

**COUNTY OF DUNN
MENOMONIE, WISCONSIN
NOTICE OF PUBLIC MEETING**

In accordance with the provisions of Section 19.84, Wisconsin Statutes, notice is hereby given that a public meeting of the **Dunn County Planning, Resource and Development Committee** will be held on **Tuesday, September 13, 2022 at 8:30am in Room 54 at the Dunn County Government Center**, 3001 US Highway 12 East in Menomonie, Wisconsin. Items of business to be discussed or acted upon at this meeting are listed below.

A video recording of the meeting will be available for subsequent viewing on the Dunn County YouTube channel at the following link:

<https://www.youtube.com/channel/UCG9PRaNVmqZc95t1a3953aw/videos>

Members of the public, who require assistance in accessing the meeting, please call (715) 231-6505. Upon reasonable notice, the County will make efforts to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County Human Resources Manager at 715-232-2429 (Office), 715-232-1324 (FAX) or 715-231-6406 (TDD) or by writing to the Human Resources Manager, Human Resources Department, 3001 US Hwy 12 E, Suite 225, Menomonie, Wisconsin 54751.

AGENDA

- 1. Call to Order**
- 2. Call of the Roll**
- 3. Approval of the Minutes – August 23, 2022**
- 4. Public Comments**
- 5. Public Hearing: None**
- 6. Staff Reports:**
 - A. Register of Deeds Monthly Report
 - B. Environmental Services Department Monthly Division Reports
- 7. Items Placed at the Request of the Chairperson: None**
- 8. Consideration of Actions to be taken by the Planning, Resource and Development Committee:**
 - A. Variance request in the Town of Tainter to create a Certified Survey Map lot that does not meet the contiguous buildable area requirement
 - B. Resolution selecting the 2023 Conservation Aids Program project
- 9. Consideration of reports, resolutions and ordinances to the County Board from the Planning, Resource and Development Committee: Proposed Tainter Lake Rehabilitation District – Public Hearing Report**
- 10. Announcements:**
- 11. Future meeting date and any agenda items: September 27, 2022**
- 12. Adjournment**

Tom Quinn, Chairperson



Thomas P. Carlson, Recording Secretary
Dunn County Surveyor

**COUNTY OF DUNN
MENOMONIE, WISCONSIN
MINUTES**

**Minutes of the Meeting of the Dunn County Planning, Resources, and Development Committee.
Held on August 23, 2022, in the Government Center, Room 54**

DRAFT

- 1. Call to Order.** There being a quorum of the Dunn County Planning, Resources, and Development Committee, Chairperson Quinn called the meeting to order at 8:32 a.m.
- 2. Call of the Roll.** Present were Tom Quinn (Chair), Gary Bjork (Vice-Chair), Mike Kneer, Monica Berrier, and Diane Morehouse.
- 3. Approval of Minutes.** Supervisor Bjork made a motion to approve the minutes from the August 9, 2022 meeting as distributed. Supervisor Morehouse seconded the motion. Motion approved by voice vote.
- 4. Public Comments.** Chase Cummings, County Conservationist- read into the record three submitted public comments from citizens regarding the establishment of the proposed Tainter Lake Rehabilitation District.
- 5. Public Hearing.** None.
- 6. Staff Reports. Summer Intern Report- Calvin Dee.** Calvin Dee- Land Conservation Summer Intern, described the projects he has worked on and what he has learned during his internship with Dunn County which included, watershed planning, transect survey, CAFO visits, nutrient management plans for CAFO's and other manure storage structures, GIS work and a work path for manure storage pit activity, and an internship blog book to be kept here for future use of interns. Cummings stated the internship is funded through the Dunn County Alliance of Conservation Sports Clubs. Although no funds come from the County budget, the county benefits from this.

Without objection, Chairperson Quinn moved ahead to Agenda Item **8. Consideration of Actions to be taken by the Planning, Resource and Development Committee.** Variance request in the Town of Menomonie to create a Certified Survey Map lot with a substandard width access easement. Tom Carlson- County Surveyor, presented the staff report of the Kraft/Amundson variance request in the Town of Menomonie. The applicant wishes to create a 2 acre +/- parcel via CSM that will be accessed by a 66-foot-wide easement from 410th Avenue, a portion of which follows an existing driveway. Due to an existing Certified Survey Map, the width for the first several hundred feet of the access easement will range from approximately 12 to 18 feet. Staff recommends approval of the variance request. Discussion by Committee and staff. Supervisor Kneer made a motion to approve the variance request as presented. Supervisor Morehouse second the motion. Motion approved by voice vote.

- 7. Items Placed at the Request of the Chairperson.** Update on plan for review of multi-family development in limited commercial and commercial districts. Anne Wodarczyk- Planning and Zoning Administrator, presented her research of surrounding county ordinances regarding Non-Owner Occupied housing. Discussion by Committee and staff on what the committee wishes to see with future code revisions for future housing development. Staff report to be presented to the

committee in the near future.

- 8. Consideration of Actions to be taken by the Planning, Resource and Development Committee.** Item acted upon earlier in the meeting.
- 9. Consideration of reports, resolutions and ordinances to the County Board from the Planning, Resource and Development Committee.** Proposed Tainter Lake Rehabilitation District- Public Hearing Report. Cummings and Heather Wood- Water Resource Specialist, presented the draft report. Explained their responses to the Questions and Concerns section of the draft report. Discussion by Committee and staff. Another draft form of the report will be brought to the committee at the next meeting. The Committee must provide the final report to the County Board at their October 19, 2022 scheduled meeting.
- 10. Announcements.** None.
- 11. Future Meeting Date and any Agenda Items.** September 13, 2022.
- 12. Adjournment.** There being no further business, Chairperson Quinn declared the meeting adjourned at 10:20a.m.

Respectfully Submitted,
Tracie Albrightson
Recording Secretary



DUNN COUNTY REGISTER OF DEEDS

Heather M. Kuhn

3001 US Highway 12 East • Suite 112 • Menomonie, WI • 54751

(715) 232-1228

TO: Planning, Resources & Development Committee

FROM: Heather M. Kuhn, Register of Deeds

DATE: September 6, 2022

RE: Register of Deeds monthly update

AUGUST 2022 STATISTICS

- ✓ Issued 354 certified copies of birth, death and marriage records
- ✓ 15 Deaths and 26 Marriages filed
- ✓ Recorded 210 real estate transfers totaling over \$33 MILLION in sales
- ✓ Recorded 3 transfers having a value of \$1,000,000 or more
- ✓ Recorded 665 documents (67% submitted electronically)
- ✓ 293 in-person customers

In addition . . .

- ✓ Assisted County Clerk's office on election night with collecting election results; Attended Wisconsin Register of Deeds District 5 meeting; Attended budget workshop meeting; Attended Wisconsin Register of Deeds board meeting; Software vendor representative visit; Assisted Treasurer's office with SAP approvals; Attended print management set-up meeting; Set up new user (GIS Technical specialist) with Laredo and provided training; Attended Property Records Industry Association virtual conference

REGISTER OF DEEDS BUDGET					Monthly Report:	Aug-22
	2020	2021	2022	2022	2022	%
	Actual	Actual	Budget	Year-to-date*	Remainder	Remaining
Revenues	\$ 402,264.10	\$ 482,325.17	\$ 353,932.00	\$ 318,489.57	\$ 35,442.43	90%
Expenditures	\$ 319,981.53	\$ 334,572.76	\$ 353,932.00	\$ 241,295.03	\$ 112,636.97	32%
Balance	\$ 82,282.57	\$ 147,752.41	\$ -	\$ 77,194.54		
* Property tax has not yet been allocated to individual budgets.						

COUNTY OF DUNN

Environmental Services Department

Survey Division

Thomas P. Carlson, County Surveyor
3001 US Highway 12 E., Suite 240A
Menomonie, WI 54751
Ph: 715-231-6526
Email: tcarlson@co.dunn.wi.us



TO: Planning, Resource and Development Committee

FROM: Tom Carlson

SUBJECT: August 2022 Staff Report

DATE: September 1, 2022

During the month of August, 12 Certified Survey Maps and 16 Maps of Survey were submitted to the county for review and filing. Public Land Survey System (PLSS) remonumentation work was performed on 26 PLSS corners in the Towns of Stanton, Sherman, Tainter, Sand Creek, Red Cedar, and Hay River. In addition, visits were made to 12 sixteenth corners (forty corners) and 4 centers of section.

In addition, I attended a county board budget workshop meeting and a Wisconsin County Surveyors Association Board of Directors meeting.

Below is a table that summarizes the expenditures and revenue for the Survey Division through August.

SURVEY DIVISION BUDGET					Monthly Report: August 2022	
	2020	2021	2022	2022	2022	%
	Actual	Actual	Budget	Year-to-date	Remainder	Remaining
Revenues	\$ 307,553.53	\$ 304,336.03	\$ 308,689.00	\$ 304,009.00	\$ 4,680.00	2%
Expenditures	\$ 282,093.69	\$ 288,185.14	\$ 308,689.00	\$ 191,734.34	\$ 116,954.66	38%
Balance	\$ 25,459.84	\$ 16,150.89	\$ -	\$ 112,274.66	\$ (112,274.66)	

Sincerely,

Thomas P. Carlson, PLS
Dunn County Surveyor



Dunn County Environmental Services

Planning & Zoning Division

3001 US Hwy 12 East, Suite 240

Menomonie, WI 54751

715-231-6521

pandz@co.dunn.wi.us

Date: August 31st, 2022
 To: PR&D Committee
 Re: Planning & Zoning, Monthly Report

The Planning & Zoning division continues to process applications for zoning, sanitary systems, special exceptions and map amendments. Staff has been keeping busy responding to and resolving complaints. Statistics for the month of August 2022:

- **28** Approved zoning permits
- **12** POWTS installed (5 replacements and 7 new)
- **4** Special Exception applications
- **2** Map Amendment applications
- **6** Complaints received
- **5** Complaints resolved

A special exception request will be heard by the Board of Adjustment at their upcoming meeting on September 19th, 2022. The applicants are requesting a special exception to create a 1.8 acre non-farm parcel within the Intensive Agriculture district in the Town of Grant. The base farm tract is ~196 acres and there are ~ 9.3 acres available for non-farm residential acreage. The Town of Grant has recommended approval for this request.

Zoning Division Budget Monthly Report: August, 2022

	2020	2021	2022	2022	2022	%
	Actual	Actual	Budget	Year-to-date*	Remainder	Remaining
Revenues	\$ 384,267.00	\$ 395,604.00	\$ 367,983.00	\$ 307,806.85	\$ 60,176.15	16%
Expenditures	\$ 301,084.07	\$ 357,682.21	\$ 367,983.00	\$ 300,108.51	\$ 67,874.49	18%
Balance	\$ 83,182.93	\$ 37,921.79	\$ -	\$ 7,698.34	\$ (7,698.34)	

Planning Division Budget

	2020	2021	2022	2022	2022	%
	Actual	Actual	Budget	Year-to-date	Remainder	Remaining
Revenues	\$ 123,334.00	\$ 57,792.00	\$ 165,121.00	\$ 165,121.00	\$ -	0%
Expenditures	\$ 52,964.16	\$ 70,428.08	\$ 165,121.00	\$ 31,821.62	\$ 133,299.38	81%
Balance	\$ 70,369.84	\$ (12,636.08)	\$ -	\$ 133,299.38	\$ (133,299.38)	

Respectfully,

Anne Wodarczyk

Planner / Zoning Administrator

Anne Wodarczyk

Planner / Zoning Administrator

715.231.6522 ■ awodarczyk@co.dunn.wi.us ■ www.co.dunn.wi.us



Dunn County Environmental Services Department
Dunn County Land and Water Conservation Division
3001 US Highway 12 East, Suite 240A, Menomonie, WI 54751
Phone (715)232-1496

August 2022 Land and Water Conservation Division Report to the PR&D/LCC Committee

For the month of August, the LWCD continues to follow up with several Agriculture Performance Standards Ordinance (Chapter 10) compliance issues. Landowner cooperation on a couple of the issues is proving to be challenging. The Department of Natural Resources issued a Notice of Noncompliance to two landowners.

In the past three weeks three new grade stabilization structures were constructed and two more are nearing completion. A repair of the Knights Creek #5 flood control structure pipe was also completed.

LWCD staff also spent time planning and presenting at a Farmer Field Day on the Red Cedar Demonstration Farm. Approximately 30 people were in attendance, including 17 first year CVTC Agronomy students. Staff also attended the LAKES REU Student Symposium at the Raw Deal.

The Devil's Punchbowl Stairway project is nearing the end. Construction is completed and a ribbon cutting ceremony was held on August 24th. Final grant processing is underway.

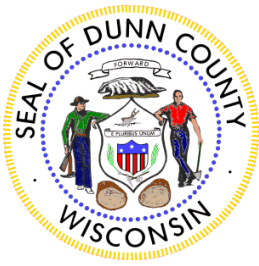
The LWCD continued to work with the Tainter Lake Rehabilitation District Petition – Public Hearing Report.

It is with regret that I include in this report the resignation of Steve Olson – Conservation Planner. Steve has made a significant impact to our natural resources by implementing conservation practices for over 27 years in both Dunn and St. Croix Counties. He will be missed, but it is encouraging that many of those conservation practices will continue with him on his 100 cow dairy farm in northern Dunn County. We look forward to continuing to work with Steve in the future through his farm and contributions to the community. Recruitment to fill Steve's position is underway with the help and approval of the Administration Department and Human Resources Department.

Finally, the following table will provide a summary of expenditures and revenue through the month of August 2022. If you have questions at any time, please do not hesitate to contact me.

Chase Cummings
County Conservationist
715-231-6535

Land & Water Conservation Division					Monthly Report: August, 2022	
Fund Center: 2100010020 (Does not include grants)						
	2020	2021	2022	2022	2022	%
	Actual	Actual	Budget	Year-to-date*	Remainder	Remaining
Revenues	\$ 674,323.07	\$ 728,221.57	\$ 782,969.00	\$ 786,207.95	\$ (3,238.95)	0%
Expenditures	\$ 541,054.52	\$ 613,544.94	\$ 782,969.00	\$ 529,741.00	\$ 253,228.00	32%
Balance	\$ 133,268.55	\$ 114,676.63	\$ -	\$ 256,466.95	\$ (256,466.95)	
Fund Center: 2100010900 (Grants)						
	2020	2021	2022	2022	2022	%
	Actual	Actual	Budget	Year-to-date	Remainder	Remaining
Revenues	\$ 618,489.47	\$ 646,136.00	\$ 1,058,755.00	\$ 31,112.97	\$ 1,027,642.03	97%
Expenditures	\$ 604,061.67	\$ 669,962.07	\$ 1,058,755.00	\$ 365,035.76	\$ 693,719.24	66%
Balance	\$ 14,427.80	\$ (23,826.07)	\$ -	\$ (333,922.79)	\$ 333,922.79	



STAFF RECOMMENDATIONS

GARY & CHERYL GUST VARIANCE REQUEST

DATE PREPARED: August 29, 2022

PETITIONER/OWNER: Gary & Cheryl Gust
E5795 800th Avenue
Menomonie, WI 54751

PROPERTY ADDRESS: E5795 800th Avenue, Menomonie, WI 54751

LOCATION: Lots 23 and 24 and part of lots 21 and 22, Plat of Lakehurst, located in Government Lots 2 and 3 of Section 29, T.29N., R.12W., Town of Tainter

SIZE OF PROPOSED PARCEL: 0.90 acres

ZONING: R1

REQUEST: Variance to create a lot which does not meet the requirement of 30,000 square feet of contiguous buildable area as required by Section 16.46(6) of the Dunn County Land Division Ordinance.

BACKGROUND:

Gary and Cheryl Gust (applicant) own lots 23 and 24 and part of lots 21 and 22 of the Plat of Lakehurst, located in Section 29, Town of Tainter. This plat was recorded in November of 1929. The lots are currently zoned Residential 1 (R1). The applicant would like to consolidate the two existing platted lots and two partial lots into one new lot so that future structures can be placed on the property that comply with zoning setbacks.

A portion of the subject property is located within the 100-year floodplain of Lake Tainter. There are no mapped wetlands on the property. A small portion of the property near the shoreline contains slopes of 20% or greater, however these slopes fall within the 75' building setback line from the ordinary high water mark. The creation of this proposed new lot requires the preparation of a Certified Survey Map that meets the requirements of Chapter 16 of the Dunn County Land Division Ordinance. Section 16.46(6) of said ordinance states "Each lot must contain a net contiguous buildable area of 30,000 square feet or more without disturbing areas with slopes of 20% and greater that existed prior to concept review." The proposed new lot contains approximately 19,200 square feet of contiguous buildable area, falling considerably short of the 30,000 square foot requirement.

Section 16.83 of said ordinance allows for a variance request and is worded as follows: “Where strict application of the provisions of this chapter would impose undue hardship because of unique topographic or other conditions of the land involved or other conditions predating adoption of this chapter, or to achieve consistency with a City or Village extraterritorial ordinance, the Committee may approve variances to any requirement of this chapter to the extent deemed just and proper, provided such variance shall not impair the intent and purpose of this chapter or be contrary to the Wisconsin Statutes or Wisconsin Administrative Code.”

ANALYSIS:

The purpose of the contiguous buildable area standard is to ensure there is adequate area for building use and sufficient area suitable for the entire on-site wastewater treatment system and its replacement. An existing home, well and septic system are located on the property. If the proposed septic system should fail, its replacement could be constructed in the same location. If the variance is not approved, there is a possibility that one or more of the existing nonconforming lots could be developed for residential purposes. Combining them into one new lot eliminates that possibility.

VARIANCE REQUIREMENTS:

Department comments below are bold and underlined.

1. Strict application of the provisions of Chapter 16 would impose undue hardship because of unique topographic or other conditions of the land involved or other conditions predating the adoption of this chapter.

The existing platted lots were created long before the adoption date of Chapter 16 and are considered to be existing nonconforming lots. The proposed new parcel contains a contiguous buildable area of approximately 19,200 square feet which falls considerably short of the 30,000 square foot contiguous buildable area requirement. To comply with this requirement, the applicant would need to greatly increase the size of the proposed lot by purchasing additional property resulting in a hardship for the applicant.

2. The variance shall not impair the intent and purpose of Chapter 16.

Section 16.03 of the ordinance contains the following purpose statements:

- (1) To promote the wise use, conservation, protection, and property development of Dunn County’s soil, water, wetland, woodland, and wildlife resources, and to achieve a balanced relationship between land use and development and supporting and sustaining Dunn County’s natural resource base.

The consolidation of the existing lots to include the existing residence and associated improvements will not create an imbalance between land use and development, nor would it have an adverse effect on the county’s natural resource base.

- (2) To establish reasonable design standards and land division procedures to facilitate the orderly and well-planned layout, division, use, and development of land in Dunn County, and to prevent overcrowding of land and undue congestion of population.

The consolidation of the existing lots to include the existing residence and associated improvements is orderly, well-planned and will actually reduce the overcrowding of land and decrease the congestion of population.

- (3) To secure safety and resiliency from disastrous storms, fire, flood, pollution, disease and other hazards and to help minimize expenditures for emergency response and disaster relief and other mitigation actions.
The consolidation of the existing lots to include the existing residence and associated improvements, will have no additional impact on the items listed within this purpose statement.
- (4) To ensure adequate and efficient transportation, water, sewerage, stormwater drainage, schools, parks, playground, recreation, and other facilities.
The consolidation of the existing lots to include the existing residence and associated improvements, will have no impact on the adequacy and efficiency of the items listed within this purpose statement.
- (5) To ensure that the design of the transportation systems will not have a negative long-term effect on neighborhood quality, traffic, and pedestrian movement and safety.
This purpose statement is not applicable to this land division.
- (6) To prevent and control erosion, sedimentation, and other pollution of air and water, ensure the adequacy of drainage facilities, and safeguard subsurface water.
The consolidation of the existing lots to include the existing residence and associated improvements, will have no additional impact on the items listed within this purpose statement.
- (7) To prevent destruction or impairment of environmentally sensitive areas.
The consolidation of the existing lots to include the existing residence and associated improvements, will not result in the destruction or impairment of environmentally sensitive areas.
- (8) To conserve high value agricultural land.
The subject property is not considered to be high value agricultural land.
- (9) To protect and provide for the public health, safety, and general welfare of Dunn County and its municipalities.
The consolidation of the existing lots to include the existing residence and associated improvements, will not be detrimental to the public health, safety, and general welfare of Dunn County and its municipalities.
- (10) To guide the future growth and development of Dunn County in accordance with the comprehensive plan.
The preferred land use for the subject property is designated as residential according to the Dunn County Comprehensive Plan. The applicant's future plan for the property is consistent with this plan.
- (11) To ensure a system for review of proposed condominium instruments that is identical to the review procedures for land divisions. Such review of condominiums is deemed appropriate because they function in the same manner and have the same neighborhood and environmental impacts as land divisions.
This purpose statement is not applicable to this land division.

3. The variance shall not be contrary to the Wisconsin Statutes or Wisconsin Administrative Code.
The granting of this variance will not be contrary to the Wisconsin Statutes or Wisconsin Administrative Code.

RECOMMENDATION:

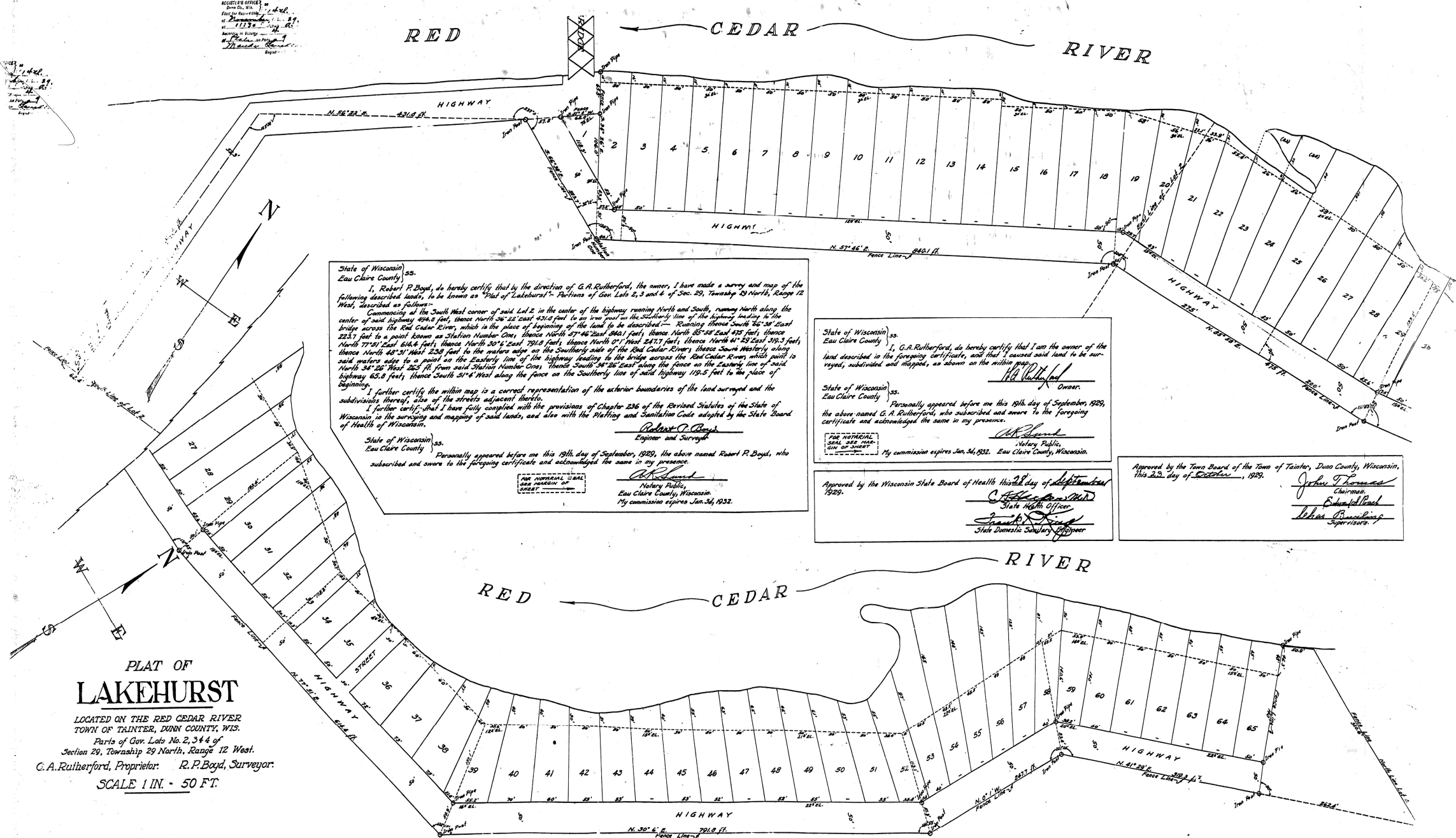
Based on the above analysis and variance requirements, the ENS Department recommends approval of the variance request. The consolidation of the existing lots to include the existing residence and associated improvements is consistent with the purpose and intent of Chapter 16.

Sincerely,

A handwritten signature in black ink that reads "Thomas P. Carlson". The signature is written in a cursive style with a large, stylized initial 'T'.

Thomas P. Carlson, PLS
Dunn County Surveyor

REGISTERED OFFICER
 Eau Claire, Wis.
 No. 110-1110
 in Commission
 1929



State of Wisconsin ss.
 Eau Claire County ss.
 I, Robert P. Boyd, do hereby certify that by the direction of G.A. Rutherford, the owner, I have made a survey and map of the following described lands, to be known as "Plat of Lakehurst" - Portions of Gov. Lots 2, 3 and 4 of Sec. 29, Township 29 North, Range 12 West, described as follows:
 Commencing at the South West corner of said Lot 2 in the center of the highway running North and South, running North along the center of said highway 431.8 feet, thence North 26° 22' East 431.8 feet to an iron post on the southerly line of the highway leading to the bridge across the Red Cedar River, which is the place of beginning of the land to be described. - Running thence South 76° 34' East 223.7 feet to a point known as Station Number One, thence North 57° 46' East 284.1 feet, thence North 85° 58' East 475 feet, thence North 77° 01' East 614.4 feet, thence North 30° 4' East 791.8 feet, thence North 0° 1' West 247.7 feet, thence North 41° 23' East 493.3 feet, thence North 48° 51' West 230 feet to the water edge on the southerly side of the Red Cedar River, thence South West along said water edge to a point on the Easterly line of the highway leading to the bridge across the Red Cedar River, which point is North 34° 28' West 225 ft. from said Station Number One, thence South 36° 26' East along the fence on the Easterly line of said highway 65.8 feet, thence South 51° 4' West along the fence on the southerly line of said highway 119.5 feet to the place of beginning.
 I further certify the within map is a correct representation of the exterior boundaries of the land surveyed and the subdivisions thereof, also of the streets adjacent thereto.
 I further certify that I have fully complied with the provisions of Chapter 236 of the Revised Statutes of the State of Wisconsin in the surveying and mapping of said lands, and also with the Platting and Sanitation Code adopted by the State Board of Health of Wisconsin.
 Robert P. Boyd
 Engineer and Surveyor
 State of Wisconsin ss.
 Eau Claire County ss.
 Personally appeared before me this 19th day of September, 1929, the above named Robert P. Boyd, who subscribed and swore to the foregoing certificate and acknowledged the same in my presence.
 Notary Public,
 Eau Claire County, Wisconsin
 My commission expires Jan. 24, 1932.

State of Wisconsin ss.
 Eau Claire County ss.
 I, G.A. Rutherford, do hereby certify that I am the owner of the land described in the foregoing certificate, and that I caused said land to be surveyed, subdivided and mapped, as above on the within map.
 G.A. Rutherford
 Owner.
 State of Wisconsin ss.
 Eau Claire County ss.
 Personally appeared before me this 19th day of September, 1929, the above named G.A. Rutherford, who subscribed and swore to the foregoing certificate and acknowledged the same in my presence.
 Notary Public,
 Eau Claire County, Wisconsin
 My commission expires Jan. 24, 1932.

Approved by the Wisconsin State Board of Health this 22nd day of September, 1929.
 State Health Officer
 State Domestic Sanitary Engineer

Approved by the Town Board of the Town of Tainter, Dunn County, Wisconsin, this 23rd day of September, 1929.
 Chairman
 State Domestic Sanitary Engineer

PLAT OF
LAKEHURST
 LOCATED ON THE RED CEDAR RIVER
 TOWN OF TAINTER, DUNN COUNTY, WIS.
 Parts of Gov. Lots No. 2, 3 & 4 of
 Section 29, Township 29 North, Range 12 West.
 G.A. Rutherford, Proprietor. R.P. Boyd, Surveyor.
 SCALE 1 IN. = 50 FT.



Dunn County
Survey Division

3001 US Highway 12 East, Suite 240A (715) 231-6526
Menomonie, WI 54751 www.co.dunn.wi.us

FOR OFFICE USE ONLY

FEE: 200 Date: 8/24/2022
 Variance (\$200)
 Cash or Check# 5083
 *Checks Payable to Dunn County Surveyor

Variance Application

Instructions: Please fill out all sections of the application. Attach site plan, a written brief, and any necessary supporting material.

Property Owner	Agent/Contractor <input type="checkbox"/> Same as owner
Name Gary and Cheryl Gust	Name/Business
Mailing Address E5795 800th Ave	Mailing Address
City/State/Zip Menomonie, WI 54751	City/State/Zip
Phone 715-505-7117	Phone
Email Tainter5795@gmail.com	Email

Property Information

Parcel ID # 1703822912290030010 and 11 Site Address _____ Same as owner

S 29 T 29 N R 12 W CSM/Subdivision Lakehurst Addition Lot# 23 and 24, Part of lots 21 and 22
Blk# _____

Proposed Lot Size (Acres) .90 acres Present Use Residential
Existing Zoning R-1

Project

Terms of Subdivision Ordinance preventing your requested use: Section 16.46(6) of chapter 16

Variance requested and reasons why this variance is needed:
There is not enough square footage within the setbacks. There is less than the 30,000 SqFt of contiguous buildable area.

Attach a Written Brief fully answering the following:
 -Enforcement of the Dunn County Land Division Ordinance would result in an unnecessary hardship because:
 -The unique characteristics of the property prevent compliance with the ordinance because:
 -Granting of this variance would not harm the public interest because:

General Requirements

Site Plan Completed Written Brief Attached

By signing below, I certify that all information contained in or attached to this application is true and correct to the best of my knowledge. I understand that I am responsible for checking with the Dunn County Planning/Zoning Office, applicable township, building inspector, DNR, and any other entities that may have jurisdiction over my project. I understand that this application does not guarantee that a variance will be granted. I acknowledge either the owner or agent on this application must attend the Planning, Resource and Development Committee meeting scheduled for this variance request.

Owner/Agent Signature: _____ Date: 8/24/22
 County Surveyor Signature: Thomas P. Cuda Date: 8/24/22

Please note: This is an application and does not guarantee a variance will be granted.

August 23, 2022

Dunn County Survey Division
3001 US Highway 12 East, Suite 240A
Menomonie, WI 5471

RE Parcel ID# 1703822912290030010 and 11
Ordinance Section 16.46(6) of Chapter 16

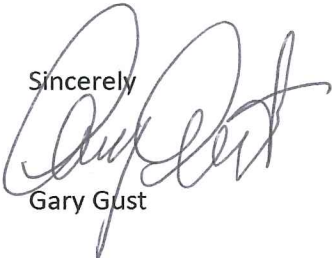
To whom it may Concern:

This is the written brief as required by the Variance Application, submitted to the board for approval.

- Enforcement of the Dunn County Land Division Ordinance would result in an unnecessary hardship because the lots are not big enough to satisfy the 30,000 square foot minimum in the ordinance
- The unique characteristics of the property prevent compliance with the ordinance because they are small existing lake lots and not typical new residential lots.
- Granting this variance would not harm the public interest because there are other lots in the area that have structures, wells, and septic systems that do not meet the 30,00 square foot minimum. There is an existing well, residence, small shed, and septic system on the lot.

Please let me know if more information is needed.

Sincerely



Gary Gust

LAKE TAINTER

Vegetative Buffer Zone

New 17 x 14 Pergola

New 12 x 16 Shed

Pavers

Existing wood deck

Well in Basement

Flower Bed

Existing Residence
Existing Garage

Infiltration Basin 118 SqFt

Septic Tanks

Pavers Typ

New Pavement

Existing Shed with Metal Roof Cover

Existing Mound Sewer System

Existing Pavement

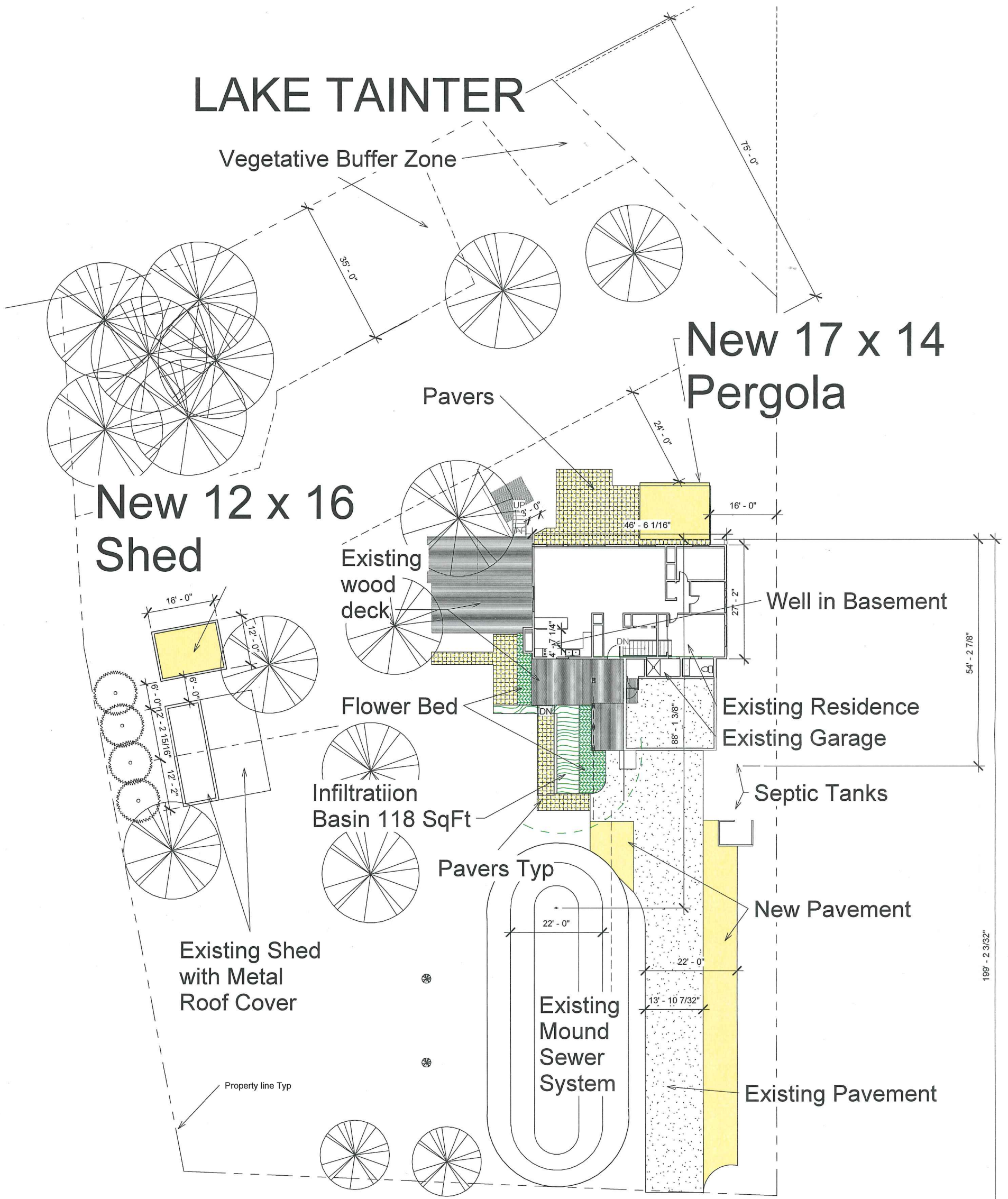
Property line Typ

NORTH

Gary and Cheryl Gust
E5795 800th Ave
Menomonie, WI 54751
LakeHurst Addition Pt. Lots 22,
23 and 24
Date 06/12/22

800th AVE

Center Line of Road



CERTIFIED SURVEY MAP NO. _____

LOTS 23 AND 24, PART OF LOTS 21 AND 22, LAKEHURST ADDITION, LOCATED IN PART OF GOVERNMENT LOT 2 AND 3, SECTION 29, TOWNSHIP 29 NORTH, RANGE 12 WEST, TOWN OF TAINTER, DUNN COUNTY, WISCONSIN

**OWNER/
PREPARED FOR:**
GARY AND CHERYL GUST
E5795 800TH AVENUE
MENOMONIE, WI 54751

Steep slopes are not shown.
There are 20% slopes between the 879' contour and the water's edge

Any land below the Ordinary Highwater mark of a lake or navigable stream is subject to the Public Trust in navigable waters that is established under Article IX, Section 1, of the State Constitution.

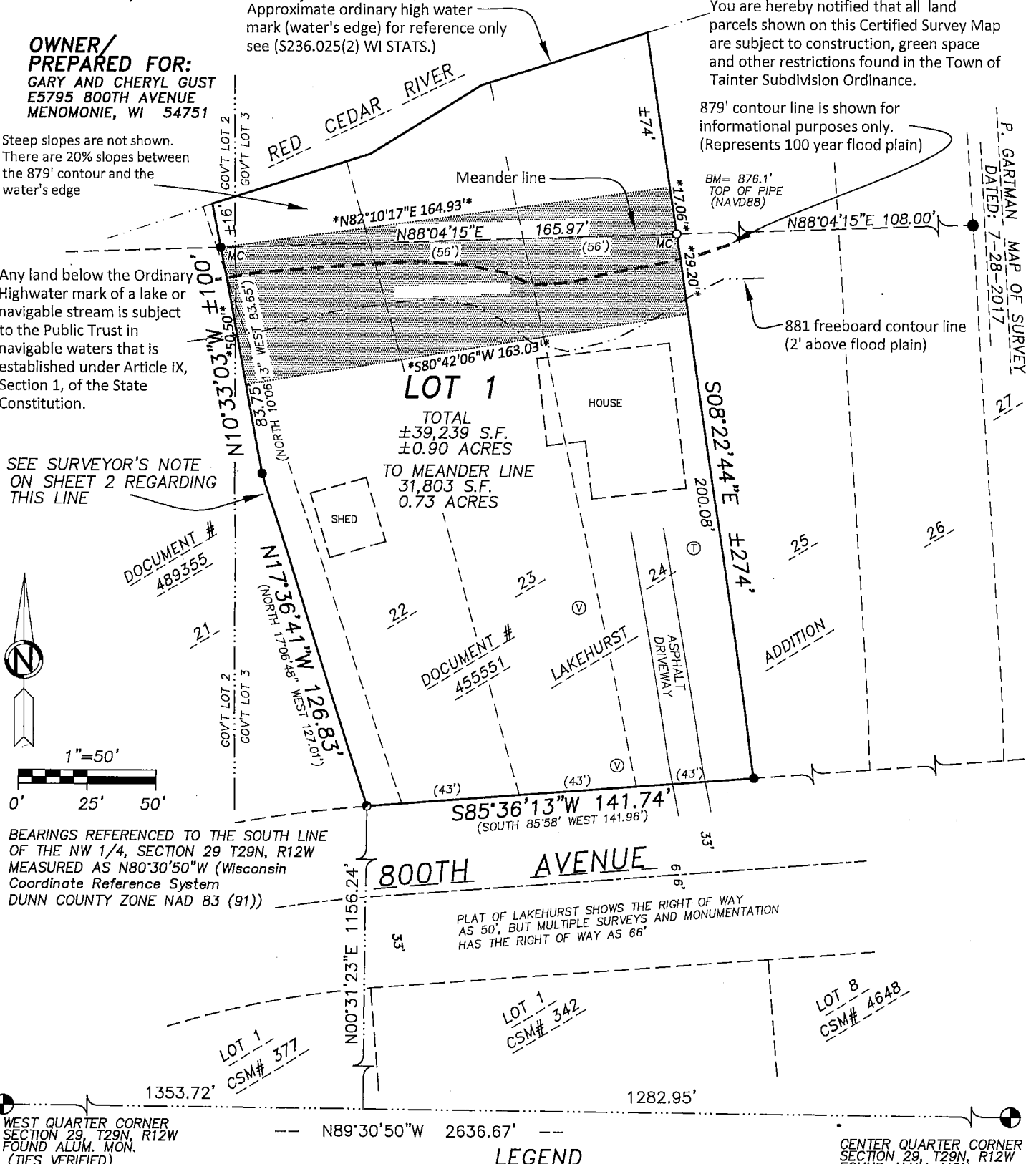
SEE SURVEYOR'S NOTE ON SHEET 2 REGARDING THIS LINE

Approximate ordinary high water mark (water's edge) for reference only see (S236.025(2) WI STATS.)

You are hereby notified that all land parcels shown on this Certified Survey Map are subject to construction, green space and other restrictions found in the Town of Tainter Subdivision Ordinance.

879' contour line is shown for informational purposes only. (Represents 100 year flood plain)

881 freeboard contour line (2' above flood plain)



BEARINGS REFERENCED TO THE SOUTH LINE OF THE NW 1/4, SECTION 29 T29N, R12W MEASURED AS N80°30'50"W (Wisconsin Coordinate Reference System DUNN COUNTY ZONE NAD 83 (91))

PLAT OF LAKEHURST SHOWS THE RIGHT OF WAY AS 50', BUT MULTIPLE SURVEYS AND MONUMENTATION HAS THE RIGHT OF WAY AS 66'

WEST QUARTER CORNER SECTION 29, T29N, R12W FOUND ALUM. MON. (TIES VERIFIED)

CENTER QUARTER CORNER SECTION 29, T29N, R12W FOUND ALUM. MON.

VARIANCE NOTE:
On _____, 2022, The Dunn County Planning Resource and Development Committee granted a variance waiving the 30,000 S.F. of contiguous buildable area as required in Section 16.46(6) of Chapter 16 (Subdivision Regulation) of Dunn County Code of Ordinances.

Field work completion date:
July 25, 2022
Sheet 1 of 2 Sheets

LEGEND

- = SET 1" O.D. X 18" IRON PIPE WEIGHING 1.13 LBS. PER LINEAR FOOT
- = FOUND 1" O.D. IRON PIPE IN CONCRETE
- = FOUND 1" O.D. IRON PIPE
- = FOUND 1.5" O.D. IRON PIPE
- MC = MEANDER CORNER
- () = RECORDED BEARING/DISTANCE
- ⊙ = GOVERNMENT CORNER AS NOTED
- ⊕ = SEPTIC VENT
- ⊕ = SEPTIC TANK
- *83.58"* = GREEN SPACE DIMENSIONS
- [Hatched Area] = 20% GREEN SPACE AREA

(Proj #1490-001) GUST

A.C/a

CORPORATE OFFICE
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Suite A
Menomonie, WI 54751

Tel 715-232-8490
Fax 715-232-8492
men@authconsulting.com

Auth • Consulting/associates

P. GARTMAN
MAP OF SURVEY
DATED: 7-28-2017

CERTIFIED SURVEY MAP NO. _____

LOTS 23 AND 24, PART OF LOTS 21 AND 22, LAKEHURST ADDITION, LOCATED IN PART OF GOVERNMENT LOT 2 AND 3, SECTION 29, TOWNSHIP 29 NORTH, RANGE 12 WEST, TOWN OF TAINTER, DUNN COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, Ronald D. Jasperson, Professional Land Surveyor, hereby certify at the direction of Gary Gust, that I have surveyed, divided, and mapped Lots 23 and 24 and part of Lots 21 and 22, Lakehurst Addition, located in part of Government Lots 2 and 3, Section 29, Township 29 North, Range 12 West, Town of Tainter, Dunn County, Wisconsin.

Commencing at the West Quarter corner said Section 29;

Thence S89°30'50"E 1353.72 feet along the south line of the Northwest Quarter said Section 29;

Thence N00°31'23"E 1156.24 feet to the north line of 800th Avenue and the point of beginning of this description;

Thence N17°36'41"W 126.83 feet;

Thence N10°33'03"W 83.75 feet to a meander corner that is S10°33'03"E, more or less, 16 feet from the southerly water's edge of the Red Cedar River;

Thence N88°04'15"E 165.97 feet along the meander line of the Red Cedar River to a meander corner that is S08°22'44"E, more or less, 74 feet from the southerly water's edge of the Red Cedar River and is also on the east line of Lot 24, Lakehurst Addition;

Thence S08°22'44"E 200.08 feet along the east line said Lot 24 to the north right of way line of 800th Avenue;

Thence S85°36'13"W 141.74 feet along the north right of way line of 800th Avenue to the point of beginning.

Containing 39,239 square feet, 0.90 acres, including the area between the described meander line and the southerly water's edge of the Red Cedar River. Parcel is subject to any and all other easements, restrictions and covenants of record.

I, also certify that this Certified Survey Map is a correct representation to scale of the exterior boundary surveyed and described; that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes, Chapter A-E7 of the Wisconsin Administrative Code and the land subdivision ordinance of Dunn County and the Town of Tainter in surveying and mapping the same.

_____, 2022
Ronald D. Jasperson PLS #2564 Date

SHORELAND ZONING NOTE:

Due to the proximity of the Red Cedar River, this parcel may be subject to shoreland zoning setbacks and buffers. Contact the Dunn County Zoning Office for specific details and permitting requirements.

DUNN COUNTY APPROVALS

Approved by the Dunn County Zoning Office this _____ day of _____, 2022

Dunn County Planning and Zoning Official

Approved by the Dunn County Surveyor this _____ day of _____, 2022

Dunn County Surveyor

TOWN BOARD APPROVAL

Approved by the Town of Tainter this _____ day of _____, 2022

Randy Valaske (Chairman)

Doris Meyer (Clerk/Treasurer)

NOTICE:

You are hereby notified that this subdivision is located within or near property designated by the Town of Tainter Comprehensive Plan as an Agricultural Management Area. You may be subject to inconveniences or discomforts arising from agricultural-related operations, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, INSECTS, FUMES, DUST, SMOKE, THE OPERATION OF MACHINERY OF ANY KIND DURING ANY 24 HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. The Town Board has determined that the use of real property for agricultural operations, particularly in these designated areas, is a high priority and favored use to the Town. Those inconveniences or discomforts arising from agricultural operations, if such operations are consistent with normal farming practices for the region and comply with local, state and federal laws, shall not be considered a nuisance. Where there are conflicts between residential and agricultural-related uses, agricultural uses will be favored.

SURVEYOR'S NOTE:

Per Document Number 455551 and Document Number 489355, describes a line that divides the (2) parcels. The described line commences at the southeast corner of Lot 24, Lakehurst Addition and follows the north right-of-way line of 800th Avenue at a bearing of S85°58"W for a distance of 141.96 feet. This distance actually goes into Lot 21 of Lakehurst Addition. Pipes were found at the location of the described line and fit within reason to believe the monumented line was intended to be the boundary line as described in Document Number 455551 and Document Number 489355. It is the surveyors opinion that the scribe of the description did not know where the lot lines were between Lots 21 and 22 of Lakehurst Addition. It is the surveyors suggestion to the (2) adjacent land owners to exchange Quit Claim Deeds to clear up the boundary line discrepancy.

RESOLUTION NO. PR&D _____

Approving Participation in the Dunn County Fish & Game Program

NOW, THEREFORE, BE IT RESOLVED, that the Dunn County Planning, Resources, and Development Committee, under authority granted by the Dunn County Board of Supervisors in Resolution No. 69 approved on November 15, 2011, authorizes participation in the 2022 County Fish and Game Projects Program.

BE IT FURTHER RESOLVED, that the Dunn County Planning, Resources, and Development Committee select “Devil’s Punchbowl Fencing” as the 2023 County Fish and Game Project.

ADOPTED BY THE PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE:

Adopted on: _____

Thomas Quinn, Chair

ATTEST:

Approved as to Form and Execution:

Tracie Albrightson, Recording Secretary

Nicholas P. Lange, Corporation Counsel

BUDGET IMPACT: County funds totaling \$2,325 and anticipated matching revenue of \$2,325 from the Department of Natural Resources are included in the proposed 2023 Land and Water Conservation Division Budget. Funds will not be expended before the 2023 budget is approved by the Dunn County Board of Supervisors.

Background Information

Dunn County has participated in the County Fish and Game Program since the 1960’s. The State provides 50% matching funds that have been used to make improvements to the shooting ranges, boat landings, and other public recreation areas throughout the County. In 1998, the County Board of Supervisors assigned the responsibility for this program to the Planning, Resources, and Development Committee and reaffirmed that decision on November 15, 2011, by Resolution No, 69. The Alliance of Dunn County Conservation and Sports Clubs annually recommends, and the PR&D Committee officially approves, a project each year. The Devil’s Punchbowl nature preserve is an iconic landmark, visited and cherished by generations of residents. Landmark Conservancy owns and manages the property and has recently completed improvements to accessing the preserve. Those improvements were in partnership with many, including Dunn County. To continue to improve the access and safety of visitors to the Punchbowl, a new fence will be installed around the perimeter to direct people to safely access the site and protect unnecessary foot traffic on the sensitive features of the preserve. Additionally, this project will provide upgrades to the parking area and restrict vehicle access to sensitive areas of the site.

Public Hearing Report Revision Summary (9/13/2022)

Petition to Establish the Tainter Lake Rehabilitation District

- Cleanup of formatting, page numbers, etc...
- A note was added to the Public Comments section acknowledging the submission of more comments related to this petition at meetings held after the 8/9/2022 PR&D meeting.
- Under “What are the next steps in handling this petition?” some information was added on page 7 about the Board’s ability to alter Lake District boundaries from the ones in the petition if the petition is approved.
- Revised the wording in “Is there any way for Dunn County to limit Lake District spending on certain items, particularly administrative costs?” on page 8 after Corporation Council provided better clarity.
- Additional information about special assessments, their limits, and general notes about how they work was added to “ Can a Lake District levy special assessments on properties within Lake District in addition to the general Lake District levy?” on page 8.
- Replaced original in “Can a Lake District create ordinances or other laws?” with a significantly more detailed response provided by Nicole Homer from Corporation Council beginning on page 9.
- Some additional information was added from other counties in the “More information on other Lake Districts and their collaboration with their respective counties, municipalities, DNR, etc...” and “More information on existing Lake Districts including what they are doing and how these projects are funded.” Sections on pages 10 and 11

Planning Resources & Development Committee - Public Hearing *DRAFT* Report (September 13, 2022)

Petition to Establish the Tainter Lake Rehabilitation District

Background Information

Per Wisconsin Statutes Chapter 33.21, the County Board of Supervisors may establish a lake district. A Lake District is a form of local government, granted the powers of a municipal corporation for the purposes of carrying out Chapter 33 of Wisconsin Statutes. The County Board of Supervisors received a petition to establish the Tainter Lake Rehabilitation District on July 14, 2022. This petition and the associated documents which were submitted are attached to this report as Appendix A Per Wis. Stat. Ch. 33.26, within 30 days of receipt of the petition the County Board shall arrange a hearing to be held and appoint a committee to conduct the hearing. At their July 27, 2022 meeting, the County Board appointed the Planning, Resources and Development Committee to conduct the hearing on August 9, 2022.

The proposed Lake District boundaries are described by the petitioners as “[b]eginning at the west end of the Cedar Falls Dam and proceeding upstream, along the shoreline, including all riparian properties and only riparian properties, to the Hay River tributary of the flowage, turn upstream continuing around the flowage to Peninsula Park. Continue along the shoreline clockwise, including all riparian properties and only riparian properties, turning up the Red Cedar River to a point across from Russian Slough, cross the Red Cedar River, turn down stream back to the flowage, continue clockwise around the lake following the shoreline, including riparian properties and only riparian properties, back to the east end of the Cedar Falls Dam.” The map of the proposed boundaries is attached to the end of this report on page 8 of Appendix A. The breakdown of property ownership within the district is as follows:

Private Ownership: 753

Dunn County: 14 parcels

Town of Tainter: 4 Parcels

Town of Menomonie: 1 Parcel

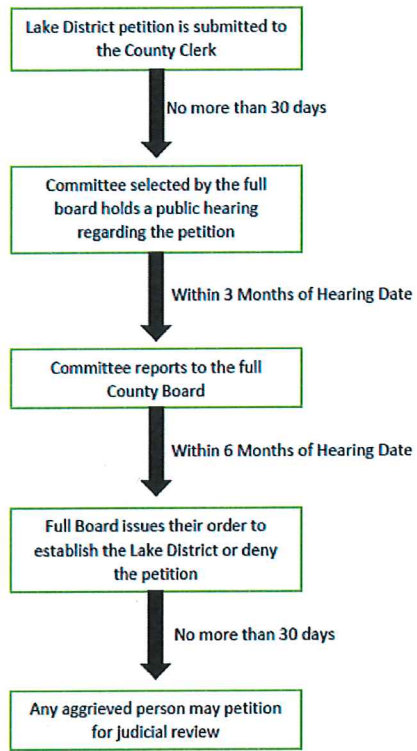
Town of Sherman: 1 Parcel

Summary of Public Hearing

At this hearing, Chairperson Quinn began by giving a brief explanation of how the public hearing would proceed. Andrew Mercil, Dunn County Clerk, read and confirmed the publication of the Class I notice in the Dunn County News and was sent via USPS to the affected landowners.

Chase Cummings, Dunn County Conservationist, then provided an outline on the petition process, next steps, and expected deadlines in the process. Below is an abbreviated timeline for the Lake District petition process.

Lake District Decision Timeline



Mercil explained his review and verification of the petitions. The petition included 543 signatures out of 931 submitted property owners. County staff completed a review of the petitions, in relationship to the December 2021 tax roll. County staff have calculated the total number of property owners to be 945. The County has approved 508 signatures. The percent of signatures (508/945) is 53.76%. This meets the required 51% of landowners within the proposed district. Below is a breakdown of the petitions by the precincts as submitted by the petitioners.

Tainter Lake Rehabilitation District Petition					
Precinct	Submitted # of property owners	Actual # of property owners	Signatures received	Rejected # of Signatures	Approved Signatures
Menomonie	40	46	29	0	29
Sherman 1	26	28	17	1	16
Sherman 2	24	24	20	2	18
Tainter 1	36	41	23	0	23
Tainter 2	36	37	24	2	22
Tainter 3	42	42	25	3	22
Tainter 4	22	23	7	0	7
Tainter 5	31	34	12	0	12
Tainter 6	35	38	15	0	15
Tainter 7	40	40	17	3	14
Tainter 8	34	34	21	3	18
Tainter 9	43	42	24	1	23
Tainter 10	27	30	8	0	8
Tainter 11	26	28	17	0	17
Tainter 12	18	22	11	0	11
Tainter 13	41	47	17	0	17
Tainter 13X	27	29	13	0	13
Tainter 14	18	15	8	1	7
Tainter 15	32	35	18	1	17
Tainter 16	39	42	19	0	19
Tainter 17	36	44	28	0	28
Tainter 18	34	33	26	3	23
Tainter 19	40	38	27	3	24
Tainter 20	32	36	17	0	17
Tainter 21	29	31	17	3	14
Tainter 22	33	33	22	4	18
Tainter 23	30	30	15	3	12
Tainter 24	33	37	24	0	24
Red Cedar	27	28	22	2	20
Total	931	987	543	35	508
Dunn County Staff calculated total number of property owners *					945
Percent of Signatures (508/945)					53.76%
*This number excludes governmental entities which own parcels within the proposed district					
The above information was calculated by the Dunn County Clerk's Office					
Andrew Mercil, Dunn County Clerk					

Following the summaries by Cummings and Mercil, Tom Bilse was allowed time to summarize the petition. Bilse is the president of the Friends of the Red Cedar Basin. This group was responsible for the petition and collection of the signatures. Bilse discussed the group's background and motivation for their petition. He proceeded to explain their recruitment efforts stating that they did several meetings/signature drives at local businesses. They then gathered the remaining signatures by going door-to-door. Bilse stated that the group did not dispute the 508 signatures that were approved, but stated that they spoke to homeowners who were not on the 2021 tax roll. These owners would not have been eligible petitioners, but Bilse stated that this would have been 40 signatures, and these people were supportive

of the Lake District. Beyond Bilsé's sworn testimony, County staff is unable to verify this number. After Bilsé was finished with his testimony, the committee posed several questions to him. Most of these questions as well as several others are covered in the Questions and Concerns section of this report.

Public Comment

Prior to the public hearing, seven comments were submitted in writing regarding the Lake District petition. Two of these comments were statements that expressed concerns regarding the proposed Lake District, but were not clear in whether they were in support, opposition, or from a neutral view. Four of these were in opposition to the formation of the Lake District with explanations. One of these was a statement in support of the formation of the Lake District with an explanation. All of these written comments are attached at the end of this report as Appendix B. Additional public comments pertaining to this petition were submitted to the committee at the August 23, 2022 meeting. These comments are not contained within this report, but were read into record at the August 23, 2022 PR&D Committee meeting. This meeting was recorded and can be viewed at, <https://www.youtube.com/channel/UCG9PRaNVmqZc95t1a3953aw/videos>

In addition to the written comments, thirteen people signed in to submit sworn testimony to the committee. This sign in sheet can be found as Appendix C of this report. Twelve of these people spoke with one of them concurring to the statement made immediately prior to her. Below are written summaries of the statements made. Anyone wishing to view these statements verbatim can view the recording of this meeting at: <https://www.youtube.com/watch?v=Ote6wf1trt4>

Chuck Tack, E6171 819th Ave, Colfax

Tack is a water sampling volunteer for Tainter Lake. He described his sampling routine, and his own spreadsheet of lake observations. Tack expressed support for the Lake District, and the advice provided to the Friends of the Red Cedar Basin by Scott McGovern. He proceeded to give the committee a copy of McGovern's resume.

The document Tack referred to as McGovern's resume which was provided to the committee is attached to this report as Appendix D of this report.

Jerry Porter, E6397 836th Ave, Colfax

Porter was opposed to the formation of a Lake District. He expressed concern for the Lake District's ability to levy taxes without a quorum of Lake District property owners.

Brad O'Connell, E5334 732nd Ave, Menomonie

O'Connell was opposed to the formation of a Lake District. He expressed concerns about increased property taxes because of the proposed Lake District. He does not think the projects discussed by the Friends of the Red Cedar Basin will make an impact without controlling the inputs coming from the northern parts of the Red Cedar River watershed. He expressed concerns about project management and he said he witnessed the installation of a very poorly managed fish sticks project installation.

Cindy O'Connell, E5334 732nd Ave, Menomonie

O'Connell was signed up to speak, but chose not to because of Brad O'Connell's testimony.

Johanna Kellner, N7455 537th Street, Menomonie

Kellner voiced support for the formation of the Lake District, but also had some concerns. She said that she is unsure of how successful the suggested projects will be, but she is happy to see something different being tried. She is concerned about the lack of ways to vote and comment on Lake District matters without being physically present at the meetings. She also feels there is a lack of adequate communication. She said that no one she has spoken to received notice about the hearing.

Dick Lamers, E6373 836th Ave, Colfax

Lamers was opposed to the formation of the Lake District. He believes the money spent in a Lake District would be better spent on work within the watershed. He believes the Lake District is inappropriate for the problems faced within Tainter Lake. Lamers stated that the projects discussed by the Friends of the Red Cedar Basin are short-term, short-sighted, and ignore the root cause of the issues. He expressed contempt for the alleged lack of transparency within the petitioner's communications, and feels that they were intentionally misleading in their signature collection efforts. Lamers believes the petitioners should be forced to start over and provide more detailed information on the Lake District itself, and the projects they have discussed. Lamers expressed issues with the "autonomy" language used in the communications he has seen, and the experimental methods being discussed by the Friends of the Red Cedar Basin.

Scott McGovern, 707 Locust Ave, Menomonie

McGovern was in support of the formation of the Lake District. He believes Lake Districts empower the people. He expressed doubt in the impact of agricultural runoff projects, and the efficacy of those projects. He claims the taxes levied by the proposed Lake District will not be of issue because he believes the people decide. McGovern referenced a book titled "Restoration and Management of Lakes and Reservoirs" and stated there are thousands of examples of lakes where the methods he has proposed have been shown to work. McGovern stated that his proposed biomanipulation will be complimented by agricultural runoff projects within the watershed completed by others to solve the issues within Tainter Lake. He discussed the severity of the issues on Tainter Lake and stated there was a place that began experiencing a large number of Lou Gehrig's Disease as a result of airborne cyanobacteria.

Ed LaVenture, E5233 750th Ave, Menomonie

LaVenture was opposed to the formation of the Lake District. He described the issues he has seen in Tainter Lake and claims there is approximately eighteen inches of silt and sediment in one of the bays he dives in. He discussed some projects that were done in the Hay River Watershed in the 1970's. LaVenture expressed agreement with Lamers. He feels that a Lake District would be another unnecessary layer of government, and that the DNR should be fixing the lake because of their funding coming from state taxes.

Al Brown, E5294 768th Ave, Menomonie

Brown was in support of the formation of the Lake District. He believes there is more accountability with a Lake District, that they allow needed structure and organization to communicate on lake issues, and feels they build community.

Matt Luoma, E5486 770th Ave, Menomonie

Luoma expressed his belief that Lake Districts can be beneficial, and hopes that the proposed one would be. He stated that he hoped there would be some sort of “guard rails” in place such as the ability for absentee voting. He expressed a desire for better planning and more transparency with the projects the Lake District proposed. He commented on his concerns for tax funded projects, and the potential need for a project manager. He stated a preference for the Lake District to pre-fund projects to minimize the tax levy.

Pete Heimdahl, N7298 520th Street, Menomonie

Heimdahl was in support of the formation of the Lake District. He feels that there has been a misunderstanding between the petitioners and those who oppose the formation. He stated that the purpose of the Friends of the Red Cedar Basin was to simply create a Lake District not to plan implementation projects for Tainter Lake. He said the Lake District will provide resources and accountability to lake owners to then be able to make and fund lake rehabilitation projects. He stated that regardless of the County Board’s decision on the petition, the Friends of the Red Cedar Basin will disband once that decision is made.

Michael Eide, E5474 784th Ave, Menomonie

Eide was in support of the formation of the Lake District. He said that he and his wife have been landowners on Tainter Lake for approximately eight years, and they have heard about an overabundance of studies done on the lake, but nothing actively done to repair the lake. He stated that he is sick of hearing about studies, and wants active management on the lake. He believes that funding is possible for projects outside of tax levy.

Questions and Concerns

There were several questions raised at the public hearing by both members of the committee and within the public comments. Below are responses to some of these questions.

What are the next steps in handling this petition?

With respect to the established timeline for County Board meetings and the timeframes laid out in state statute, the PR&D committee will need to submit their report and recommendations to the full County Board no later than the October 19, 2022 meeting. The County Board will then need to make their final determination on the petition no later than their January 18, 2023 meeting.

The County Board must determine, after consideration of the PR&D Committee’s report and any other evidence submitted to the board, whether or not the petition meets the below criteria:

1. The petition has been signed by the requisite owners of property in the proposed district.
2. The proposed district is necessary.
3. Public health, comfort, convenience, necessity or public welfare will be promoted by the establishment of the district.
4. The property to be included in the district will be benefited by the establishment of the proposed district.

These are the factors laid out in Chapter 33 as the basis for the County Board's determination.

If the County Board does not find, that the above conditions are met, the County Board, must declare its findings by order and deny the petition.

If the County Board finds the above conditions to be met, the board, by order, shall declare the district organized, give it a corporate name by which it shall be known, and establish the boundaries of the lake district. These boundaries can be altered by the board as a part of the order to establish. If the board wishes to add parcels, a second public hearing will need to be held. If the board wishes to remove parcels, a second public hearing is not required. Additionally, the County Board must, at the time of making the order establishing a district, appoint 4 of the initial 5 Lake District Board Commissioners. The initial Lake District board of commissioners will consist of:

- Three owners of land within the district, appointed by the county board. At least one of the property owners shall be a resident of the district.
- One person appointed by the County Board who is a member of the County Land Conservation Committee or who is nominated by the County Land Conservation Committee and appointed by the County Board.
- One member appointed by the governing body of the township having the largest assessed value of property in the district. This person must be appointed within 30 days of the County Board's order.

In accordance with Wisconsin Statutes Chapter 33.27, the Initial District Board of Commissioners shall hold an organizational meeting, shall select officers to serve until the first annual meeting, and may commence conducting affairs of the district. This initial meeting must be held within 90 days of the order establishing the district or 60 days after the final judgement if an appeal is filed.

Except for the commissioner from the Land Conservation Committee and the commissioner from the township, the terms of the initial board of commissioners expire at the first annual meeting of the district.

Following the County Board order, either in favor of or denying this petition, any person aggrieved by the action of the County Board may petition the circuit court for judicial review. A verified petition shall be presented to the court not more than 30 days after the decision of the County Board, and shall specify the grounds upon which the appeal is based.

Is there a way for property owners within the Lake District to vote at the annual meeting if they are unable to be physically present?

No, in order for a property owner to vote at a Lake District's annual meeting, they must be physically present. Wis. Stats. Ch. 33.30(2)(b) states "No absentee ballots or proxies are permitted at the annual meeting." This also applies to special meetings per Wis. Stats. Ch. 33.305(4).

Does there need to be a quorum of property owners present in order for a Lake District to levy taxes?

Nothing has been found in code that would suggest any minimum number of eligible voters be present in order of the Lake District to approve an annual budget or the associated tax levy. A quorum of the District's Board of Commissioners is required to conduct business. Wis. Stats. Ch. 33.28(3) states "Three commissioners shall constitute a quorum for the transaction of business."

Is there any way for Dunn County to limit Lake District spending on certain items, particularly administrative costs?

No. The only limitations on administrative costs will come from the Lake District board, the annual or special meeting, and any available tax levy that supports the Lake District's operations. "The board shall have control over the fiscal matters of the district, subject to the powers and directives of the annual or a special meeting. The board shall annually at the close of the fiscal year cause an audit to be made of the financial transactions of the district, which shall be submitted to the annual meeting." Wis. Stat. ch. 33.29(2)

Can a Lake District levy special assessments on properties within Lake District in addition to the general Lake District levy?

Yes, this is outlined in Wis. Stats. Ch. 33.32 and is allowed as an exercise of the police powers Lake District's possess. Wis. Stats. Ch. 33.32(1) outlines the manner in which this authority can be exercised. Once a plan for work is approved at either the annual or a special meeting of the Lake District, Wis. Stats. Ch. 33.32(1)(b) states, "the commissioners shall then apportion the special assessment within the district, other than state or federal lands, on a reasonable basis. In apportioning the special assessment, the commissioners shall examine each parcel and determine the benefits to each parcel from the project, considering such factors as size, proximity to the lake and present and potential use of the parcel, including applicable zoning regulations. After benefits to each parcel are determined, assessments shall be made in an aggregate amount equal to the cost to the district of the project. Such assessments shall be made in accordance with s. 66.0703, so far as it is applicable and not in conflict with this subchapter."

Similar to a general tax levy, a special assessment must be approved at either the annual meeting or the commissioners must call a special meeting. Prior to being able to collect any special assessments, the commissioners must declare their intent through a resolution. This resolution must outline the intended purpose of the assessment, the properties to be impacted by it, the number of installments the assessment can be made in, and assign the appropriate person to make a report on the proposed assessment. This report must explain what the project to be funded by the special assessment will be, a cost estimate of the work to be completed/ improvements to be made, and an estimate of any financial impact to property damaged or taken and an assessment of the benefits to each of the affected parcels.

Because special assessments collected by a lake district are a function of their police powers, the only limit they have is placed upon them by Wis. Stats. Ch. 66.0703(1)(b) which states that "the assessment shall be upon a reasonable basis as determined by the governing body of the city, town or village." In this case, the "governing body of the city, town, or village" would actually be the Lake District levying the assessment.

There is no limit to the projects that can be funded through special assessments beyond it must be "upon property in a limited and determinable area for special benefits conferred upon the property by any municipal work or improvement." The assessment can cover all or part of a project with any direct or indirect cost of the project being eligible.

What is the current average valuation within the proposed district? What is the current average tax levy? What is the maximum increase to the average property within the proposed Lake District?

2.5 per \$1,000 of valuation is max for mil rate, but special assessments do not appear to have a statutory cap. Wis. Stats. Ch. 33.31(3) also requires a Lake District to levy a tax “without limitation as to rate or amount on all taxable property within the district,” if they choose to use their power to finance as outlined in Wis. Stats. Ch. 33.31.

Using the 2022 tax assessments, the average property within the proposed district boundaries is \$209,485.12 and the median is \$195,600. These values include property which is currently assessed at \$0. The \$0 assessed parcels are comprised of property owned by governmental bodies (State of Wisconsin, Dunn County, and three of the Towns within the proposed Lake District) as well as those parcels which were recently split and have not yet been assessed. Without these \$0 assessments, the average property value within the proposed boundaries is \$219,717.77 and the median value is \$204,400. Based on these values, the maximum tax increase to the average property would range from \$489 per year to \$549.29 per year. This is assuming the maximum mil rate allowed per Wis. Stats. 33.30(4)(a) of \$2.5 per \$1,000 of valuation. As mentioned above, this rate can be exceeded if the Lake District were to incur debt through the powers to finance outlined in Wis. Stats. Ch. 33.31. Additionally, it does not appear that special assessments allowed Wis. Stats. Ch. 33.32 have any cap beyond the cost of the work being done to create the special assessment per Wis. Stats. Ch. 66.0703.

Can a Lake District create ordinances or other laws?

Lake District’s power to create ordinances or other laws is greatly limited. Except in explicit circumstances, the Lake District’s board of commissioners will be required to “[c]ontact [] and attempt[] to secure the cooperation of officials of units of general purpose government in the area for the purpose of enacting ordinances deemed necessary by the board as furthering the objectives of the district”. Wis. Stat. § 33.29(1)(c); *see also* Wis. Stat. § 33.01(6). This is interpreted to mean the governing county or municipality will enact the laws or ordinances that are applicable to the District.^[1]

However, the Wisconsin Court of Appeals had issued a decision that included the following language that opens the door for interpretation as to authority to pass ordinances:

¹*But see Lake Beulah Mgmt. Dist. v. Vill. of E. Troy*, 2010 WI App 127, ¶11 (Wis. Ct. App. 2010)(stating: “[t]he District operates “with the powers of a municipal corporation” under WIS. STAT. § 60.77(2), and “municipality” in this context is explicitly inclusive of lake protection and rehabilitation districts. WIS. STAT. § 281.01(6). Therefore, the District “may pass ordinances which, while addressed to local issues, concomitantly regulate matters of statewide concern.” See DeRosso, 200 Wis. 2d at 650. This is to say that the District’s ordinances are not presumed invalid simply because they invoke a matter of statewide concern, such as the drilling of high-capacity drinking water wells. However, the long-standing rule is that a municipal ordinance may not conflict with state legislation; otherwise, the ordinance is preempted”).

While Wis. Stat. § 60.77(2) addresses sanitary districts, and Chapter 281 addresses water and sewer, the fact that the Court focused on it being a Lake District raises a question as to whether ordinances beyond those specific to the sanitary district powers would be allowable.

Chapter 33, as with most laws, has developed and expanded over the years. For example, Subchapter V came out of Act 324 in 1989 and Subchapter VI came out of Act 27 in 1997. Subchapter V addresses specifically the Dane County Lakes and Watershed Commission and Subchapter VI addresses the Southeastern Wisconsin Fox River Commission. The discussion regarding regulations and ordinances is more directed in these sections. Despite being inapplicable to Tainter Lake, the language regarding ordinance topics in these subchapters may still be beneficial in helping understand what types of laws would further the objectives of a Lake District.

A Lake District can by resolution by the annual meeting of the district assume the Wis. Stat. §§ 60.77 and 60.78 powers of a town sanitary district (minus the power to levy taxes under Wis. Stat. § 60.77(6)(b)). Wis. Stat. § 33.22(3). If the Lake District took on these powers, it would have the ability to enact and enforce ordinances to implement a long list of powers. Wis. Stat. § 60.77(5)-(5m). Additionally, a Lake District may enact and enforce boating ordinances applicable to a lake entirely within its borders. Wis. Stat. §§ 30.77(3)(am); 33.22(2m). In order to adopt a conforming boating ordinance, one of two things are required:

1. Each town, village and city having jurisdiction over the lake adopts a resolution authorizing the lake district to do so; or
2. At least 50 percent of the towns, villages and cities having jurisdiction over the lake adopt resolutions authorizing the lake district to enact and enforce ordinances, and at least 60 percent of the footage of shoreline of the lake is within the boundaries of these towns, villages and cities.

Wis. Stat. § 30.77(3)(am)1.a.-b.

More information on other Lake Districts and their collaboration with their respective counties, municipalities, DNR, etc...

As of September 2, 2022, eight LWCD counterparts have shared some insight on the Lake Districts in their counties. Collaboration between LWCDs and the Lake Districts within their counties is extremely variable. Some Lake Districts are almost entirely self-sufficient with several having their own full-time staff. Others work closely with their County LWCD for projects and guidance on grant applications. One county has a specific council that all of their Lake Districts and associations are members of, and LWCD has a standing agenda item for this. This county is also highly involved with new Lake Districts for the first two to three years of their formation. However most fall in the middle of this, and use their LWCDs as resources for information, but conduct projects and grant writing independently. One county mentioned that they tend to approve district on the condition that all government lots are removed from the boundaries.

More information on existing Lake Districts including what they are doing and how these projects are funded.

As of September 2, 2022, eight LWCD counterparts have shared some insight on the Lake Districts in their counties. Taxes and fees levied by Lake Districts vary widely from mil rates ranging from \$0.005/\$1,000 to \$1.48/\$1,000 and general fees ranging from \$30 to \$500. One County stated that one of their Lake District's has had a larger annual budget than their own LWCD budget. Generally, the work being done is related to aquatic plant management and invasive species control with some work being done to combat/ minimize shoreline erosion, and control carp populations. One Lake District within ceded territory has Tribal representation on their board and has done a large amount of manual removal of carp to improve wild rice populations. Each Lake District tends to view "successes" differently. For some success is defined as a lack of complaints from landowners and compliance with State Statute.

Appendicies (attached)

- A – Petition document with map
- B – Public comments submitted in writing
- C – Public comment sign in sheet
- D – Documents submitted with spoken public comment (McGovern's resume)
- E – Public Notice

Appendix A- Petition Documents With Map

July 14, 2022

Chairman, Dunn County Board of Supervisors,

The Friends of the Red Cedar Basin is proud to submit this book containing petitions signed in support of the Tainter Lake Rehabilitation District. The petition drive was conducted in accordance with Chapter 33, Wisconsin State Statutes and guided by *People of the Lakes: A Guide for Wisconsin Lake Organizations* (University of Wisconsin-Extension Lakes Program 12th Edition, 2018).

We are pleased to report that the petition drive achieved 547 signatures, 59.4% of the 922 possible landowners in the proposed district. Only 375 of the landowners have not signed as of today. Individual petition pages are organized into 30 sections in the book according to the neighborhood to which they belong. The description of the neighborhood organization follows later in this summary.

Since 51% of the possible signatures is required for success in a lake district petition drive, we feel that we have overcome that goal considerably and respectfully recommend approval of the Tainter Lake Rehabilitation District.

The following provides information required by statute on the petition.

The proposed name of the district:

Tainter Lake Rehabilitation District

The necessity and benefit of the district :

Tainter Lake is in desperate need of help and closer management. Cyanobacteria and invasive fish & weeds have combined and contributed to reduce the overall water and lake quality, at times even creating a health risk to the general public that recreates on the lake. Sedimentation and erosion are further altering the shoreline and channels. The result is reduced patronage to recreation related businesses and resorts, as well as probable reduction in real estate values for the riparian properties and others in close proximity.

A lake district will improve the possibilities for funding and grants to help alleviate the cost of needed rehabilitation projects.

Further there are opportunities to improve how the lake is used by patrons to improve safety for everyone's enjoyment.

The boundaries of the proposed district:

Beginning at the west end of the Cedar Falls Dam and proceeding upstream, along the shoreline, including all riparian properties and only riparian properties, to the Hay River tributary of the flowage, turn upstream continuing around the flowage to Peninsula Park. Continue along the shoreline clockwise, including all riparian properties and only riparian properties, turning up the Red Cedar River to a point across from Russian Slough, cross the Red Cedar River, turn

down stream back to the flowage, continue clockwise around the lake following the shoreline, including riparian properties and only riparian properties, back to the east end of the Cedar Falls Dam.

The precise boundaries of the district are described by the list of Parcel Identification Numbers provided as Exhibit 2 of the enclosed information brochure.

A plat or sketch indicating the approximate area and boundaries:

A map showing the approximate boundary of the proposed district is provided as Exhibit 1 of the enclosed information brochure. To facilitate the petition process, the district was partitioned into 29 neighborhoods by township, Menomonie, Sherman 1 and 2, Tainter 1 through 13, Tainter 13x, Tainter 14 through 24, and Red Cedar, containing the 781 separate parcels in the district. There are 938 individual owners of these parcels, including Dunn County, the Towns of Menomonie, Sherman, Tainter, and Red Cedar, and Xcel Energy. During the petition signing process, 16 landowners on the tax rolls were discovered to be deceased. Since it is impossible to obtain their signatures, the total number of possible signatures was reduced from 938 to 922.

Signatures of petitioners and verification:

In March, 2022, information packets (enclosed) were hung on the flags of every mailbox in the proposed district. The packet included a two-page information brochure, page 1 of the petition, a sample of petition page 2 (signature page), a map showing the district boundaries (exhibit 1), and a list of all of the PINs of properties included in the district (exhibit 2). As announced in the brochure, signing sessions were held on Saturday and Sunday afternoons, April 2 and 3, 2022, at Jake's Supper Club, and, similarly the following weekend at the Elk Point Resort. Twenty-nine volunteer neighborhood canvassers were then issued the unsigned petitions to visit each residence personally to obtain signatures.

The signed petitions are organized by neighborhood in the final sections of this book. As of the date of delivery of the book, 546 signatures are included within. It is very possible that additional signed petitions will be received. If so, they will be notarized and turned in to the County Clerk. Any questions concerning petition signatures should be directed to Pete Heimdahl at heimdahl@charter.net

Recommendations:

The members of the board of the Friends of the Red Cedar Basin recommend that:

1. The County Board would approve the formation of the Tainter Lake Rehabilitation District.
2. The County would dictate that the Lake District Board of Commissioners be comprised of seven members, one each appointed by the County and the Town of Tainter, and the remaining five elected by the residents of the District during the annual meeting. The size of the District and the complexity of its issues justify this

action. It should be further specified that members of the Board MUST be residents of the Lake District

3. The County would consider filling the initial interim Board positions with current members of the Friends of the Red Cedar Basin Board which intends to disband regardless of the County's approval decision. After several years of preparing and executing a complex plan for establishment of the Lake District, these individuals have a wealth of knowledge of the inner workings of a District and stand ready to voluntarily assume this temporary role.
4. In the event of the approval of the Tainter Lake Rehabilitation District that the County would provide an appropriate start-up grant to the District to provide for administrative costs, clerical assistance, printing, postage, and other costs associated with planning and conducting its first annual meeting.

Respectfully Submitted,



Thomas R. Bilse
President
Friends of the Red Cedar Basin

cf:\
Tom Quinn
Chase Cummings



Lake Shore Property Owners

Working together for a cleaner lake

Spring is approaching, which means ice out. As we all anticipate boating, fishing & swimming, are you frustrated as you also dread the lake turning green? Again?! Tired of making excuses for our lake? When you tell people you live on Tainter Lake, do you feel the need to add something like: "Well, it doesn't get too bad until July or August". We ALL do it! we make excuses and just accept that during the best summer weather our lake is a disgusting mess! **STOP IT!** Let's work together and do something about it! August should have boats everywhere on the lake! But the summer water quality makes all of us reluctant to enjoy our lake.

JOIN THE EFFORT!

'Friends of the Red Cedar Basin' is petitioning the county to create a lake district, which will give the property owners the legal authority to tackle the water quality head-on!



INVITATION

What next?

The first task is water quality. The "green" needs to go! Our advisor Dr. Scott McGovern has suggested proven methods that have not been used on Tainter Lake such as bio-manipulation to re-balance the fish and aquatic plant populations that will curb formation of cyanobacteria (blue-green algae). Following the initial effort, other areas of concern are sedimentation, public use areas, safety regulations, etc.

WE NEED YOUR HELP! PLEASE GET INVOLVED BY SIGNING THE PETITION

Help us get approval for the...

Tainter Lake Rehabilitation District

Tainter Town Hall - Info Session & Signing

2pm - 4pm

Saturday March 26th

Jake's Supper Club

12pm - 6pm

Saturday April 2nd

Sunday April 3rd

OTHER SIGNING DATES

Elk Point Resort

12pm - 6pm

Saturday April 9th

Sunday April 10th

TELL YOUR NEIGHBORS!

We need everyone



trbilde@gmail.com heimdahl@charter.net

<https://www.facebook.com/Friends-of-the-Red-Cedar-Basin-234035937173853/>

Q&A

Tainter Lake Rehabilitation District

Working together for a cleaner lake

In 1974 the Wisconsin state legislature created Chapter 33 of the Wisconsin State Statutes allowing local groups to create specialized units of government, called lake districts. These local governments manage and regulate their lakes. There are hundreds of lake districts in Wisconsin. The members decide what projects will be undertaken and how much will be spent on these projects. **A lake district** can develop and implement water quality projects and monitor results. They also manage fish populations and aquatic plants. **Lake districts** develop long range management plans to control sedimentation & erosion, restore wetlands, educate members & guests, develop public use areas and safety regulations

How is a Lake District governed?

A Lake District is governed by a volunteer Board of Commissioners; consisting of 5 - 7 members. We are proposing 7 members, 5 to be nominated by the Lake District members & elected at the annual meeting. 2 to be appointed (1 by Tainter Township, 1 by Dunn County)

What are the commissioners' duties?

The Board of Commissioners plans and proposes projects, budgets and agendas. It schedules and conducts meetings and notifies the Lake District members of lake district business and meetings. Quarterly meetings are required of the commissioners as well as an annual meeting of the entire Lake District membership.

Dr. Scott McGovern did his PhD dissertation on the Red Cedar Watershed titled, "APPLICATION OF THE RIVER CONTINUUM THEORY TO DETERMINE THE HEALTH RISK FROM CYANOBACTERIA IN THE RED CEDAR WATERSHED". He has generously agreed to be a resource and advisor for this Lake District. Well versed in all aspects of lake health, he has been studying Tainter Lake's specific issues for years.

Frequently asked questions and concerns:

1 Is the green caused by agricultural runoff? Some of it. While numerous regulations specify implementing best practices which reduce runoff, an abundance of cyanobacteria feeding nutrients remain in lakes and waterways. Buffer zones and no-till applications are two examples that reduce agricultural runoff.

2 Are there different approaches to lake clean-up than what has been done in the past? Dr. Scott McGovern advises focusing predominantly on problems in the water. His research indicates our lakebed has naturally high phosphorus levels that require an approach beyond run-off concerns. For example, biomanipulation, a process to re-balance a lake's fish & aquatic plant population.

3 What problems can be addressed in the water? Two suggested efforts are fish and plant management. Reducing bad and invasive fish and plants then increasing native fish and plants will reduce the opportunities for cyanobacteria to form. Sedimentation has also become a problem on the upper lake, an active lake district would have options available to improve access by limiting and/or re-locating sediment.

4 Why is a Lake District right for us? A lake district has autonomy from local & state gov't agencies and can choose its own projects and how much it spends. Also we can use methods not used by government agencies. The state addresses pollution and run-off issues, but a dangerous, sometimes toxic, cyanobacteria problem remains.

5 Will the lake district cause my property taxes to go up? A lake district is designed to autonomously manage a lake, with the control of project choice and budgets left to the lake district members. Everything must be approved by the members. Other advantages are tax exempt fundraising and grant availability. A lake district is a unit of government with authority to collect fees and levy taxes if the membership approves by a vote at the annual meeting.

Additional information can be found on the internet in great quantity.

Some suggested internet search topics are:

Cyanobacteria / Cyanobacteria danger / Carp removal / Wisconsin Lake Districts



PETITION TO ESTABLISH TAINTER LAKE REHABILITATION DISTRICT

Page 1 of 2

We, the undersigned landowners (the "Petitioners") hereby petition the Board of Supervisors of the County of Dunn to establish a public inland lake protection and rehabilitation district, pursuant to the authority vested in chapter 33, Wisconsin Statutes, and state that:

1. The district, if established, shall be known as the Tainter Lake Rehabilitation District ("The District").

2. The District is necessary. Tainter Lake is in desperate need of help and closer management. Cyanobacteria and invasive fish & weeds have combined and contributed to reduce the overall water and lake quality, at times even creating a health risk to the general public that recreates on the lake. Sedimentation and erosion are further altering the shoreline and channels. The result is reduced patronage to recreation related businesses and resorts, as well as probable reduction in real estate values for the riparian properties and others in close proximity.

A lake district will improve the possibilities for funding and grants to help alleviate the cost of needed rehabilitation projects.

Further there are opportunities to improve how the lake is used by patrons to improve safety for everyone's enjoyment.

3. Establishment of The District will promote public health, comfort, convenience, and public welfare.

4. The lands to be included within The District will be benefited by the establishment of The District.

5. The boundaries of the proposed district are as follows:

Beginning at the west end of the Cedar Falls Dam and proceeding upstream, along the shoreline, including all riparian properties and only riparian properties, to the Hay River tributary of the flowage, turn upstream continuing around the flowage to Peninsula Park. Continue along the shoreline clockwise, including all riparian properties and only riparian properties, turning up the Red Cedar River to a point across from Russian Slough, cross the Red Cedar River, turn down stream back to the flowage, continue clockwise around the lake following the shoreline, including riparian properties and only riparian properties, back to the east end of the Cedar Falls Dam.

The boundaries of the land described above are shown on the plat/sketch shown in Exhibit 1, attached hereto, indicating the approximate area and boundaries of the proposed district.

The proposed lake district boundary is precisely described by the List of Parcel Identification Numbers (PINs) included as Exhibit 2.

PETITION TO ESTABLISH TAINTER LAKE REHABILITATION DISTRICT

Page 2 of 2

The persons signing this Petition, requesting the Board of Supervisors of Dunn County to establish Tainter Lake Rehabilitation District, state that they own the land or are authorized to sign on behalf of entities owning land, within the boundaries of the proposed district.

Parcel ID Number/s	Property Address
_____	_____
Name/s	_____
Signature/s	Date
_____	_____
_____	_____
_____	_____
_____	_____

SAMPLE

Circulated by: _____

Tainter Town Hall – Info Session

2pm - 4pm
Saturday March 26th

Jake's Supper Club

12pm – 6pm
Saturday April 2nd
Sunday April 3rd

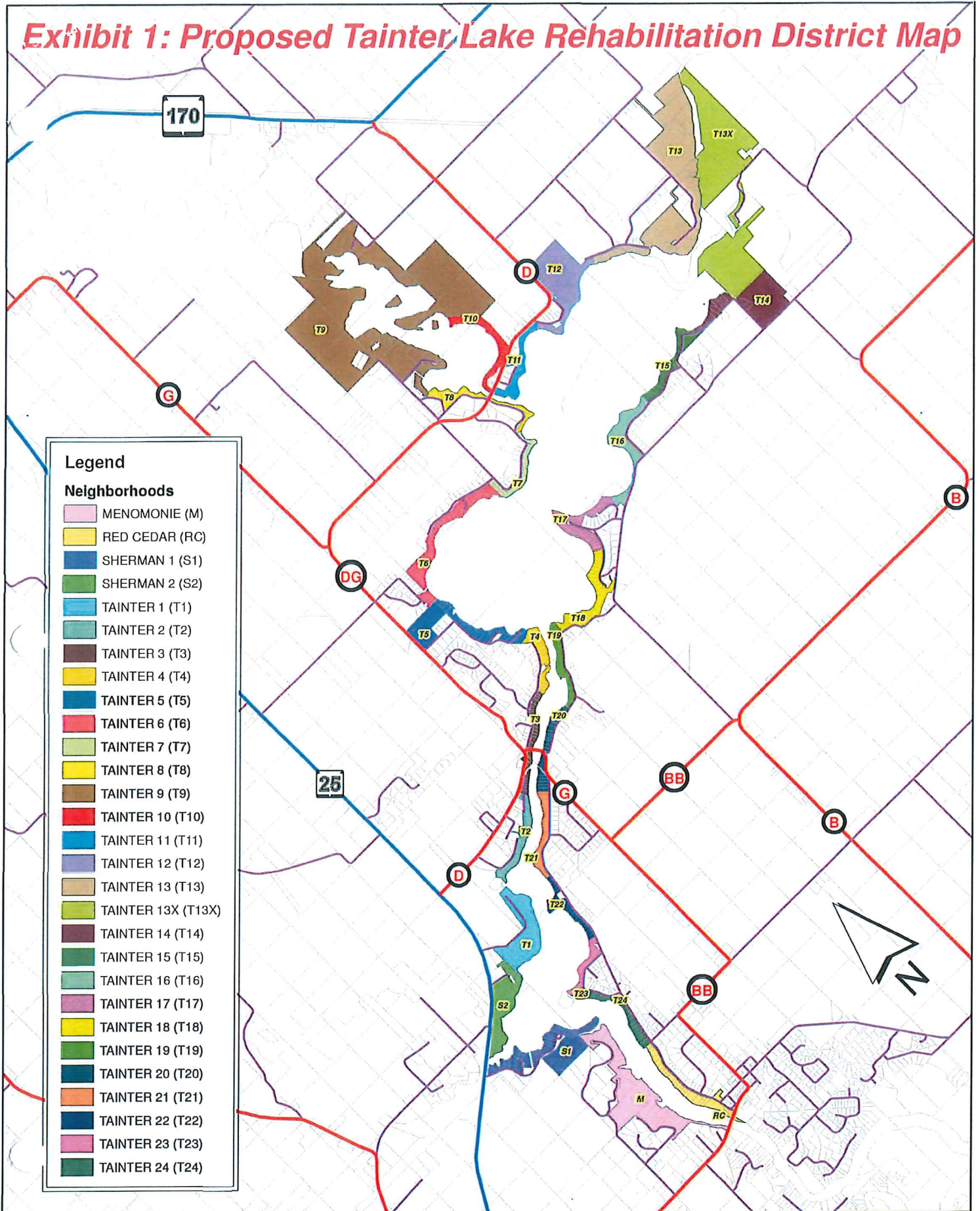
Elk Point Resort

12pm – 6pm
Saturday April 9th
Sunday April 10th

TELL YOUR NEIGHBORS!

Bring your spouse, we need everyone

Exhibit 1: Proposed Tainter Lake Rehabilitation District Map



Legend

Neighborhoods

- MENOMONIE (M)
- RED CEDAR (RC)
- SHERMAN 1 (S1)
- SHERMAN 2 (S2)
- TAINTER 1 (T1)
- TAINTER 2 (T2)
- TAINTER 3 (T3)
- TAINTER 4 (T4)
- TAINTER 5 (T5)
- TAINTER 6 (T6)
- TAINTER 7 (T7)
- TAINTER 8 (T8)
- TAINTER 9 (T9)
- TAINTER 10 (T10)
- TAINTER 11 (T11)
- TAINTER 12 (T12)
- TAINTER 13 (T13)
- TAINTER 13X (T13X)
- TAINTER 14 (T14)
- TAINTER 15 (T15)
- TAINTER 16 (T16)
- TAINTER 17 (T17)
- TAINTER 18 (T18)
- TAINTER 19 (T19)
- TAINTER 20 (T20)
- TAINTER 21 (T21)
- TAINTER 22 (T22)
- TAINTER 23 (T23)
- TAINTER 24 (T24)

"This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes."

Revision date 02_24_2022



Appendix B- Public Comments Submitted in Writing



Cummings, Chase <chrcummings@co.dunn.wi.us>

Fwd: {Public Comment} Public Hearing - Petition to Establish the Tainter Lake Rehabilitation District

1 message

Carlson, Thomas <tcarlson@co.dunn.wi.us> Thu, Aug 4, 2022 at 12:17 PM
To: Tom Quinn <tquinn@co.dunn.wi.us>, Michael Kneer <mkneer@co.dunn.wi.us>, Diane Morehouse <dmorehouse@co.dunn.wi.us>, Gary Bjork <gbjork@co.dunn.wi.us>, Monica Berrier <mberrier@co.dunn.wi.us>, Chase Cummings <chrcummings@co.dunn.wi.us>, Anne Wodarczyk <awodarczyk@co.dunn.wi.us>

Good afternoon,

I am forwarding you all a public comment for our next PR&D meeting that was recently received - please see below.

Thank you,

Thomas P. Carlson, PLS
Dunn County Surveyor
Environmental Services Department
Survey Division
3001 U.S. Highway 12 East, Suite 240A
Menomonie, WI 54751
Ph. 715-231-6526
tcarlson@co.dunn.wi.us

----- Forwarded message -----

From: **Vind, Krista** <kvind@co.dunn.wi.us>
Date: Thu, Aug 4, 2022 at 8:59 AM
Subject: Fwd: {Public Comment} Public Hearing - Petition to Establish the Tainter Lake Rehabilitation District
To: Thomas Carlson <tcarlson@co.dunn.wi.us>, <publiccomment@co.dunn.wi.us>

Good Morning Tom,

Here is a public comment for the PRD committee meeting.

----- Forwarded message -----

From: **Darwin and Candy Anderson** <dandrsn@charter.net>
Date: Thu, Aug 4, 2022 at 8:58 AM
Subject: {Public Comment} Public Hearing - Petition to Establish the Tainter Lake Rehabilitation District
To: <publiccomment@co.dunn.wi.us>

I am unable to attend the Tainter Lake Rehabilitation District public hearing and want to provide the Dunn County Planning, Resource and Development Committee my comments below. Please let me know if this

format is acceptable and that all information you require is present to be included with the public comments.

Darwin Anderson

To: The Dunn County Planning, Resource and Development Committee

Subject: Public Hearing - Petition to Establish the Tainter Lake Rehabilitation District

I heard from an individual who attended a Friends of the Red Cedar Basin informational meeting that it was reported taxes would only increase \$75.00 on a \$300,000 home. I question if this is correct: will taxes only increase \$75.00 on a \$300,00 home and second, since I did not attend the meeting, if this was the tax information presented.

From Wisconsin Statute s. 33.30 (4) (a), "That portion of the tax that is for the costs of operation for the coming year may not exceed a rate of 2.5 mills of equalized valuation as determined by the department of revenue and reported to the district board." If my tax calculations are correct,

$$2.5 \text{ mills} / 1000 \times \$300,000 = \$750.00, \text{ not } \$75.00$$

This is a significant difference and property owners may have quite a surprise when they receive their tax bill.

If the petitioners were misinformed or misled as to the possible increase in their taxes, are the petition signatures valid? Did petitioners sign not understanding the possible tax implications? I feel that before a decision is made on granting this lake rehabilitation district, the petition signers should be informed of the true and accurate tax implications and afforded the opportunity to withdraw their names from the petition.

Respectfully submitted,

Darwin Anderson

N7886 555th St

Menomonie, WI

KRISTA VIND, CGDSP

Web Support Specialist at Dunn County

3001 US Highway 12 East, Suite 201, Menomonie, WI 54751

Phone: 715.231.6515 / Fax: 715.231.6518 / Email: kvind@co.dunn.wi.us / Website: www.co.dunn.wi.us

Find Dunn County on Social Media!



August 4, 2022

From: Tim and Kay Stanton, N8814 590th St., Colfax, WI

To: Members of the Dunn County Planning, Resources and Development Committee

Thank you for this opportunity to comment on efforts to form the Tainter Lake Rehabilitation District.

We own two properties within the proposed district boundaries. We wish Tainter Lake was cleaner, and we would be able to afford a modest increase in property taxes to pay for cleanup efforts. However, we are opposed to formation of the district and appreciate the opportunity to explain our opposition.

We question efforts made to contact all affected property owners and present them with the facts they needed before they signed the petition.

Materials submitted to the Dunn County Board of Supervisors indicate that "information packets ... were hung on the flags of every mailbox in the proposed district." Not all property owners reside in the proposed district. We own two Lake Tainter properties but live outside of the proposed district. Two of our "lake neighbors" also live outside of the proposed district. We found out about the effort to form the district by stopping our car along the road and reading the flyer hanging on the mailbox in front of a seasonal cottage. We then told our lake neighbors about the petition drive. People who have second homes on the lake may or may not have found out about the petition drive until long after the only informational meeting was held. There was only one informational meeting to provide a chance to hear an explanation of what a district is, what it can and cannot do, what organizers hope to achieve, and what objections audience members raised. An unknown number of property owners were not given equal opportunity to come to a factually based decision on the value of forming a lake district.

After the initial public signing opportunities, volunteers went door-to-door to contact property owners who had not signed. Our experience with the volunteers was that while they were sincere, they knew very little about what a lake district can and cannot do and what the financial ramifications of suggested lake district activities might be. We submit that many property owners were not afforded an opportunity to learn all they needed in order to come to an *informed* opinion on the proposed formation of the district.

We question the promises made in the promotional flyer that introduced the proposal to form the lake district.

A copy of the flyer that was attached to mailboxes was included in the information packet presented to Dunn County Supervisors. We quote from that flyer:

- "As we all anticipate boating, fishing & swimming, are you frustrated as you also dread the lake turning green? Again? Tired of making excuses for our lake? ... We ALL do it! We all make excuses and just accept that during the best summer weather our lake is a disgusting mess. STOP IT Let's work together and do something about it."
- "Our first task is water quality. The 'green' needs to go. Our advisor Dr. Scott McGovern has suggested proven methods that have not been used on Tainter Lake such as bio-manipulation to re-balance the fish and aquatic plant populations that will curb formation of cyanobacteria (blue-green algae). Following the initial effort, other areas of concern are sedimentation, public use areas, safety regulations, etc."

Everyone would agree that the “green” needs to go. The wording on the flyer might lead people to believe that the district will, in fact, be able to make the green disappear.

However, further contact with Dr. Scott McGovern (see a copy of an email string, attached to this document) suggests that what the district will actually be able to do is *try* experimental methods of addressing concerns over water quality in the lake. If the methods were proven effective on other shallow impoundment lakes – lakes similar in size and nature to Lake Tainter – surely organizers would have been able to provide the names of those lakes. Surely the methods would even now be used on lakes in the Red Cedar watershed, to the benefit of Lake Tainter. The methods are experimental; they are not proven. The few lakes Dr. McGovern and others mentioned as success stories are not similar to Lake Tainter and show limited success with methods that must be repeated – perhaps every year.

Further, the organizers did not fully explain that “bio-manipulation” would severely affect fishing opportunities in the lake, at least for a short time. From our reading, bio-manipulation involves chemically decreasing populations of carp as well as crappies and bluegills, while introducing walleye and pike. Since Lake Tainter is actually a river, “bad” fish will be entering the water system all the time. Whatever bio-manipulation of the fish population takes place will have to be repeated frequently and some as-of-yet unknown barrier will have to be placed across both rivers entering the lake in an effort to keep all upstream fish from entering the lake.

How many people would have signed a petition that was introduced with more honest phrasing? “We want to form a lake district and increase your property taxes so we can try experimental methods that may or may not make the water cleaner” probably would not have received as much support.

We question whether or not organizers were up-front in discussions of potential cost.

When the question of how much property owners within the proposed district would be expected to pay for efforts to clean up the lake, organizers said two things: they could not estimate the cost, since no plan had actually been formed; and members of the district would have the opportunity to vote for a budget at annual meetings and therefore would have control over how much their property taxes/fees would increase. Some recruiters indicated the tax increase might be “about \$100.”

However, organizers based much of their discussion on Dr. McGovern’s mentions of bio-manipulation of the fish and plant populations. If these methods had been successful on a similar lake, surely the organizers could have explained how much those programs cost in the past to give people some idea of the potential cost of just one of the methods that might be tried. There was no estimate offered, to the best of our knowledge. We were not able to find costs associated with the bio-manipulation projects that have been tried on other lakes.

The organizers of the lake district also mention the need for dredging, and several people living around the lake have indicated an interest in having weeds cut so they can better access their docks.

How many people would have signed the petition if they had an idea of what it would cost to dredge? The City of Menomonie budgeted \$140,000 to dredge just Wolske Bay in 2016. The area has been dredged twice since then (cost of the repeated dredging efforts – unknown to us). The areas that are considered for potential dredging in Lake Tainter are far larger than Wolske Bay. Dredging also has to be repeated; the sediment builds up again over time. Our thoughts keep going to the Elk Lake district and its disastrous efforts to dredge that lake. Surprisingly few people seem to be able to remember the economic hardship that district eventually presented to its members.

The Rice Lake lake district – one of the oldest in the state – has an annual budget of more than \$300,000. Much of that goes to cutting and removing weeds. It is interesting to note that Rice Lake residents complain about the green in the water despite the years that lake district has been active.

How many people would have signed the petition if they had been told of the cost of water management efforts in our region? Perhaps the annual budget will be in the \$300,000 range. That translates to an increase of perhaps \$300 for property owners. For one of our friends, that may present an economic hardship. Others have indicated concern over how much they will be expected to contribute. We share that concern.

We question the inclusion of apparent plans to “improve how the lake is used by patrons to improve safety for everyone’s enjoyment.”

This is an ambiguous statement that should not be allowed to stand. Does it refer to health hazards or something else? There is nothing in the documents to show that safety is a concern on Lake Tainter. There is nothing to explain what dangers exist or – assuming they exist – how the dangers would be mitigated by something a lake district could do. There is nothing to indicate how these guidelines/laws would be enforced.

We question why organizers believe the Lake Tainter Rehabilitation District will be successful in cleaning up Lake Tainter when the soon-to-be-disbanded volunteer group called Friends of the Red Cedar Basin was not.

Yes; a lake district has more funding opportunities than a lake association. But the dedicated, sincere people who worked hard through the Friends of the Red Cedar Basin learned that even with grant funding they could not bring about improvements to the water quality in the Red Cedar Basin. Again, if the experimental methods currently being tried elsewhere showed promise of long-term success with lakes similar to Lake Tainter, we’d already have cleaner lakes in Wisconsin.

We ask that the Dunn County Board of Supervisors deny the organizers’ request for a start-up grant, should the Board decide to approve the district’s formation.

Although the amount of the requested grant is not specified, we would urge the Board of Supervisors to vote against providing start-up funds. The 500-plus people who signed the petition could each donate a small amount to provide for “administrative costs, clerical assistance, printing, postage, and other costs associated with planning and conducting its first meeting.”

The proposal to form the Lake Tainter Rehabilitation District focuses on our natural desire to improve the quality of the lake. But organizers failed to balance that emotional appeal with a realistic look at the nature and scope of the problem, the tried science, the available funding, potential costs, and the impact of an ongoing tax burden. We are therefore encouraging the Dunn County Board of Supervisors to vote against formation of the Lake Tainter Rehabilitation District.

Thank you for considering our objections.

Sincerely,



Tim Stanton



Kay Stanton

Kay Kruse-Stanton <kkrusestanton@gmail.com>**Lake district formation/information**

5 messages

Kay Kruse-Stanton <kkrusestanton@gmail.com>
To: mcgoverns@uwstout.edu

Wed, Apr 6, 2022 at 3:51 PM

Dear Dr. McGovern,

I have been trying to locate your thesis online, as we are very interested in reading it. Despite dedicating quite a bit of time to searching, I cannot find it.

My searches have turned up many bits and pieces of information about you and your activities to promote better water quality in the Red Cedar basin. I have also followed the advice you provided through Tom Bilse and have investigated the history and current status of Lake Christina and Lake Wingra; I have also read several of the studies and papers of Richard C. Lathrop.

Sir, I started out trying to keep an open mind and am becoming increasingly concerned about what appear to be promises offered to encourage people to join/promote/support the proposed lake district:

"As we all anticipate boating, fishing & swimming, are you frustrated as you also dread the lake turning green?

Again?! Tired of making excuses for our lake? When you tell people you live on Tainter Lake, do you feel the need to add something like: 'Well, it doesn't get too bad until July or August'. We ALL do it! We make excuses and just accept that during the best summer weather our lake is a disgusting mess! STOP IT! Let's work together and do something about it! August should have boats everyone on the lake!"

"The first task is water quality. The 'green' has got to go!"

Based on what I have read under your guidance, I am left wondering how anyone could believe that the blue-green will disappear from Lake Tainter in our lifetime.

Please provide me with a link to your thesis, or more information as to where I can find it. Perhaps if I started with that document I would be able to have more confidence in the journey you have taken -- the journey that allows you to have faith that biomanipulation will result in water quality improvements that will permit boating, fishing, and swimming throughout the summer, as the lake district promotional flyer seems to promise.

Respectfully, Kay Stanton

McGovern, Scott <mcgoverns@uwstout.edu>
To: Kay Kruse-Stanton <kkrusestanton@gmail.com>

Thu, Apr 7, 2022 at 9:47 AM

[Quoted text hidden]

Kay Kruse-Stanton <kkrusestanton@gmail.com>
To: "McGovern, Scott" <mcgoverns@uwstout.edu>

Thu, Apr 7, 2022 at 11:07 AM

I'm sorry; there does not appear to be a link or a message.

[Quoted text hidden]

McGovern, Scott <mcgoverns@uwstout.edu>
To: Kay Kruse-Stanton <kkrusestanton@gmail.com>

Thu, Apr 7, 2022 at 11:08 AM

Dear Kay Kruse-Stanton,

My Ph.D. dissertation does not go into biomanipulation in any detail. Biomanipulation is mentioned as a thought of what could be done to improve water quality on our lakes. However, numerous articles exist using the terms trophic cascade, biomanipulation, and top-down controls to describe the process. I would recommend that you acquire those articles to realize the potential of biomanipulation. Our lakes have been green for years this is true. Biomanipulation is not the only reason for forming a lake district. We are advocating trying the many methods that have been successful elsewhere. Please understand we are not promising that they will be successful here, just that they are successful in some lakes. Why not ours as well? We are trying to communicate the importance of trying. Biomanipulation is only one suggestion of what a lake district could do to improve water quality, not the only one. There is so much more that could be tried. Agricultural mitigation has not been promising as a means to cleaner water in lakes and rivers (see the attached articles). Projects that use biomanipulation have had success. Although, combination treatments using the intermittent injection of chemicals that precipitate nutrients in combination with biomanipulation are very promising and have been successful. The proper way to approach lake improvement is to include as many methods as possible. A lake district would be necessary to do this approach.

As to promises, we have not made any, you are mistaken about that. Lake Districts are provided by our state government to encourage projects that can improve water quality. I'm confident that if you look into the many possibilities that are in the scientific literature you would agree they are worth trying. Nutrient control and balancing the lake food web is the place to start. The state is proposing that 22 million be spent on agricultural management and another 35 million on other projects. The scientific literature is describing projects like this are not doing what they intended. Therefore, encouraging the lake community to organize a lake district is a logical choice. The project we are suggesting is inexpensive and would at least improve fishing if not water clarity. There are no downsides to trying biomanipulation and if trying is important to you forming a lake district is important. People have communicated they wish to try something and I agree with that feeling. We have a list of things that can be done in combination that have promise. Trying in my opinion is the right thing to do.

Please look at the scientific literature. Many scientists have studied the methods for improving water quality. The experiences and knowledge they provide are the

most valuable for understanding what can be done.

Thank you,

Scott McGovern Ph.D.

From: Kay Kruse-Stanton <kkrusestanton@gmail.com>
Sent: Wednesday, April 6, 2022 3:51 PM
To: McGovern, Scott <mcgoverns@uwstout.edu>
Subject: Lake district formation/information

Dear Dr. McGovern,

[Quoted text hidden]

2 attachments

 **Meals2010.pdf**
662K

 **Jarvie 2013.pdf**
763K

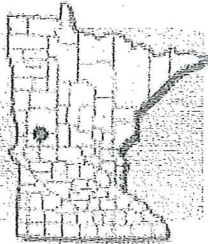
Kay Kruse-Stanton <kkrusestanton@gmail.com>
To: "McGovern, Scott" <mcgoverns@uwstout.edu>

Thu, Apr 7, 2022 at 12:59 PM

Thank you! I will be doing more reading.

[Quoted text hidden]

Two lakes mentioned as employing methods that were successful in improving water quality.



County: Douglas

Near: Melby

ID: 21037500

Border Water: No

Fish Species: black bullhead, black crappie, bluegill, brown bullhead, green sunfish, hybrid sunfish, largemouth bass, northern pike, pumpkinseed, walleye, white crappie, yellow bullhead, yellow perch, bigmouth buffalo, bowfin (dogfish), common carp, white sucker, common shiner, golden shiner

Fishing Regulations:

[General »](#)

[Inland Waters »](#)

Special Fishing Regulations: This lake has special fishing regulations that differ from statewide or border water regulations for those species identified below and take precedence.

- Closed to fishing.
- Closed to fishing.

Invasive species: none listed

Status of the Fishery

Lake Christina is a large, shallow basin located near the town of Ashby in west-central Minnesota. The lake is nationally recognized as a critical staging area for migrating waterfowl, especially canvasbacks. The lake is known to alternate between a clear water state in which aquatic macrophytes are dominant and a turbid phase characterized by poor water clarity and high phytoplankton density. Rotenone was used in 1987 and 2003 to reduce the existing fish community and induce a shift from the turbid state to a clear water state. Comprehensive monitoring of the lake ecosystem has followed each chemical treatment. The DNR Section of Fisheries teamed with researchers from the University of St. Thomas to monitor the fish community in 2005. Lake Christina is designated as a Wildlife Management Lake and is managed for migratory waterfowl. The lake is following the same trend as the last time it was treated with rotenone. Water clarity improved dramatically in 2005 and submergent vegetation was lush and abundant. Management efforts will continue to be directed towards minimizing the abundance of fish present in Lake Christina. The lake is closed to fishing.

Lake Wingra is a 336 acre lake located in Dane County. It has a maximum depth of 14 feet. Visitors have access to the lake from a public boat landing, a public beach. Fish include Musky, Panfish, Largemouth Bass, Northern Pike and Walley. The lake's water clarity is low. (Wisconsin Department of Natural Resources)

Trophic Status – Eutrophic

Volunteers have monitored Lake Wingra since 1986, noting water quality.



Carlson, Thomas <tcarlson@co.dunn.wi.us>

Fwd: {Webmaster} Contact Dunn County (form) has been filled out on your site.

Vind, Krista <kvind@co.dunn.wi.us>
To: Thomas Carlson <tcarlson@co.dunn.wi.us>, publiccomment@co.dunn.wi.us

Mon, Aug 8, 2022 at 8:18 AM

Morning Tom, here is another question for tomorrow's meeting. Thanks!

----- Forwarded message -----

From: donotreply@form.govoffice.com <donotreply@form.govoffice.com>
Date: Sat, Aug 6, 2022 at 10:27 AM
Subject: {Webmaster} Contact Dunn County (form) has been filled out on your site.
To: webmaster@co.dunn.wi.us <webmaster@co.dunn.wi.us>

Your Site has received new information through a form.
Form: Contact Dunn County
Site URL: www.co.dunn.wi.us

Full Name: Kim Schreiber
Phone: (715)235-1529
Email: kimschr1@gmail.com

Comment or Question: August 9 meeting i am not able to attend, I have a question, doesn't this project cost resident more? Isn't this a health state issue for the whole water system? In all the years I have lived here I never hear what the solution to fix water system is, shouldn't state funding be used? (Sounds like state has surplus of tax dollars, fixing water system is benefit for all not just those who live by it)

How would you like to be contacted?:
Either call or email me

Do Not Click Reply - This e-mail has been generated from a SmartForm.

--
KRISTA VIND, CGDSP
Web Support Specialist at Dunn County
3001 US Highway 12 East, Suite 201, Menomonie, WI 54751
Phone: 715.231.6515 / Fax: 715.231.6518 / Email: kvind@co.dunn.wi.us / Website: www.co.dunn.wi.us

Find Dunn County on Social Media!





Carlson, Thomas <tcarlson@co.dunn.wi.us>

Fwd: {Public Comment} Tainter Lake Rehabilitation District

Vind, Krista <kvind@co.dunn.wi.us>

Mon, Aug 8, 2022 at 3:29 PM

To: Thomas Carlson <tcarlson@co.dunn.wi.us>, publiccomment@co.dunn.wi.us

----- Forwarded message -----

From: NE9U - Scott Jasper <skjasper@att.net>

Date: Mon, Aug 8, 2022 at 3:14 PM

Subject: {Public Comment} Tainter Lake Rehabilitation District

To: <publiccomment@co.dunn.wi.us>

--
Scott- NE9U

Sent from my Cray-1

skjasper73@gmail.com
skjasper@att.net
ne9u@arrl.net

--
This email has been checked for viruses by AVG.
<https://www.avg.com>

--
KRISTA VIND, CGDSP

Web Support Specialist at Dunn County

3001 US Highway 12 East, Suite 201, Menomonie, WI 54751

Phone: 715.231.6515 / Fax: 715.231.6518 / Email: kvind@co.dunn.wi.us / Website: www.co.dunn.wi.us

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 Tainter Lake District.docx
13K

I am writing to object to the approval of the proposed Tainter Lake Rehabilitation District. While I don't necessarily disapprove of the proposed district, I disapprove of the process used to obtain the necessary petition signatures.

The petition organizers were intentionally vague as to the projects they want to implement if the district is approved and as to where the funding for the projects will come from and how much funding will be required.

Since almost all of the petition organizers are members of the Friends of the Red Cedar Basin organization, they know what projects they want to fund and the costs involved that they did not disclose in the petition drive. Hence, those signing the petitions were not fully informed as to what they were signing. All they knew is what little information was on the petition packet: "Tainter Lake is in desperate need of help and closer management" "A lake district will improve the possibilities for funding and grants to help alleviate the cost of needed rehabilitation projects"

Sounds good on paper, but what will be the costs and where will the funding come from? If the Rice Lake district is a good example, their 2022 budget is \$345,000 of which less than \$50,000 was from grants. The rest of the funding came from assessments (taxes) on property owners. And of that \$345,000 budget, less than \$50,000 was used for lake restoration. The remainder was spent on administrative expenses. Doesn't sound like a very good return on investment.

While I'm sure the Friends of the Red Cedar Basin members all have good intentions, if the information I was given by the man who came to my door to obtain my signature is representative of what is in store for property owners, we can all look forward to huge tax increases. He wants to move sediment around and build islands on the north end of Tainter (sounds like millions of \$\$\$ to me). He also wants to treat the lake with Alum. I did a bit of research on that and while it has been effective on some small lakes with no inlet or outlet, it is unproven on a lake of our size.....and costs \$500-\$1000 an acre (sounds like more millions to me).

One scary sounding provision in the petition submittal letter: "Further there are opportunities to improve how the lake is used by patrons to improve safety for everyone's enjoyment" What is this referring to? Sounds to me like they plan to infringe on our right to use the lake as we see fit.. Do they want to limit water skiing and jet skiing hours? Something else? It's just another piece of information that should have been disclosed to petition signers.

Anyway, the details of methods to restore Tainter Lake can be debated at a later time. My point is those details should have been disclosed in the petition drive so that property owners could have made an informed decision as to the future costs they will be taxed to fund.

One last point. In his submission of the book of petition signatures, Thomas Bilse requested that if the Lake District is approved, that the county should fill the interim board members with current members of the Friends of the Red Cedar Basin. If the district is approved, the property owners on Tainter Lake want a diverse board and not 7 people in lock step as to their viewpoint on what needs to be accomplished on Tainter Lake. The interim board members should come from at least one per township, and not all be members of the Friends of the Red Cedar Basin.

Respectfully Submitted.

Scott Jasper

Town of Menomonie



Carlson, Thomas <tcarlson@co.dunn.wi.us>

Fwd: {Public Comment} Proposed Tainter Lake District questions.

Tue, Aug 9, 2022 at 8:06 AM

Manier, Matthew <mmanier@co.dunn.wi.us>
To: Thomas Carlson <tcarlson@co.dunn.wi.us>
Cc: Krista Vind <kvind@co.dunn.wi.us>

----- Forwarded message -----

From: **Kel Roh** <karowed@gmail.com>
Date: Mon, Aug 8, 2022 at 5:12 PM
Subject: {Public Comment} Proposed Tainter Lake District questions.
To: <publiccomment@co.dunn.wi.us>

I am writing you as we are unable to attend tomorrow mornings meeting which was scheduled for a time when most of us around the lake are at work. Here are our questions and concerns hopefully we will get some resolution. We are against the lake district as it seems like an overreach especially after looking at their budget.

According to notes from this summer..... "51% of the people vote this LD in, everyone who owns property on the lake is included" Is there is no opt out?
According to notes from this summer..... "Operating expenses are covered by a PROPOSED annual fee of \$25." Is that per property?
According to notes from this summer....."Board is unpaid volunteers, but expenses could be reimbursed." Though on the proposed budget there is \$60,000 for salaries?
How is a LD governed? Are they nominated or are the appointed?
Could a LD become a Homeowners Association?
How much will it cost lake property owners per year? How will that be determined?
Can you raise taxes?
Will you schedule meetings and informational meetings always during the work week during usual work hours?
Will forming a LD help? What is the expected time frame for this "clean up"
Does this "cleanup" look at root causes such as Chetek River?
How will projects and budgets be introduces to the membership? What if they cannot be there? Will it live stream or other social media?
Did the people behind the petitions ever look at a satellite map of our drainage basin? Do they understand how green it gets from Chetek?
According to the submitted budget the VAST MAJORITY of monies goes to administrative expense what exactly is that %
You talk a lot of "voting" by the LD is that PRESENT members or will all have ability to vote?
I thank you in advance and hope we can get this information somehow. For now we disagree with it and do not stand with them
Randy and Kelly Rohwedder

Sent from my iPad

--

Thanks

Matt Manier

Systems Analyst

Dunn County Department of Administration, Information Technology Division

p: 715.231.6505 | e: mmanier@co.dunn.wi.us



Carlson, Thomas <tcarlson@co.dunn.wi.us>

Fwd: {Public Comment} Support of proposed Lake District

Tue, Aug 9, 2022 at 8:22 AM

Manier, Matthew <mmanier@co.dunn.wi.us>
To: Thomas Carlson <tcarlson@co.dunn.wi.us>
Cc: Krista Vind <kvind@co.dunn.wi.us>

----- Forwarded message -----

From: **Adam Mucks** <mucks9@hotmail.com>
Date: Tue, Aug 9, 2022 at 8:14 AM
Subject: {Public Comment} Support of proposed Lake District
To: Publiccomment@co.dunn.wi.us <Publiccomment@co.dunn.wi.us>

Good Morning -

We are composing this email to support the proposed Lake District on Tainter Lake as we are not able to attend the meeting for public comment.

As riparians we must invest in the man made resource of Tainter Lake. Seeing the actions of other lake districts such as Lake Altoona's consistent dredging or Rice Lake's weed harvesting provides a great example of what can be done by a driven Lake District. The Lake District will be an avenue to solicit grant money to help invest in the highly used resource of Tainter Lake.

Waterfront property owners pay property taxes that reflect waterfront home values however there seems to be very limited reinvestment from the county or the township into Tainter Lake. It's not exclusively waterfront property owners that utilize Tainter Lake for recreational purposes. Ultimately, establishment of a Lake District is essential to help improve and maintain Tainter Lake.

In closing, we are attaching a photo of the horrific blue algae mat currently present on upper Tainter Lake. This situation is forcing multiple residents, including small children, to stay in their air conditioned homes for days on end due to the horrific smell and inability to use their property. This could easily be rectified with weed harvesting equipment.

As a resident of upper Tainter Lake for the past 10 years we have watched a drastic decline in water quality. The massive amounts of sediment and excessive weed growth are creating a breeding ground for blue green algae and a major health concern that didn't exist in the area just five years ago. We appreciate the efforts of the group attempting to establish the Lake District and hope they can continue to move forward.

Thank you for your consideration and helping to ensure the future of Tainter Lake.

Adam and Karly Mucks

--

Thanks

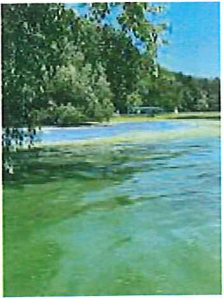
Matt Manier

Systems Analyst

Dunn County Department of Administration, Information Technology Division

p: 715.231.6505 | e: mmanier@co.dunn.wi.us

446D1ACD-3A80-459C-BD2D-F6B942121719.jpeg
1005K



Appendix C- Public Comment Sign-in Sheet

Planning, Resources and development Committee Public Hearing

Tainter Lake District Petition

8/9/2022

Room 54, Government Center, 3001 US Hwy. 12 East

PUBLIC SIGN-IN SHEET - PLEASE PRINT

#	NAME TACK	ADDRESS
1	Chuck McGovern Tack	E6171 819th Ave., Colfax, WI 54730
2	Tom BILSE	E5408 770th Ave Men WI 54751
3	JERRY DOXTER	E6397 836 th Ave Colfax, WI 54730
4	BRAD O'Connell	E5374 732 nd Ave Menomonee
5	CINDY O'Connell	"
6	JOHANNA KELLNER	N7455 537 th ST. MENOMONIE
7	Dick LAMERS	E6573 836 th Ave. COLFAX, WI.
8	Scott McGovern	707 Locust Ave. Menomonee
9	Mary Prute	E5346 732 nd Ave, Men
10	BO LAVENTURE	E5253 750 th Ave 54751
11	Al Brown	E5294 768 th Ave Menomonee
12	Mat Luoma	E5486 770 th Ave Menomonee
13	PETE HEIMDAL	N7298 520 th ST MENOMONIE
14	Michael Eide	E5474 784 th Ave Menomonee
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Appendix D- Documents Submitted With
Spoken Public Comment (McGovern's
Resume)

Dr. Scott P Mcgovern

Lecturer, University of Wisconsin- Stout
Biology Department
College of Science, Technology, Engineering, Mathematics and
Management

Office: 323 Jarvis Hall-Science Wing

Phone: 715-232-5177

Email: mcgoverns@uwstout.edu

Research Interests: Toxicology and epidemiology of cyanobacteria toxins, environmental toxicology and epidemiology, bioremediation, zebrafish development with exposure to teratogens, plant growth and development with exposure to phytotoxins, agricultural chemical toxicology, human epidemiology, plant-animal interactions environmental health assessment, international and public health disease surveillance, lake management, research with undergraduate education

Education

- **Ph D Philosophy**
Trident University
Cypress,, CA, 2012
- **Ph D**
Touro University International
Cypress, CA, 2004
- **MS Biology**
University of Minnesota- Duluth
Duluth, MN, 1999
- **BS Biology and Broad Field Science**
University of Wisconsin- Superior
Superior, WI, 1995

Licensures and Certifications

- Wisconsin Teaching Certification:
- Seminar Participant, Emergency Response and Bioterrorism: University of Minnesota, Department of Environmental Health and Safety
- Transport Permit, Pest Insects across International Borders: US Department of Agriculture
- Safety Certification for Radioactive Microbial Agents: University of Minnesota, Duluth, Microbial Ecology

Work Experience

Academic - Post-Secondary

- **University of Wisconsin- Stout**
Lecturer
2006 -
- **University of Wisconsin- Stout**
Research Assistant
2008 - 2009
- **Touro University**, College of Health Sciences
Online Instructor/Facilitator
March 2002 - July 2006

- **University of Wisconsin, Superior**
On-Line Course Instructor/Lecturer-Adjunct Faculty
January 2002 - 2004
- **University of Minnesota-Morris**
Laboratory Coordinator
Present
- **University of Minnesota- Duluth**
Graduate Teaching Assistant
Present
- **University of Wisconsin, Superior**
Insect Museum Assistant
August 1993 - May 1995

Academic - P-12

- **Saint Croix Central School District**
Long-Term Substitute Teacher for Biology and Chemistry, 9-12
December 2005 - March 2006
- **Menomonie Area School District**
Student Teaching 6-12
January 2005 - June 2005
- **Menomonie Area School District**
Substitute Teacher, K-12
September 2004 - January 2005

Presentations

Uncategorized

- MCGovern, S. P. (January 15, 2015). Phosphorus Legacy Areas in the Red Cedar River. Department of Natural Resources Groundwater Contributions, Menomonie, WI.
- MCGovern, S. P. (October 12, 2014). Cyanobacteria Toxicity and Lake Management techniques. Menomonie Community Presentation,
- MCGovern, S. P. (June, 2014). Methods of Lake Restoration and Cyanobacteria Control. Menomonie City Council , Menomonie, WI.
- MCGovern, S. P. (March 19, 2013). Water Quality in Urban Environments. Sustainable Dunn , Menomonie, WI.
- MCGovern, S. P. (March 14, 2012). Chemical Control of Cyanobacteria. Red Cedar Basin Conference, Menomonie, WI.
- MCGovern, S. P. (August 23, 1999). Chemical Toxicology Lethal Dosage. University of Minnesota, Morris,
- MCGovern, S. P. (August 23, 1999). Determining Risk Through The Use of Material Safety Data Sheets. University of Minnesota, Morris,
- MCGovern, S. P. (August 23, 1999). Safety Training for Science Faculty and Teaching Assistants: Chemicals and Their Lethal Dosage; Determining Risk through Material Safety Data Sheets (MSDS). University of Minnesota, Morris,
- MCGovern, S. P. (July, 1997). Entomology: Vector and Pest Management Seminar. Summer Senior Renter Program, Duluth, MN.
- MCGovern, S. P. (February, 1988). Diet, Nutrition and Exercise to remove toxicants. Fitness Center Public Program, Minocqua, WI.

Poster

- Nold, S. C., & MCGovern, S. P. (July, 2014). Assessment of scientific thinking skills in research-intensive undergraduate classrooms. Society for the Advancement of Science Education Research (SABER) Annual Meeting, Minneapolis, MN.

Grants, Contracts, and Sponsored Research

Grant

- Mcgovern, S. P. (2012) Co PI for Classroom Research to Invigorate Undergraduate STEM Education (CRIUSE). Sponsored by National Science Foundation Grant, \$176000.
- Mcgovern, S. P. Rare Fishes of the Lower Chippewa River-Filling in the Knowledge Gaps. Sponsored by Co PI for Excel Grant, \$26000.
- Mcgovern, S. P. (2014) Red Cedar Basin. Sponsored by National Science Foundation, \$7200.

Sponsored Research

- Mcgovern, S. P. Institute Graduate Research Award. Sponsored by Natural Resources Research, \$500.

Professional Memberships

- National Environmental Health Association (NEHA)
- Minnesota Environmental Association (MEHA)

Service

University

UW Stout

- **Advisory Board Member**, Environmental Health Concentration (2013 - Present)
- **Advisory Board Member**, Environmental Health Student Organization (2013 - Present)
- **Committee Member**, Science Division Safety Committee (July 1999 - 2003)

University of Minnesota, Morris

- **Committee Member**, University Emergency Response Team (October 2001 - 2003)
- **Safety Officer**, Biology Department (July 1999 - 2003)
- **Committee Member**, Chemical Spills Response Team (July 1999 - 2003)

Professional

- **Member**, Howard Young Medical Center, Disaster Preparedness Committee (December 1987 - December 1988)
- **Member**, Howard Young Medical Center, Biohazard and Hazardous Waste Management Committee (1987 - December 1988)

Appendix E- Public Notice



Notice of Public Hearing

Petition to Establish the Tainter Lake Rehabilitation District

The Dunn County Planning, Resource and Development Committee will hold a public hearing on Tuesday, August 9th at 8:30 a.m. in Room 54 at the Dunn County Government Center, 3001 US Highway 12 East in Menomonie, Wisconsin.

Notice is hereby given to the residents of the Town of Tainter, Town of Sherman, Town of Red Cedar, and the Town of Menomonie that a public hearing will take place regarding the petition submitted to the Dunn County Clerk on forming the Tainter Lake Rehabilitation District, a lake district.

Said petition seeks to establish, pursuant to Wisconsin Statue Section 33.25, a public inland lake rehabilitation district comprised of the parcels having lake frontage on Tainter Lake and those parcels lying within the boundaries of the proposed district in the County of Dunn, Wisconsin, as described in the petition as follows:

Beginning at the west end of the Cedar Falls Dam and proceeding upstream along the shoreline, including all riparian properties and only riparian properties, to the Hay River tributary of the flowage, turn upstream continuing around the flowage to Peninsula Park. Continue along the shoreline clockwise, including all riparian properties and only riparian properties, turning up the Red Cedar River to a point across from Russian Slough, cross the Red Cedar River, turn down stream back to the flowage, continue clockwise around the lake following the shoreline, including riparian properties and only riparian properties, back to the east end of the Cedar Falls Dam.

At the hearing, all interested persons may offer support, objections, criticisms, or suggestions as to the necessity of the proposed district as outlined and to the question of whether their property will be benefited by the establishment of such district. Any person wishing to object to the organization of such district may, before the date set for the hearing, file objections to the formation of such district with the County Clerk. Persons unable to attend may submit written comments by sending an email beforehand to publiccomment@co.dunn.wi.us.

A copy of the petition subject to the public hearing may be viewed at the office of the Dunn County Clerk, 3001 U. S. Highway 12 E, Suite 102B, Menomonie, WI 54751 during regular business hours from 8:00am-4:30pm, Monday through Friday or on the Dunn County Website at www.co.dunn.wi.us.

Issued this 28th day of July 2022.
Andrew Mercil, Dunn County Clerk

