

MINUTES: Special Meeting
PINE LAKE PROTECTION AND REHABILITATION DISTRICT
March 12, 2021

The meeting was called to order by Chairman Mark Ferris at 9:02am. Present at the Hiles Town Hall was Mark, commissioners Jim Kurzynske, Terry Kloehn and EJ Kutchie. On a zoom meeting call was Jerry Duhn. Karl Tauer was not present. Also remotely was Larry Konopacki, from the office of Stafford Law and Tiffany Kleczewski from Flambeau Engineering.

The meeting was posted 24 hours in advance of the actual meeting time.

The agenda was reviewed. Motioned by EJ to proceed with the agenda, seconded by Terry. Passed

Jerry Duhn read the minutes of the past meeting held with the Lake District Board and the Town of Hiles Board on February 3rd. Motion by Terry to approve the minutes second by EJ. Passed.

EJ presented the current financial balances-

Account Balances as of 2/28/2021

Business Checking \$29,491.39

Money Market \$126,272.61

Money Market \$33,912.36

CD \$75,000.00

Total \$264,676.36

Motioned by Jim and seconded by Terry to approve the finances. Passed

The special meeting agenda: Discussion on Dam Design Comments from Town Board Meeting of March 10, 2021.

Mark started the discussion by saying that we got what we needed at the meeting on Wednesday which was to stop the current plan for a Fix Crest Dam design and to investigate the costs and design for an adjustable gated type of dam. The proposal for this investigation, from Ayers Engineering, will be \$6,745 with the proposal is due in 45 days. Mark made the comment that we could potentially see the report in 2-3 weeks thus by the middle of April. Per agreement with the Town Board the Lake District will pay for this investigation proposal.

District Member asked- How can an adjustable dam be better than a fix crest dam? Tiffany explained that with the fluctuations of Pine Lake we need to be able to drop gates to slow down the water flow in the summer months to keep the lake level higher. With the fix crest dam, the water just continues to flow to a designed level on 90.5 or lower.

A District Member pointed out and questioned- The Town Board voted and approved on October 12, 2016 to keep the lake level at 90.8. Did the Town give the wrong data and information to Ayers and should they be liable to look at the adjustable dam? Larry, responded to the question and also expounded on other points.

- The answer is no. The Town did not give the wrong data to Ayers. The current data is the one foot min and max of 90.0- 91.0. Ayers designed a fix crest dam to stay with in the range.

- The Town is responsible to replace the bridge and the dam. With a fix crest dam no adjustments would need to be made by the town (during the summer months) and the with a fix crest dam the dam can be designed into the bridge. With an adjustable dam, the dam will need to be separated from the bridge. The bridge falls under the control of the Department of Transportation and the dam will fall under the control of the Department of Natural Resources.
- Tiffany's work shows that the fix crest dam holds the water level in the legal limits. It also shows that a fix crest dam is not practical for the recreational use of the property owners.
- What occurred on Wednesday night is a massive move forward to get other options to consider.
- The burden of persuasion to get the Town Board to move this along for the best solution falls on the Lake District .
- The district would be far better off to take over the operations of the dam.
- There are simultaneous tracks that are occurring
 - Ayers evaluation of different adjustable dam options.
 - How to share the responsibility with the Town of Hiles on the cost of an adjustable dam
 - Discussions for the Lake District to take over the control of the dam.

A District member asked- Do we know the cost of the adjustable dam? Mark Ferris replied the that Fix Crest Dam was about \$20,000 and the Adjustable Dam would be \$120,000- \$150,000 but the cost is highly dependable on if the adjustments would be made manually or some type of automation. There is a range of options that the DNR will approve for the dam design. They did approve the fix crest dam with the Town of Hiles and the adjustable dam will need to be presented for their approval.

A District Member asked- Does the town have an obligation to hold or design to the 90.85 level that was approved October 12, 2016? Larry's response was the first order of business must be for an adjustable dam no matter what. Then the 90.85 mark can be held by the adjustable dam.

A District Member asked- With the separation of the dam from the bridge is there enough real estate to do the adjustable dam. Larry, responded yes, to the north and that type of structure is what Ayers will be presenting.

Mark Ferris added- The new adjustable dam will be a more modern dam and will not be like the antiquated dam design we currently have on the lake. The adjustment of the gates could be either a crank or wheel, electrical (push button) mechanically driven or automated adjustment through electronic monitoring.

The change in scope will most likely change the project timeline from 2022 to 2023- 2026. The push in the construction gives us time to work on the water level challenge with the DNR.

A District member asked- Where are we on the water level change that was talked about last year and everyone signed the 6" and 12" petition? Larry responded with the following points-

- The Town is the owner of the dam, so they need to make the request for the water level change. Jerry Duhn added that the request to the DNR is through the Town of Hiles but

the data and request is being funded by the Lake District with the services of Larry and Tiffany.

- Larry stated he has sent the data and request to the DNR.
- The DNR and Town of Hiles must work together to get the water level change accomplished.
- For the water level change to occur, everyone in the Lake District needs to agree for the change. It needs to be unanimous from the landowners. Mark Farris added that we know of about 3 owners who are not in agreement, but Mark and Larry will be meeting with these owners to obtain a better understanding of their concerns.

Jim Kurzynske opened the conversation of the steps that would be needed to take ownership of the dam from the Town of Hiles.

- If the town transfer the ownership of the dam to the district what are the consequences? Larry responded the 3 point would be-- people or staff to oversee the lake level and dam operations, Liability of the dam, and future maintenance cost. All of these will need to be addressed and be submitted to the DNR to prove that the Lake District can assume responsibility from the Town of Hiles.
- Discussion was held on the timing of the ownership if it would occur prior to or after the dam construction. That lead to a discussion between Larry and Tiffany on the timing of grant applications and if the timing of the applications would dictate the timing of ownership change.
- Mark stated that the cost of the dam, the Town of Hiles money is there. We just need to stay diligent on the costs coming from grants or from the Lake District. Larry shared that dam projects have funding options including loans at very low interest rates that are paid back over time so not to burden a town or lake district in a one-time high cost to the taxpayers.
- Tiffany quickly investigated the timing of the grants and confirmed that the grants do go through 2026, She also explained that the construction window and the schedule for the project needs to be approved by the DOT.
- If the Lake District did take ownership from the Town of Hiles it would need to be approved through the DNR. Moving forward the Lake District will continue to use the services of Larry for ownership documentation and Tiffany for any grant applications.
- A district member pointed out that the ownership of the dam should be brought before the membership at the annual meeting. The district commissioners agreed with this point.

Jerry Duhn made a motion to – Start the formal process to gain knowledge, information, exploration and project costs on what it would mean to take ownership of the dam. This information will be presented to the Lake District Membership at the annual meeting on July 3, 2021. EJ seconded the motion. Passed.

NEXT STEPS

Larry will develop a list of all activities required to fulfill the motion that was passed. Larry felt he would get this accomplished but March 19th.

Larry and Mark will work on a communication format that will be mailed out this spring. Details of the past meeting concerning the design of the dam, current lake district activities and the potential future steps required to take ownership of the dam by the Lake District will be covered in the communication letter.

Jim made a motion to pay the Town of Hiles \$6,745 to move forward with Ayers to do the feasibility of the adjustable dam. Second by EJ. Passed.

OTHER BUSINESS

Weed Harvesting

We have not done any weed harvesting in the past few years. Everyone agreed that there is not a need to do harvesting in 2021. Jerry suggested to get different quadrants from the DNR. Someone said since the weed growth moves to different places year to year and with everything going on with the dam let's postpone weed harvest to another time.

Clean Boats, Clean Waters 2021

Jim sent an email in January and we are all set for 2021 with proper documentation matching funds.

Dredging and Sediment Removal

We will discuss in an upcoming meeting how this will be accomplished in 2021. We will need to have a small crew of 3 people. We did test the pump operations last fall but still need to work on how the trailers will work with sediment retention and water drainage back into the lake.

Next meeting will be April 5, 2021.

Adjourn

Being no further comments. Meeting adjourned at 11:39am.

Respectfully submitted,
Jerry Duhn, Secretary