READ THAT FOR THE COMMON GOOD AREAS THAT ALL THREE GROUPS (RIPARIAN WITHIN THE DREDGING PRISM, RIPARIAN PROPERTIES OUTSIDE OF THE DREDGING PRISM & NON-LAKE RESIDENTS) WILL ALL SHARE PROPORTIONATELY IN THE ADMINISTRATIVE AND COMMON GOOD COSTS. K. ATTWELL AND J. DUNNICK ACCEPTED THE AMENDMENT. EIGHT WERE IN FAVOR. G. PRATT AND J. BRODIE ABSTAINED. MOTION CARRIED.

A five minute break was taken.

IIC – Access Channels in the NW - should these areas be part of the Common Good.

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G. PRATT MOTIONED THAT THE FIRST 200' OF ALL CHANNELS BE CONSIDERED COMMON GOOD. MOTIONED DIED FOR LACK OF SECOND.

J. BRODIE MOTIONED THAT THE SIX EAST/WEST ACCESS CHANNELS IN THE NORTHERN PART OF THE LAKE BE CONSIDERED 100% COMMON GOOD AREAS TO THE ENTIRE CITY AND VILLAGE. J. BURG SECONDED THE MOTION. K. Attwell had concerns about putting these areas into common good because it would add to the amount of money that people off of the lake would need to pay which may make the referendum harder to pass. D. Tills stated that he felt that the major beneficiaries of the channels are the riparian landowners in the Northwest channels and that the secondary beneficiaries are those using the lake who go back there. J. Burg and K. Wiedemeyer felt that it was beneficial for the whole. J. Burg felt that the LWC should not guess what might or might not pass through on a referendum. General discussion took place. THREE WERE IN FAVOR. FIVE OPPOSED. ONE ABSTAINED. MOTION FAILED.

K. ATTWELL MOTIONED THAT THE SIX CHANNELS THAT RUN EAST-WEST BE INCLUDED AS COMMON GOOD FOR THOSE RIPARIANS IN THE NORTHWEST CHANNEL AREA. D. TILLS SECONDED THE MOTION. SIX WERE IN FAVOR. FIVE OPPOSED. MOTION CARRIED.

IID – Shared NW Channels.

K. Attwell reviewed the areas where on one side where riparians have useable frontage and on the opposite side there is unusable wetland or an island.

L. MORRISON MOTIONED THAT IN THE NORTHWEST CHANNELS WHERE ON ONE SIDE, RIPARIANS HAVE USEABLE FRONTAGE AND ON THE OPPOSITE SIDE THERE IS UNUSABLE WETLANDS OR AN ISLAND, THAT THE RIPARIANS WITH THE USABLE FRONTAGE WILL PAY FOR THE ENTIRE PROJECT IN FRONT OF THEIR USEABLE PROPERTY. B. FIEBER SECONDED THE MOTION. JOHN BRODIE ABSTAINED FROM THE MOTION. IT WAS CLARIFIED THAT PROPERTIES THAT ARE UNBUILDABLE, WETLANDS, OR CONSERVANCIES WOULD NOT BE ASSESSED FOR THAT FRONT FOOTAGE. ALL WERE IN FAVOR. MOTION CARRIED.

B. FIEBER MOTIONED THAT FOR ISLANDS THAT ARE CURRENTLY UNOCCUPIED THAT THE RIPARIANS WITH USEABLE PROPERTY ON THE OPPOSITE SIDE PAY FOR BOTH

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PORTIONS OF THE DREDGE PRISM, HOWEVER, IF THOSE PROPERTY OWNERS DO IN THE FUTURE BUILD ON THAT LAND, THE CITY RESERVES THE RIGHT TO GO BACK AND ASSESS THEM. MOTION DIED FOR LACK OF SECOND.

G. PRATT MOTIONED THAT CHANNELS TO THE EAST AND SOUTH OF PARCELS DELC0750059 & 58 BE DESIGNATED AS PART OF THE PROJECT AREA RESPONSIBILITY AND A LIEN BE PLACED ON THESE PROPERTIES FOR THEIR SHARE OF THE PROJECT. B. FIEBER SECONDED THE MOTION. SEVEN WERE IN FAVOR. 3 ABSTAINED. MOTION CARRIED.

J. Bills asked for consideration that if restoration takes place to bring a property back to a naturalized state to reduce additional sedimentation, that discussion take place on ways to reduce that particular owner's bill by a certain percentage as an incentive. This will be put on a future agenda.

b. FUNDING RECOMMENDATIONS

A PowerPoint of the Cost Estimate Baseline was displayed. K. Attwell reviewed. This is preliminary and will not be distributed until final.

c. FUNDING FOR CHANNEL ACCESS AREAS

See above.

d. ONGOING DREDGING MAINTENANCE

No discussion took place.

3) LAKE WELFARE COMMITTEE MEMBERSHIP – LYNN MORRISON

a. PROPOSED REVISION IN MEMBERSHIP

A Resolution was provided to the Committee Members in their packets. The roles of alternates on the committee, the number of people on the committee, and who were voting members were reviewed. Quorums were also discussed. Membership would include one appointed member from the Common Council, one representative from the Village of Nashotah, and nine citizen members representing as closely as possible the seven aldermanic districts. The committee would consist of a total of 11 members with a quorum being seven members. Each member of the committee would be a voting member and with members alternating between odd and even appointed years. R. Lartz, Village of Nashotah President stated that Mike Wiggins was appointed as the Village of Nashotah LWC alternate. J. Bills stated

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that the Village of Nashotah would be represented by one member; either J. Brodie or M. Wiggins could attend the LWC meetings.

J. BRODIE MOTIONED TO HAVE TWO VOTING REPRESENTATIVES FROM THE VILLAGE OF NASHOTAH ON THE LWC. THERE WAS NO SECOND. THE MOTION DIED DUE TO LACK OF A SECOND.

It was the majority of the LWC felt that there should only be one representative from the Village of Nashotah on the LWC.

B. FIEBER MOTIONED TO ACCEPT THE RESOLUTION. D. TILLS AGREED CONCEPTUALLY, BUT ON THE 5TH PARAGRAPH IT WAS NOTED THAT IT SHOULD STATE UPPER NASHOTAH (NOT LOWER NASHOTAH). HE WAS NOT SURE IF HE AGREED WITH THE STATEMENT "WITHIN THE CITY LIMITS" AND FELT IT SHOULD BE BROADER, I.E. "WITHIN THE CITY LIMITS AND WITHIN THE WATERSHED." IN ADDITION IT SHOULD STATE THAT THE COMMITTEE SHALL MEET AT A MINIMUM OF ONE TIME PER MONTH OR AS NEEDED. THE ANNUAL SPECIAL LAKE AWARENESS MEETING SHOULD BE CHANGED TO REFLECT THE ANNUAL LAKE MEETING. THE THIRD WHEREAS SHOULD BE DELETED AND THE FIFTH ONE SHOULD BE MOVED INTO IT. K. ATTWELL SECONDED THE MOTION WITH THE ABOVE NOTED CHANGES. NINE WERE IN FAVOR. J. BRODIE OPPOSED. MOTION CARRIED.

b. ROLE OF NASHOTAH REPRESENTATIVE

See above.

c. MONTHLY REPORTS FOR LWC AND VILLAGE

No discussion took place at this time.

7. CORRESPONDENCE

None.

8. ADJOURN

B. FIEBER MOTIONED TO ADJOURN FROM THE MEETING. J. DUNNICK SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 10:54 P.M.

Minutes Prepared By:

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