

**OKAUCHEE LAKE MANAGEMENT DISTRICT**

August 8, 2016 -- 7 P.M.

Town of Oconomowoc Town Hall

[www.olmd.org](http://www.olmd.org)

**MINUTES**

1. Call to Order

C. Wilson called the meeting to order at 7 P.M.

2. Meeting Notice Announcement

The meeting notice announcement was distributed to local newspapers, posted at the Town of Oconomowoc Town Hall, two boards, and on the OLMD website.

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Roll Call of Commissioners

Present

Carol Wilson

Tom Godar

Dennis Johnson

Bruce Mueller

Dee Schriver

Absent

Also Present

Pat Furno, Accountant for the District

5. Correspondence

None.

6. Comments from the Floor

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

7. Comments from Committee Members

Tom Godar noted an article on Eurasian Water Milfoil would be posted to the OLMD website with permission from the DNR.

8. Discuss & Act on Report of the Treasurer

D. Schriver reported the following:

Total Revenues:	\$316,626.84
Total Expenditures:	<u>\$168,428.14</u>
Total:	\$148,198.70

**D. Johnson moved to accept the Report of the Treasurer as presented. B. Mueller seconded the motion. There was no further discussion. All were in favor. Motion carried unanimously.**

9. Approve Checks & Vouchers

**D. Johnson moved to approve the August 8, 2016 list of bills as presented. D. Schriver seconded the motion. There was no further discussion. All were in favor. Motion carried.**

10. Approve Minutes (July 11 & July 25, 2016)

**B. Mueller moved to approve the minutes from the July 11, 2016 meeting as presented. D. Schriver seconded the motion. There was no further discussion. All were in favor. Motion carried.**

**T. Godar moved to approve the minutes from the July 25, 2016 meeting as presented. B. Mueller seconded the motion. There was no further discussion. All were in favor. Motion carried.**

11. Discuss Dam Near Road T Boat Launch

Jeff and Carol Leppla, N51W35381 River Road, and Michelle Hayes, DNR engineer were present. J. Leppla explained they lived directly across from the Road T boat launch and had purchased their property approximately six years ago. At the time of purchase, they assumed the dam in the water near their property belonged to the DNR and did not think anymore about it. Since that time, it seemed as though there was more congestion near their property as a result of the dam near the boat launch. They met with Michelle Hayes, engineer from the DNR regarding the dam structure. She did not know it was there; however, with research learned that it belonged to no one as it had been abandoned. There were grants available up to \$50,000 for removal of the dam structure. Contractors would be coming to their property in the future to look at the dam structure and provide estimates for removal of the remaining dam structure, sea wall and to shore up the Leppla's shoreline. The Leppla's had proposed the idea of securing a grant for removal of the dam with the Town of Oconomowoc Board at a recent Town Board meeting. Chairman Hultquist had indicated a letter of support for the grant application would be provided. This letter had not yet been received by the Leppla's. The Town

Board thought the Okauchee Lake Management District Board should also be approached regarding this matter.

M. Hayes, DNR engineer, explained the dam structure had been abandoned in 1961 at the time a private owner had built the downstream dam. There were warning lights on it and it was considered a public nuisance on the bed of a public waterway. The DNR sponsored a \$50,000 non-matching reimbursement grant that could potentially aid in the removal of the dam structure. While the DNR did not have the right to use its own funding in this way, the Leppla's had the right to apply for the grant. They had approached the town and the Town Board had there was not enough staff time available to write the grant, but they were supportive of the effort. For this reason, the Leppla's were requesting the OLMD sponsor the grant. From a DNR standpoint, removal of the dam was a "win" for everyone. The dam posed a massive navigational hazard as it had been underwater for more than 50 years and could start to cause boat damage as it deteriorated. It would be prudent to take advantage of the grant opportunity at this time while it remained in the DNR budget. She anticipated the work described could be done for less than \$50,000, especially if the Leppla's discussed the grant opportunity with the contractor. The Leppla's planned to get cost estimates and move forward to the extent possible. The dam blocked the area near their property.

Michael Duwe, N51W35427 River Road, owned the property adjacent to the Leppla's for the past four years. Last summer there was little hazard noted due to a lack of traffic. Since the launch reopened, things had changed. Boats were required to navigate past the structure to get to the big lake. People often parked parallel to the launch leaving a small gap that was difficult to navigate around with the structure in place. He had seen two boats bump into the dam. Removal of the structure would clear up the congestion near the boat launch. The dam structure was definitely aging, a nuisance and hazard to boaters.

Bob Sokolowicz, N64W34899 Road J, explained while he did not live near the dam structure being discussed, he had been present at the last Town Board meeting and heard the Leppla's explain the situation to the Town Board. There was no discussion among Board members at that meeting; however, the Town Chair did agree to write the letter of support as explained by J. Leppla. B. Sokolowicz thought it might be helpful to discuss the matter with the Town Board. He agreed that the dam was a nuisance and the DNR should never have allowed it to stay there. Now others needed to remove it and they did not have anything to do with the dam originally. M. Hayes explained the Public Service Commission authorized the abandonment of the dam and the DNR would not have allowed it to happen today.

C. Wilson explained the history of the dam noting it was left as a back-up in case the newly constructed dam at that time failed to hold back water. It was suggested that the DNR be notified that boat traffic was congested in that areas a result of the launch configuration. If the dam were to be removed, there would be two-way traffic in that area. The river bed depth in that area would not support two pontoon boats. This would become a safety issue.

D. Johnson questioned the removal requirements of the DNR. M. Hayes explained the dam had a unique permit because it was classified as being abandoned. The DNR would want to approve the removal process because there was no engineering solution. The contractor would simply come out and remove it. Some of the dam might not be able to be removed. Restoration would be needed for the Leppla's sea wall and shoreline. T. Godar questioned the lack of completion on removal of the dam. If it were not completely removed, it would become more of a hazard. The waterway was either navigable or it was not. If the issue was the traffic flow, he questioned whether the dam could be made more attractive or obvious to boaters. He also questioned whether the DNR could move the pier that caused the new congestion. The location of the pier at the boat launch was never discussed with the OLMD members. M. Hayes noted a good contractor would be able to get most of the concrete dam structure removed so that boaters could draft enough clearance to allow boats in the area to draft appropriately. If the concrete could not be removed to allow appropriate drafts for boats, the area would likely be re-evaluated for other options and marked if necessary. The OLMD and the Leppla's could work with the DNR warden on this matter for approval. Engineering needs associated with the dam removal project would be cost prohibitive to construct the dam to current design standards. J. Leppla noted the channel appeared to be approximately 10-15 feet deep when he last dove in the area. He anticipated two boats could draft the area easily. Carol Leppla explained the cement was coming off the dam structure and sea wall. Boaters did not always follow the "Slow-No Wake" designation in the area. The dam was old and crumbling. She invited all present to visit the property to view the dam.

D. Johnson questioned the grant reimbursement process. M. Hayes explained there were several options available; however, there would likely be a co-payment between the Town of Oconomowoc, the OLMD and J. Leppla that would be reimbursed after the project was complete. D. Johnson also questioned how to respond to residents that thought this project existed only to enhance a private property. M. Hayes noted the dam structure was a public nuisance. The Leppla's were the first people to come forward with this request. C. Wilson noted the dam had been in existence a long time without complaint by anyone. This did not seem a public nuisance. M. Hayes clarified the dam structure was also of public interest. There was a public trust related to navigation and fisheries in Wisconsin waterways. DNR resource managers would prefer the dam structure was gone.

Concern was expressed regarding the cost of removal for this project. M. Hayes noted that estimates might possibly be more favorable in the off season when the structure removal and restoration could be completed. If the removal was slated for the summer, the waterway would not be closed; however, there would be temporary impacts from shoreline to shoreline because the removal would have to be done from a barge. She would continue to work with water management specialists to determine what would be allowed. Concern was also expressed regarding the residential responsibility in this matter. The waterway was owned by the state and the structure was in the water. Restoration work on the shoreline was governed by state laws. It was unclear why the

property owner's were required to take responsibility of the dam removal in this case. M. Hayes noted another option would be to leave the structure in the water and do nothing. The abandonment permit was still in effect. The next option could be to repair the sea wall and leave the structure. This would be the responsibility of the property owner. There were options available that would satisfy DNR requirements to get a grant as well. Many options had been presented in this matter. This was the option the property owner's had chosen.

Discussion ensued regarding the options available for the DNR to remove and repair the structure. The DNR responsibility for dams existed as a regulatory agency. Approximately 4,000 dam structures were owned by private citizens throughout the state the state of Wisconsin. To fix or maintain all the dams would use the entire state DNR budget. Thus, it was the owner's responsibility to pay for the dam. The grant would allow some involvement from the DNR because it was considered a public nuisance in this case. The DNR was not allowed to use its own staff, engage in contractual work on the property owner's behalf, and there was not enough staff to complete the task being proposed. The funding would have to be put in place for this project with the property owner or OLMD directly contracting with the person doing the work. As a grant holder approvals would be required and the OLMD would have a great deal of involvement in how the project was completed.

B. Mueller agreed that the dam structure was a nuisance. He traversed the area approximately three times weekly. The channel area was deep and wide enough to accommodate more than two boats under the bridge. The dam looked terrible in comparison with the new launch and brick wall in that area. People regularly had to move over toward the Leppla's property to get around that area of the lake. He agreed to discuss the matter with the Town Board members, noting he would be in support of moving forward with the request if it did not cost the OLMD anything. He would be willing to help with contractual work.

T. Godar preferred to view estimates for the work and to learn more about the responsibility of the grant applicant. The OLMD did not have staff to handle this type of project. D. Johnson agreed. Liability issues were a concern as well as were cost estimates and overruns. M. Hayes explained she had pledged some of her time to work with engineers out in the field on this project. She also explained the grant funding cycle and noted there were not many applicants for this type of project recently so monies could still be available.

J. Leppla thanked all present for the discussion and noted he would provide documentation to the OLMD as it became available regarding cost estimates associated with the project.

## 12. Aquatic Plant Management Report

D. Johnson reported the weed harvesting crew continued to cut weeds in several bays every week.

13. Discuss & Act on Annual Meeting Agenda & Preliminary 2017 Budget

Commissioners discussed the Annual Meeting Notice Agenda and Preliminary 2017 Budget. Recommendations discussed at the July 25, 2016 Budget Workshop meeting had been incorporated into the Preliminary 2017 Budget. A dump truck would need to be replaced in 2017. Kathy Aron would be invited to the Annual Meeting to provide updated information on aquatic invasive species.

**T. Godar moved to present the Preliminary 2017 Budget as presented at the 2016 Annual Meeting. B. Mueller seconded the motion. There was no further discussion. All were in favor. Motion carried.**

14. Discuss Website Items

Updated lake levels, weed cutting schedules, Spiny Water Flea and Shoreland Zoning videos and an employment advertisement for the fall crew had been added to the OLMD website since the last meeting.

15. Future Agenda Items

The following items were suggested for inclusion on the next regular meeting agenda:

- Update on the 2016 Annual Meeting
- Discuss Incentive for Weed Harvest Crew

16. Set Future Meetings

The Annual Meeting was scheduled for August 29, 2016 at 7 P.M. at the Town of Oconomowoc Town Hall with an election of Commissioners immediately following. The next regular meeting of the OLMD was scheduled for October 10, 2016.

17. Adjournment

**T. Godar moved to adjourn the August 8, 2016 Okauchee Lake Management District meeting. D. Johnson seconded the motion. All were in favor. Motion carried. The meeting adjourned at 7:59P.M.**

Minutes prepared by:

Accurate Business Communications, Inc.