

Buffalo Lake P & R Board District Minutes

Tuesday, April 30, 2019 8:00am

Packwaukee Town Hall

Meeting Called to order at 8:06

Pledge of Allegiance

Present: Judy Nigbor, Vikki Trimble, Ro Klecz, Larry Haygood, Jon Sheller, Bill Lewis,
Absent: Kelly Cosgrove, Guest: Attorney Bill O'Conner, Rich Brefeld was on speaker phone

Dredge Island:

Attorney O'Conner explained the history of Dredge Island belonging to the State of Wisconsin. O'Conner stated that several years ago Rich asked O'Conner if he would help acquire Dredge Island to establish a conservation and education program and O'Conner agreed to help to some degree. Rich has pursued this over the years and has encouraged the District to take action to acquire the Dredge Island. O'Conner stated that he has seen some information on this but has not studied it in depth. What it looks like to O'Conner is that the island belongs to the state of Wisconsin and is probably under the jurisdiction of Wisconsin DNR. O'Conner stated that he hasn't actually traced the ownership back to US government entry or the title to the to the specific property in question. O'Conner gave a history on the Army Corp of Engineers obtaining property for the waterways, locks and dams. The Feds convinced the State of Wisconsin to take ownership of property decades ago. O'Conner explained that even though the island may not have a tax bill, or a legal description, O'Conner feels that the island is owned by the State of Wisconsin.

With respect to the prospect of the District using the Island for educational & conservation purposes there are a couple ways that could happen; one of the ways is that ownership could be transferred to the District and if that happened there would have to be action taken by the District to take ownership and then the District would have to decide what type of program we would want to run on it. In O'Conner's opinion that would be a pretty steep hill to accomplish. State agencies do not have the power to transfer property with out legislation. There would have to be legislation that would have to be introduced by a State Rep, pass both houses and be signed by the Governor. A deed would have to be created and signed over to the Lake District. It could be done but it is hard to get a law passed by the legislator.

The other alternative would be to have DNR enter into an agreement with the District where the Lake District would lease then property and agree to take care of the property for the State, that would require some negotiation with DNR, but O'Conner doesn't think it would require legislation. It would be a much easier path to go that route where the District would take care of the property without owning it.

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Ro stated that because O'Conner was going to be at the Board meeting anyway, she asked him to clarify the ownership of the Island because there have been some questions regarding it. Bill stated that there would be no reason to take ownership if DNR owns it and asked if we could keep doing what we are doing. O'Conner stated that we couldn't get any permits unless you own the land or some type of agreement with the property owner. DNR could authorize the District to do things on the Island via a written lease. It's up to the DNR as to what we can do on the property. O'Conner stated that he did not know who Rich spoke to at DNR that stated they didn't own it.

Rich stated he spoke to Ted Johnson and then he went to the Register of Deeds who both told him that DNR didn't own the Island. Rich stated he thought the property could be considered as an orphan piece of property. O'Conner stated that the property really isn't orphaned. O'Conner stated that the government doesn't lose its rights like a property owner would with adverse possession. The way to do this that would be practical is to enter into a lease agreement with DNR. We should try to get clarity from the Central office of DNR to see if DNR owns the Island and if they do, then you would enter into an agreement that would allow the Lake District to do the things that the Lake District would like to do. Ro stated that this would be a discussion for the Board to decide if they wanted to pursue a lease agreement with DNR and what activities the District would like to see on the Island. Judy stated that this would have to go above Ted Johnson. There are water attorneys who deal with this kind of stuff and if we want to pursue this as a District, that is where we need to start. Judy mentioned the possibility of entering into a memorandum of understanding and avoid some of the legal stuff. Again, all this would need to be discussed at a Board level and then discussions with membership.

Aquatic Transporter Bid

Judy made a motion to go into close session to discuss the transporter bid and confer with legal counsel, Vikki Seconded. Roll was taken Vikki -yes, Judy -yes, Ro- yes, Larry- yes, Jon-yes, Bill- yes. The Board went into closed session at 8:26am per Wis. Stat. § 19.85(1)(g).

Larry motioned to reconvened from closed session, Jon seconded. Roll was taken Vikki-yes, Judy-yes, Ro-yes, Larry-yes, Jon-yes, Bill-yes. The Board reconvened from closed session at 8:45am

Larry Haygood motioned to reconsider the acceptance of the bid for the transporter, Vikki Trimble seconded the motion, no discussion, 5 in favor, 1 opposed.

Larry Haygood moved to withdraw the acceptance of the Inland transporter bid, Vikki seconded, no discussion, 5 in favor, 1 opposed.

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Vikki motioned to set up a committee at the District's next Board meeting to go over the specs for a rebid on the aquatic transporter, Jon seconded, Discussion: there was a question asked by Dave Burton if both companies were going to rewrite their bids. Ro answered that they would have to resubmit, Vikki answered that anyone could submit a bid when we rebid the transporter out. 6 in favor, none opposed,

Judy motioned to adjourn, seconded by Larry Haygood, all in favor, no objections. 8:57am