

Town of Merton
Public Hearing
July 20, 2022

To Consider the Conditional Use Requests of Mark Theisen on Behalf of North Lake Management District to Conduct Land Altering Activities, per 17.19(12) on the North Lake Sand & Gravel Property, W312N7881 Kilbourne Road, for Purposes of Grading, Dredging, Placement of Clean Fill, Topsoil Removal and Channel Improvement after the North Lake Dredging of Sediment for Purposes of Dewatering.

Present: Chairman Klink, Commissioners Griffin, Jensen, Siepman, and Good, Attorney Murn, Planner Haroldson, and Deputy Clerk Claas

Absent: Commissioners Morris and Queoff

Also Present: Mark Bell, Mark Theisen, Mike Kotlarek, Kristyn & Jeff Smith, Tom Halquist, Dave Richman, Don Bentzien, Paul Smith, Dawn & Gou Gastrow, Chris Dix, Chris Schmidt, Walter Baade, Walter Schaeffer, Pat & John Muehl, Jim & Linda Schneider, Don Reinbold, Gary Stippich, Dave & Terry Van Slett, Joe Klemm, John Syburg, Rick Schwalbe, Keric DeChant, John Maurer, Jerry Heine, Charles Luebke, Rick Eastman, Stuart Banghart, Greg Booton, Bill & Ruth Johnson, Avery & Amy Nunnally, and Frank Schmitz

This Public Hearing was Called to Order by Chairman Klink at 5:45 p.m.

Haroldson read the public hearing notice.

Attorney Murn stated that both Siepman and Jensen are both members of the lake district. They understand their duties, they don't need to recuse themselves, and they are not getting any sort of financial benefit from permitting this issue at hand.

Theisen presented a PowerPoint Presentation. Schneider Bay and Ice House Bay are the two areas where the dredging will take place. There will be a dewatering basin constructed. Theisen showed a comparison of the 3-foot depth for Ice House Bay before the dredging and after the dredging. The sediment as it comes out of the lake is high in phosphorus and high in nitrogen. There is approximately 5,500 quad axle dump trucks of sediment. Stantec Consulting Services tested the sediment. No odors were absorbed in any of the samples. There were no constituents analyzed that were present at concentrations greater than the sediment quality guidelines from the DNR. The Planner was sent a summary of the report. A hydraulic dredge will be used to remove the sediment. The dredge will pump sediment from the lake through the hose to the dewatering site. When it exits the lake there will be a booster pump on a barge that will get it to the Halquist pit.

During the dredging operation, the only noise generated by the dewatering operation is the water running out of the pipe into the pit and an electric pump that will pump the clear water coming out of the dewatering basin to the existing Halquist dewatering ponds. The noise should be minimal and undetectable by the neighbors of the pit. Dewatering of sediment will take place in a CDF (dewatering site) at the Halquist pit. When dredging takes place, a mixture of water and sediment will be pumped to the disposal facility and the CDF will be used to settle sediment and siphon off the water.

Theisen displayed a proposed pipeline route stating they're going to come up under Northwoods Drive, and under Petersen Drive through culverts. There's a culvert just north of the trestle on Highway 83. They've obtained a permit from the Wisconsin DOT to use that culvert for the pipeline to travel through

that culvert. They will then come up alongside the railroad tracks on Halquist property. Then it will go down through the existing pit to the dewatering site. It's also going through a tunnel under Kilbourne Road. The water is going to come in on the north side. It will empty out in the Little Oconomowoc River which will return the water into North Lake.

Theisen stated building the basin will begin in August and in lake work will begin after Labor Day.

Benefits of the project are phosphorus removal, less sedimentation disturbance from wind and waves, deeper water provides a less desirable habitat for nuisance aquatic plants, better fish spawning habitat, better navigation and increases useable lake area by over 10 acres.

Jensen asked if there are safeguards in place in case of a really heavy rain event that this material won't overflow the pond. Theisen said there is a freeboard built into the pond. When it's at mass capacity, there's two feet of freeboard in the whole pond. The water level will never get closer than two feet to the top of the pond.

Griffin asked if they add anything to help it settle out faster. Theisen said they are not.

Haroldson asked Theisen to mention the redesign on the pond. Theisen stated in the original design of that pond, they were going deeper than the one that is being presented. They did a test pit and the test pit revealed that the water table was three feet below the surface of the pit, so they redesigned it to only go down two feet, so they're a foot above the water table in the pit.

Haroldson asked about their timeline. Theisen said they plan to start the day after Labor Day and they plan to finish before the ice freezes. In the lake the operation will be 24/7 in order to get that amount of sediment out of the lake. They want to get it all done this year. Haroldson asked if they didn't get it done all this year, what would the timeline be for next year. Theisen responded they would start as early as the DNR would let them. If they didn't get it done early before the active recreational season, they would start again next year after Labor Day.

Good questioned when they're way west in Schneider Bay, you can still push it with one booster pump. Theisen said the dredge itself has a big pump on it. It all depends on how much sediment is in the pipe versus water and what elevation they need to get up to. The dredge itself could push it all the way to the pit, but it wouldn't be as fast.

Chairman Klink open the public hearing to public comments and concerns.

Jim Schneider – N77Ww31907 Northwoods Drive – stated they are on the lake portion called the Jobe Hole which is between the two segments. He understands the boat ramp is going to be closed somewhere around Labor Day. Theisen stated there will be a day or two that the boat launch at the Yacht Club will be used exclusively for launching the dredge and the support equipment. They hope it will be before Labor Day, before people start removing their equipment. As long as they can get things moving along, the equipment will be staged ready to go the day after Labor Day. Schneider asked if the hose is going to block the entrance to the Jobe Hole in the beginning because they has a private ramp on our property that he can put his boat in and out. Theisen said he will be able to get around the hose. The hose will be attached to the dredge. When they're done dredging for the day, they can move it out to shore so you can get around it. He thinks they are actually starting on the Ice House Bay. If they start on

Ice House Bay, they will stay spend a good month or two there before they get over to Schneider Bay. Ice House Bay has 104,000 cubic yards and there's twenty some thousand in Schneider Bay, so most of the time they will spend in Ice House Bay.

David Richman – W314N8240 State Road 83 - stated he has the property directly north of the pond that the discharge is coming out of. He's been part of that for 50 years now. The volume of water that they're going to be putting in to recycle to give back to North Lake - he's concerned with how much that would be in volume because there's a spring on Little Oconomowoc between the properties that if that back flows that's his well water. He doesn't want something to come backwards because of what they're doing here. Theisen said he doesn't know offhand exactly how much water. The water is coming from a 12-inch pipe. It's going to be less than a major rain event. He's seen that river run to the point where the culverts are more than halfway full. It won't be that much. If it's important, he can get the specific number. Halquist said he has a permit for water quality and this all has to stay within their permit level.

Richman stated he understands that and understands it's tested and he gets all that and he has seen volume where it's coming 6 or 8 feet out of the discharge pipe and he's seen when it trickles to nearly nothing. He's concerned for that reason, but he thinks they could also have a monitor on it of some sort because if it starts kicking it out 6 or 8 feet, that's a lot of water, and just for that one section of the river and unfortunately between your discharge pipe and where it hits Hwy 83 and then starts south, that section of the river actually stores more water, is a deeper section and that's where the spring is. These are things that have to be watched and there might not be a problem at all. Theisen said by law they have to monitor discharge and measure the amount of TSS is going back into the river. The DNR issues a permit called a WPDES test for short, it requires them to monitor and it requires them to measure what the level of TSS is - how clear the water is going back into the river. They will be monitoring that on a regular basis. Theisen asked how big is the discharge pipe. Richman answered he thinks it's more than one foot. It's a big pipe. It's been there for 50 to 60 years. The gravel pit used to have an actual metal channel that went all around that pit and it came out of that channel into those settling ponds and that's why they have a sloped area for them to run the pipe up.

Joe Klemm – W313N8511 Kilbourne Road – said he met with Theisen and he went over what's going to happen, the operation. The concerns that the neighborhood has is that being one foot above the aquafir instead of three feet above the aquafir and not having a liner in the retention pond. Normally there is either a clay liner or a man-made liner of some type. Right now they have awesome water to drink. They don't have to worry about their water. They're just concerned about their wells being affected by this. He just wanted the Board to know what the people of Kilbourne Road are thinking.

The public hearing was closed at 6:05 p.m.

Respectfully submitted,

Holly R Claas

Deputy Clerk