

# LITTLE ST. GERMAIN LAKE PROTECTION AND REHABILITATION DISTRICT SAINT GERMAIN, WI

**Elected Commissioners**  
Ted Ritter, Chairman  
Erv Stiemke, Treasurer  
Lou Mirek, Secretary

**Appointed Commissioners**  
Todd Wiese, Town of Saint Germain  
Mary Platner County of Vilas

## Meeting Minutes 07-16-09

1. 08:04 A.M. Meeting was called to order by Ted Ritter

**In attendance** were Ted Ritter, Lou Mirek, Erv Stiemke, Todd Wiese and MaryPlatner were in attendance. Also in attendance were Richard and Louise Hertzler, John Manki, Linda Nelson and Ellen Allen. A quorum was established.

2. **Agenda** was approved. Motion to approve was made by Mary Platner and seconded by Erv Stiemke. Motion passed.

3. **Approval of minutes:** The minutes of the 04/09/09 were reviewed, motion to approve was made by Wiese, second by Platner, motion passed.

### 4. **Consider action on petition to detach parcels from district.**

Ritter reviewed the petition for detachment of 11 parcels from the Lake District. Ritter gave a background of the Lake District including that the District is a government entity that was created by a resolution of the county board effective 1/15/1980. Since the district was established the boundaries have not changed. All requests for detachment in the past have been denied. Ritter continued by saying that a 2004 State Supreme Court ruling reversed a lower court decision on Lake Koshkonong District detachment. We will discuss the ruling. Ritter continued by explaining that NR115 regards all property within 1,000 feet of a lake are considered under the lakeshore zoning laws. When considering Lake District boundaries there should be no islands created. We need to address each petition as individual requests not group requests. This came from the Supreme Court ruling. We have received your petition. This board has not discussed this issue as a board. This is a meeting of commissioners not a hearing. If we have a need for information from you during our discussion to clarify any points we will ask for your input. Wiese asked why the properties included in the Lake District were. Ritter responded that there are 177 off water properties included in the Lake District. Ritter said that the people that created the Lake District and boundaries aren't available for clarification. It appears that the Lake District was created by using town roads. Wiese asked if the properties were in the watershed. Ritter said that he was certain that the properties are in the watershed. Wiese continued that if these properties were detached there would be a financial impact on the Lake District. Ritter said that the assessed values of the total Lake District properties are posted on the Lake District website. Ritter said that he had checked the county tax

records on his own time. Ritter continued that if the district eliminated all 177 off water properties from the \$112,000,000 valuation the result would be \$105,000,000 district valuation. This would have a small impact on the district. On a \$75,000 levy the reduction would result in an increase of 41 cents per \$1,000 assessed. This would result in an increase in 3 cents per \$1,000 dollars in taxes. Platner asked if these properties were owned by owners that had lake front properties. E. Allen said she was the only person that she knew of. Ritter gave an example of a property owned by Steve Sward that was realigned with off water property and lake front property combined. Stiemke said that current lake front properties can be split and off water properties can be created. Platner said that she has 25 years experience with lake districts all over the state. She continued that lake districts fall under the same statues as Sanitary Districts. When lake districts were created they were created with the future in mind. Lake Districts could become Sanitary Districts. Boundaries were created with consideration of the watershed and water flow affecting the lake.

Our guidance on the boundary issue is not clear. Wiese said that our decision will impact the entire district. This may set a precedent. Ritter said that this is our concern. Recent lake districts including Big Saint Germain Lake included riparian owners only. Wiese said that an increase of 3 cents per \$1,000 assessed is not much. Wiese said that of the 172 off water parcels that are currently in the district 106 are currently taxed and the rest of the properties are not paying Lake District taxes. Ritter said that 30 years ago the Lake District sent a the district boundaries description to the State Department of Revenue. They also sent a list to the County Tax department to be included in the tax roles as a lake district. This was reviewed by Ritter 15 years ago and some properties were not coded as being in the Lake District. Ritter continued that of the 172 parcels checked, 66 were not taxed. Of the 11 parcels in the petition 2 are not being currently taxed. We could debate who is responsible for this. Chapter 33 of the State Statues does not address the tax codes. There is a statue that places responsibility for tax code maintained on the county tax office. Platner said that the County Legal Council said that maintenance is not the county's responsibility. Ritter said the Lake District should go through proper channels to review this issue with the county. The dispute between the Lake District and the county on this issue should be resolved. This will be addressed separately.

Ritter continued that if we deny the petition will still have tax code problems. He continued that if we accept the petition we still have a tax code problem. If we chose to redefine the district boundaries to riparian owners we would have correct tax codes. If we remove all off water properties and keep riparian owners we would lose these properties and never get off water properties that could have lake access in the future. Stiemke said we need to consider off water properties that have easement to the lake. Ritter said that we would need to address the 17 properties that are in the town of Cloverland. 5 of these properties fall into the Lake District boundaries. The 12 other properties are not in the Lake District and the County Board said that these properties are not in the Lake District even though the properties have Lake Easement.

Mirek said if we redefine the Lake District boundaries we would petition the county board with the new boundaries and new Lake District boundary definition. This would force the county board counsel address the boundary and boundary update issue.

Todd Wiese made a motion to table the petition to detach parcels from the District that is before us. Platner seconded the motion. The motion was tabled.

Ritter said that the petition is tabled but we will resolve this issue before the next tax bill comes out. Linda Nelson asked if the board will keep the petitioners informed. Ritter said you will receive emails and you will be informed of the decision.

Ritter made a motion to petition the County Board to redefine District boundaries to exclude non riparian owners and include property owners with deeded access. Motion was seconded by Platner. Motion passed.

Mirek made a motion to make an amendment to include a definition of Lake District property owners. Motion was seconded by Platner. 2 yes votes, 2 no votes, 1 vote abstained. Motion failed.

Stiemke voiced his concern of adding and deleting properties in the future. We don't have a plan in position today. Ritter asked what we need to do. Stiemke said we need an understanding of the new law. Ritter said that we have a problem with the current rule and the NR 115 ruling. Ritter continued that our boundary issue must be addressed. If we petition the County Board we will need a new legal description and new survey of the Lake District. The cost for this is not in the current budget. Wiese asked if the District boundaries have to be defined. Ritter said the Lake District needs to abide by a legal description.

Ritter made a motion to petition the county board on the legal description of the Lake District. The motion was seconded by Mirek. 2 yes votes 3 no votes.

Platner said we need to know what this will do in the future. Ritter asked where we get the correct information. Mirek said we need to hire an attorney to guide us through this process. Ritter said we need to take this to the annual meeting. Ritter said if we need a new legal description we need to find out what the cost will be and take the issue to the District members for a vote and funding. Ritter said we will let out bids for the work and report the cost of the project at the annual meeting. Mirek made a motion to let out bids for a legal description and current survey of the Lake District. Motion was seconded by Platner. Motion passed.

Ritter made a motion to address the issue of approaching the County on tax code maintenance to the agenda of the annual Lake District Meeting. Motion was seconded by Platner. Motion passed.

#### **5. Consider/ take action on revision of district boundaries to eliminate parcels currently within both Little Saint Germain and Alma/ Moon districts.**

Ritter reported that a parcel of land that is owned by Moon Beach Camp is included in both Little Saint Germain and Alma/Moon Lake Districts. Alma/Moon redefined district boundaries.

Ritter made a motion to redefine district boundaries that are currently in both districts. Seconded by Mirek. Motion passed.

#### **6. Discuss/ take action on status of proposed alum treatment:**

Ritter reviewed the conference call that was made in December of 2008 with the DNR, Barr Engineering, and the USGS. In that call the WDNR asked for a formal proposal from Barr. That proposal was delivered to the WDNR in March of 2009. On July 1, 2009 there was a conference call with the WDNR. The DNR reviewed the fact that there are no procedures in place for granting a permit for alum treatment. Barr reported that Barr will

have a performance bond in place for the project. Ritter asked the WDNR to give a presentation to the Lake District at the annual meeting on the current status of the project. Ritter made a motion to send a letter to the WDNR to invite them to explain the status and update of the alum treatment at the annual meeting. Seconded by Mirek. Motion passed.

**Discuss/approve/revise lake management plan:** Ritter reviewed the current plan. Ritter will respond to Kevin Gauthier and Tim Asplund of the WDNR.

**8. Discuss/ take action on 2010 AIS Established Population Control grant:**

a. Motion to apply for 3 years of funding with 50% cost sharing by the Lake District. The Lake District will ask the Town of Saint Germain for 10% of our 50% share of the grant. We will hire a watercraft inspector for our boat landing inspections to ensure that we meet the requirements of the grant at a cost of \$12 per hour for 200 hours. The motion was made by Ritter, second by Platner. Motion passed. The board authorized Lou Mirek to sign the document for the grant on our behalf.

**9. Status report on shoreline restoration protection grant application:** Ritter moved to put the restoration project on the agenda for the 2009 Annual meeting. Mike Meyer will make a presentation at the meeting. Ritter said that 25% of the cost of the grant must be paid by the landowner.

**10. Consider /take action on summer newsletter and content:** Ritter reported that the cost of the newsletter is in the annual budget. Motion to create and send out summer newsletter was made by Wiese, second by Platner. Motion passed.

**11. Plan 2009 annual meeting:** We will follow last year's format. We will also include details of the boat landing improvement and what the cost will be for the District. The 2010 budget will also be included.

12. Motion to adjourn was made by Wiese, second by Platner, Motion passed

Meeting adjourned at 12:30 P.M.