

**(UNAPPROVED DRAFT)**

**BASS LAKE REHABILITATION DISTRICT  
ST. CROIX COUNTY, WISCONSIN  
[www.blrd.org](http://www.blrd.org)**

**MINUTES OF THE BOARD OF COMMISSIONERS**

November 11, 2020

St. Joseph Town Hall – 1337 County Road V

Commissioners Present: Bill Holmberg, Chair  
Cecil Chally, Treasurer  
Fred Young, Secretary  
Tim Riemenschneider  
Lynnae Thompson-Koats

Commissioners not in Attendance:

Theresa Johnson, Town of St. Joseph Representative  
Shawn Anderson, County Representative

Residents: Ron Laumeyer      Terra Bastolich      Lisa Arrigoni  
Doug Elert                  Oscar Theiler          Bill Arrigoni  
Steve Engelhart

**1. Call to Order**

Bill Holmberg called the Board of Commissioners Meeting to order at 6:00 PM. **Roll Call:** All Commissioners present with exception of County and Town representatives. Agenda was unanimously adopted.

**2. Secretary's Report**

Copies of the unapproved draft minutes of the September 9, 2020 Commissioners Meeting, and the Agenda for the November, 2020 BLRD Board of Commissioner's Meeting were previously distributed and posted last month. **A Motion** was made by Riemenschneider to approve the Secretary's Report and seconded by Holmberg. **Motion passed.**

**3. Treasurer's Report**

Chally reported: the checking account balance as October 30, 2020 was \$9,787.55 (inclusive of boat donations); website expenses were paid in November; \$5,450.00 has been received for boat motor donations; levy information was sent to Town of St. Joseph and Town of Somerset clerks; and water patrol officer has been paid to date. Holmberg reported that Chair received a survey from US Dept of Commerce that is to be completed. **A Motion** was made by Holmberg to accept the Treasurer's Report and seconded by Riemenschneider. **Motion passed.**

**4. BLRD Lake Quality Planning and Grants**

**CBCW** – Holmberg reported last invoice for landing inspector hours still needs to be received. Holmberg received informal communication that the 2021 CBCW grant should be

approved formally. Thompson-Koats noted that in communicating with Ryan Brathal, there was a desire to have sealcoating sitting on the pavement all winter, before parking lot lines and the CBCW stencil are painted.

**LPT** – Holmberg recapped: formal extension was received on this grant for an additional year, and this allows for another year of fish crib builds (if conditions and availability of volunteers permit). Holmberg will follow up with Tom Spaniol who previously expressed willingness to coordinate crib building efforts.

**Lake Pumping Feasibility** – Holmberg explained that the DNR’s requirements have changed with regard to pumping. Holmberg explained that the BLRD has applied for a grant for the DNR to work with the BLRD on establishing what the parameters would be to pump, given the that there has been an internal DNR change as to what division of the DNR handles pumping matters, and actual pumping requirements are going to be different.

## **5. Update on and Discuss Ordinance Enforcement, Landing/Signage, Fisheries**

Riemenschneider noted that a slow-no-wake ticket is being taken to trial and he is in communication with attorney Mike Brose on that. Riemenschneider and the water patrol officer intend to attend the trial. Riemenschneider also reported that boulders were placed on the west side of the landing yesterday, and that the new motor for the patrol boat is still on backorder, but should be available in time to place it on the boat.

Holmberg reported that there was a County meeting with an Agenda item to talk about parking at the landing. Holmberg explained that Chuck Edson was able to attend and that it was discussed that that the Bass Lake landing is planned to be designated as a County park – so a park permit would be required not just to park there, but also to use the landing. If finalized, that would mean that BLRD residents would need a County parks sticker to use the landing. There was discussion that County Parks Dept. and St. Croix County Sheriff would be the folks enforcing.

## **6. Water Level**

Holmberg reported the lake level was measured yesterday at 885.007 feet of elevation (a foot below the slow/no-wake elevation of 886.1). Holmberg noted that we have not had the water go up by more than a foot in any one year that we are aware of, so it is unlikely that the slow/no-wake ordinance would go in effect next year (based on historical experience).

Holmberg recapped: the BLRD is trying to maintain lake as an outstanding water resource both for recreational use and water quality; at the last meeting essentially no one showed up to talk about the water level, but the topic was still placed on this November Agenda. Doug Elert asked if the slow/no-wake ordinance could be modified to be lower, and there was discussion about shoreline being at risk with a high-water level and wave activity.

Holmberg explained that the BLRD has asked several times for examples of shoreline erosion, whether wind or boats, and there were only two examples submitted. Doug noted that when the water was several feet higher in the 1990s, everybody was putting in rock and sandbags. There was discussion that no one wants to see that again.

Lisa Arrigoni noted that prior to living on Bass Lake, she had lived on the St. Croix River, and has observed that when living adjacent to water, you are really subject to mother nature and water levels going up and down. She expressed concern that some folks seem to

be lumping recreational boat usage into the topic of water level for the purpose of seeking to abolish the freedom to use recreational boats.

There was comment that even if the lake were another 6" lower, we'd still have wave action, whether by boats or waves, and that we shouldn't try to take advantage of lumping recreational use and lake level together – a lot of people enjoy boating with kids, family grandkids and should be able to do that.

Thompson-Koats expressed that some residents might hold a misconception that their lot extends all the way to the water and can do what they want as landowners up to the water's edge. There was discussion that the shoreline area lying below the high-water mark generally is not to be disturbed, and Thompson-Koats expressed she thought the slow/no-wake restriction was put in place to prevent erosion of that area.

Young inquired whether his understanding was correct that the reason why the slow/no-wake restriction was originally established was due to the DNR requiring that as a condition to obtaining a permit to pump. Various residents and Commissioners confirmed that was correct. Riemenschneider noted that slow/no-wake was put in place originally for that purpose, but that the ordinance was subsequently changed – an 8p to 8a slow/no-wake ordinance was put in place by folks who were BLRD residents who wanted a restriction on recreational activity.

There was comment that there is a misconception in the whole argument concerning water level being over a particular elevation as it relates to boating, noting that winds can create a lot more wave action than the time that the boats are creating wakes. There was comment that if at some point in time we went to a 24/7 no-wake, we'd still wouldn't really be able to protect our property – we'd still have high winds – and, of course, high winds can go for days on end. There was additional comment that that if there's an objection to the 2' wake thing, that's a different topic.

Thompson-Koats noted that the large wake topic came up, and that a lake district is prohibited from restricting a boat/activity type. Thompson-Koats expressed that she was in agreement with Lisa Arrigoni that the issues of slow-no/wake ordinance and high water are separate.

Holmberg recapped there have been studies to show how far from shore wave activity can impact the shore, and that there has been discussion about wave type and wave studies on the topic of wave boats and DNR will be studying the topic.

Chally noted that the history of the establishment of the ordinary high-water mark is interesting – having changed from 888.30 in 1998, up to 890 at another time and lower at other times. He offered that for anyone interested, there was a past declaratory ruling on the establishment of the ordinary high-water mark as it stands today that is likely worth reading and which is something that could be posted to the BLRD website. He recapped the flooding in the 1990s that had occurred as it related to roads, measurements made by the DNR, and observations made by the DNR regarding plant life as those related to the DNR's analysis and establishment of the ordinary high water mark. He feels that it is possible that the DNR may have made some assumptions. He expressed that from his perspective, he was interested in approaching the DNR to potentially discuss what the ordinary high-water mark should be.

There was discussion that it would likely be more productive to talk to the DNR about allowing the BLRD to pump the lake to an elevation below 886.1, rather than attempt to seek

modification of the ordinary high-water mark. Chally agreed that would be worth pursuing that discussion.

There was comment from Oscar Theiler that there are separate issues and expressed we shouldn't cut down on recreation on the lake. In regards to shoreline, he noted that it's a lake that goes up and down, and while that can be undesirable, we live with it. He noted that where he has empathy is where people are going to lose their homes, and he inquired what water level might threaten homes. There was brief discussion that at the Annual Meeting a resident had expressed that he felt his cabin could start to be threatened if the lake were up to the ordinary high-water mark (of 886.9').

Elert inquired if the lake elevation needs to reach a certain level before pumping would be allowed. There was discussion that the answer to this question goes directly to the topic previously discussed that it makes sense to talk to the DNR about getting permission to pump the lake to an elevation below 886.1 (the old permitted pumping elevation) and maintain the lake level below the 886.1' elevation. Discussion briefly turned to the water level rising at Twin Lakes, which has a waste-water treatment plant discharging into that body of water, and how the level of Twin Lakes seemed to lack predictive relevance for the Bass Lake level.

In an attempt to seek an answer Oscar Theiler's previous inquiry regarding when water level might threaten homes, Young asked how much higher the water level was in the 1990s than at present. There was discussion and general consensus among those in attendance that the water was five feet higher when flooding and damage occurred. There was further discussion that following that damage in the 90's, low-lying septic systems were moved further away from the water.

Terra Bastolich posed the question: what gives the BLRD the ability or right to impose any of the potential changes discussed? She noted that we are talking about nature and while some of us might want to modify our shorelines, plant fancy gardens, put in a shed, etc., we're not allowed to alter nature. She noted that prior to living on Bass Lake, she had a different lake property where she lost a volleyball court due to rise in lake level, but that was the reality of owning a lake property. She noted that we all pay a lot of taxes, and that mother nature is something that we are subject to. She pointed out that folks can, of course, fish in front of her house all day long if they want to, because we as residents don't own the lake. She expressed that her family wants to use the lake for recreational sports, that she and her husband have young children. She also expressed that recklessness on the lake is not wanted, but recreational activity – activity that's healthy – is wanted. She also posed the question: how many other lakes have as many restrictions as we already have?

Steve Englehart expressed that it would be good if we can look into what it would take to be able to pump and reduce the lake level. Riemenschneider noted that the reason we put the water level topic on this Agenda was because the topic was a big discussion issue at the Annual Meeting. It was also noted that the BLRD already has ongoing efforts in place with the DNR to pursue the topic of lake pumping and have the discussion about potentially pumping and maintaining the lake level below 886.1. It was observed that everyone has made their comments, and the question comes back to what more does anyone want to do? There was a question as to whether we want to subcommittee the topic. Holmberg noted that the Commissioners are working on all the other different issues that are coming, and the Board asked for volunteers at the Annual Meeting and no volunteers came forward with the exception of John Reiling on another topic.

Holmberg noted that if people feel strongly, they can get involved. He recapped that the BLRD is working on the pumping issue and we are not at a point where we can make a decision if we will pump – 2 years ago, it was presented at the Annual Meeting that there are different pumping methods (e.g. pumping onto undeveloped land that the BLRD might potentially acquire vs. pumping into the Willow River with a pump retrofit). Holmberg noted that discussions and efforts have been going down the path of seasonally pumping into the Willow River if phosphorus levels are acceptable, if no zebra veligers are present at the pump intake during that seasonal period (Nov-April), and if the BLRD can satisfy all other DNR criteria for approval. Holmberg noted that approach would still be around \$500k, and whether we could pump enough water in a seasonal timeframe with the existing pump (even with retrofits) is questionable; and, of course, if the BLRD could pump to a lake level lower than 886, it would be easier to keep the lake level at bay.

Holmberg noted there are folks concerned about people losing recreational activities at 886.1, and there are folks on both sides of raising and lowering the ordinance elevation for slow/no-wake. Holmberg explained again that folks can seek to petition to change the slow/no-wake ordinance. Lisa Arrigoni expressed that it seems it would be more productive if we think about recognizing that folks care about their neighbors; she suggested a taskforce be organized to look up information and bring it back to a meeting – rather than putting people into different sides of an issue and leaving it to people potentially petitioning against each other. It was suggested that the taskforce ought to try to understand whether water is reaching the foundation of homes, how much shoreline is really being lost, how many homes are really at risk/when are they put at risk, as that all relates to the ordinance elevation for slow/no-wake. Thompson-Koats volunteered to serve as the Board’s liaison for that taskforce – various residents in attendance expressed interest in helping on the taskforce.

It was further discussed that the pump could potentially pump 1-2 million gallons in a 24-hour period, and the advantage of pumping in winter is the phosphorus level should be lower (as the pump is located 5 ft off bottom of lake; 30ft below the surface). Doug Elert explained that it was noted that 1” of water is 11M gallons, and thus, it would take 134 days to reduce the lake level by 1 foot. It was discussed that it may make sense to have follow up discussion on lake level in March.

Steve Engelhart noted that in communicating with a water scientist, it was expressed that boats driving close to shore with wakes can impact the shoreline, and that a windy day will have more impact than 1000 boats driving around.

Thanks was expressed to all for the civil discussion.

## **7. County and Town Updates**

None.

## **8. News and Updates**

Holmberg explained that the BLRD now has a PO BOX, which is PO Box 237 Somerset WI 54025. Chally has keys for filing cabinet.

Riemenschneider suggested sending a reminder with the Agenda re: boat donations. 6 donations have come in.

## **9. Public Comments/Resident Concerns**

Ron Laumeyer commented that if there are any vets at the meeting, thank you for serving. The BLRD Board thanks our veterans!

**10. Review of Building Plans, Shoreline Restorations and Other Plans**

None.

**11. Discussion for Next Meeting Schedule/Finalize Agenda**

- **Next Board of Commissioners Meeting: Wednesday, January 13, 2021 at 6:00 PM, St. Joseph Town Hall**
- **Next Annual Meeting: Saturday, June 12, 2021 at 9:30 a.m. (tentative) St. Joseph Town Hall**

Holmberg expressed that there would probably be emphasis on fish crib builds for the next agenda. There was also discussion that after looking at how the Cedar Lake Rehabilitation District does their minutes, it would make sense to move the public/comment resident concerns to Agenda item #4.

**12. Adjournment**

**A Motion** to adjourn was made by Riemenschneider and seconded by Chally. **Motion passed. Meeting adjourned at 7:24 PM.**

**Recorded by:  
Fred Young, Secretary**