

Lake district approves

By Mark Scarborough
Special to the Reporter

Incumbents Jeff Folk and Frank Micale bested challenger Steve Proud in a Saturday contest to win re-election to seats on the Rock Koshkonong Lake District Board of Commissioners.

Folk and Micale won three-year terms with 120 and 76 votes, respectively, while Proud earned 59 votes.

Both Micale, who serves on the Sumner Town Board and has been president of the Rock River Koshkonong Association for 25 years, and Folk, a lifelong lake area resident who works as a craftworker supervisor in a Madison electric shop, support the board's effort to appeal a recent court decision concerning lake water levels.

"We've been arguing about this for 75 years," Fort Atkinson's Micale said about the water level controversy. "We need a conclusion."

"Why the winter drawdown (of Lake Koshkonong) is done today is beyond me," Fort Atkinson's Folk added.

Folk won his second term Saturday. Micale, who has been a commissioner since the district was created in 1999, won his fourth term. Proud, a 21-year resident of the district area who lives on East Lake Drive, questioned whether Micale wasn't "stretched too thin" with other governmental and community responsibilities to best serve the district.

"Lake Koshkonong is at a crossroads in its history," Proud said. The board must "meet the needs of all the membership," Proud added. "Not just a select few."

District property owners on Saturday also approved 2009 lake district revenue totaling \$164,000, roughly 11 percent less than the \$180,000 the lake district collected in revenues for 2008, according to documents prepared for the meeting.

Expenditures for 2009, as approved by the property owners on

Saturday, will include \$40,000 set aside for legal fees, \$30,000 budgeted for maintenance of the Indianford Dam, \$50,000 allocated for "water level proceedings" (including services provided by legal, accounting and consulting personnel), and \$4,000 to help Rock River and Lake Koshkonong property owners still recovering from the flooding.

Actual 2007 expenditures for water level proceedings totaled \$224,099, with \$50,000 budgeted in 2008 for the same purpose. Actual legal fees charged the district in 2007 were \$3,236, compared to the \$52,000 allocated in 2008's budget for the same service.

The district's rising legal fees were tied to proceedings held May 9, when Rock Count Circuit Court Judge Daniel Dillon upheld an earlier administrative law court ruling.

Both the administrative court finding and Dillon's ruling supported a state Department of Natural Resources decision that it is "not in the public interest" to raise Lake Koshkonong's water level seven inches and eliminate winter drawdowns on the lake.

Attorneys for the district - Arthur Harrington of Milwaukee's Godfrey & Kahn and Bill O'Connor of Madison's Wheeler, Van Sickle & Anderson - told the meeting crowd that an appeal of the DNR and court decisions would be a good thing. That's because the previous decisions only considered the impact of lake levels on wildlife, O'Connor and Harrington said. State law should also consider lake level impacts on nearby property values, the lawyers said.

On May 22, the Rock Lake Koshkonong Lake District board unanimously voted to seek reversal of Dillon's ruling in Wisconsin's Appellate Court, then possibly appeal that court's decision to the state Supreme Court (if the appellate court also supported the DNR's position).

At that time, the board estimated that legal fees tied to the appellate case might total roughly \$20,000, generated by adding \$5 per parcel to the special tax applied within the district for 4,000 property owners who live there. If the case is appealed to the Supreme Court, the legal fees

budget, holds election

might total roughly \$50,000, collected by adding \$12.50 per parcel to the special tax applied within the lake district boundary for each property owner.

Any ruling by the Supreme Court would serve as a legal precedent throughout Wisconsin. An Appellate Court decision could also serve as precedent if it is formally published.

The special tax, which started at \$25 per parcel in 1999, remained at

the \$25 level until 2002, when it was raised to \$35. Lowered again to \$25 per parcel in 2003, the tax spiked to \$45 in 2004 and \$50 in 2005 before topping out at \$100 per parcel in 2006. The special tax was reduced in 2007 to \$45.

At Saturday's meeting, a majority of the roughly 120 property owners in attendance voted to collect a special assessment of \$41 to fund district work in 2009.

Lake district contributes to fund

A Rock Koshkonong Lake District gift of \$4,000, approved Saturday by property owners who live in the district, will provide flood-cleanup and other services to people who live on the edges of Rock River and Lake Koshkonong.

The money will be donated to the Shoreline Recovery & Restoration Fund, an effort connected to the Community Foundation of Southern Wisconsin Inc. The Shoreline Recovery & Restoration group is also staging a fund-raising event at Newville's Fins Bar & Grill starting at 10 a.m. on Saturday, Aug. 16.

Donations will be accepted at the door of the 723 N. Ellendale Road establishment throughout the weekend, but at the Saturday event there will be chances to win a 2008 Lowe jon boat with a new, 15 horse power Mercury motor and a new Karravan trailer (valued at almost \$7,000) and a three-passenger 2008 Sea Doo GTI personal watercraft with a 130 horse power engine and a new trailer (valued at almost \$9,000).

A drawing will be held at Fin's at 8 p.m. Aug. 16.

Participating locations for pre-sales of tickets include the Edgerton Reporter, Culver's, Fins, Piggly Wiggly and other area businesses.