

BUFFALO LAKE P&R DISTRICT QUARTERLY  
BOARD OF COMMISSIONER'S MEETING  
Saturday, August 14, 2021  
8:00 a.m. Packwaukee Town Hall

1. Meeting called to order at 8:01 by Joe Dion
2. Roll Call: Judi Nigbor, Larry Haygood, Al Rosenthal, Bill Lewis, Joe Dion, Vikki Trimble, and Jon Schiller
3. Changes or Additions to Agenda No motion was made to approve the agenda because it was noted that old business items from the June 12, 2021 meeting were not on the agenda.
4. Acceptance of minutes from the June 12, 2021 and the June 29, meeting. Motion by Al Rosenthal and seconded by Jon Schiller to approve the minutes. Approved 7-0
5. Committee Reports
  - a. Finance & Dues
    - i. Treasurer's Report for June and July. Larry Haygood gave the report. Motion by Al Rosenthal and seconded by Judi Nigbor to approve the June and July treasurer's reports. Approved 7-0
    - ii. Presentation of Proposed 2022 District Budget. The proposed budget was presented by Larry Haygood and Vikki Trimble, discussion and changes were made to the proposed budget. Motion was made by Larry Haygood and seconded by Bill Lewis to present the proposed budget to the membership at the annual meeting with the changes. Approved 7-0 Copy of the proposed budget will be printed and put on website for review prior to the Annual Meeting.
  - b. Harvesting Committee
    - i. Update from Committee Gary Kershaw reported on work done so far during the harvesting season, and felt everything went well, except the shortage of help at times caused delay in what was hoped to be accomplished.
    - ii. Purchase of new shore conveyor w/conditions

Al Rosenthal made a motion to bring forward to the annual meeting the purchase of a new shore conveyor including applying

for a grant. Motion seconded by Larry. Discussion followed.  
Motion failed 0-7

Vikki Trimble made a motion to purchase a new conveyor and apply for a DNR grant to help pay for the conveyor. Seconded by Larry Haygood. Approved 7-0. The conveyor will be purchased with or without the grant. A motion was made by Larry and seconded by Vikki to approve Resolution 2021-01. Motion approved 7-0.

iii. Sell our oldest cutter #3 with trailer. A motion was made by Larry and seconded by Jon to sell cutter #3 with trailer and conveyor for the amount of \$22,000.00. Motion approved 7-0.

iv. Approval of recommended employees: no recommendations

v. Install communications line at site

Larry Haygood made a motion to install a phone/communications line at the site. Seconded by Bill Lewis. Approved 7-0. No cost was given.

vi. Site Improvements

After much discussion. Al Rosenthal made a motion to place on the annual meeting agenda a proposal to not spend more than \$25,000 for site improvements and to check with the attorney to see if the improvements would be eligible for state funding.

Second by Larry Haygood. Approved 7-0

c. Communication: Nothing to report

d. Ecology: Nothing to report

e. Fish Committee

Paul Ratzburg reported on meetings that the fish committee has had with the DNR. Attached to these minutes are the Fish Committee Notes.

6. Marquette County Lake Group/County/Town Reports

Al Rosenthal reported on MCLA Annual Meeting is on September 9, 2021 at the County Service Center with pizza and pop at 6 and meeting at 6:30.

Reports on AIS activity this summer on the lakes and a talk from an aquatic specialist will be part of the meeting. Jon Schiller gave a report on County activities which included information on the future construction with the causeway. Judi Nigbor reported on Town activities which included an update on the possible gravel pit/asphalt plant on Cty Rd. D.

7. Lake Level

A proposed meeting with the attorney was not able to be held because of conflicts with schedules. Hopefully the attorney will be able to attend our Annual meeting on October 9<sup>th</sup> to give an update on the petition for changes in the 1976 order that affects lake levels, and dates when the dam can be adjusted to affect the levels.

Al Rosenthal made a motion to instruct the attorney to file a temporary restraining order on the 1976 order dealing with the water level and dates for when the dam is adjusted for water level while the petition from the district is being examined by DNR. Seconded by Jon Schiller. Approved 6-1  
Joe Dion casted the negative vote.

8. Unfinished Business: None

9. New Business: None

10. Announcements: The Annual meeting will be held on October 9, 2021 at 9:00 a.m. and Vikki Trimble will look into holding at the Montello High School Community Room. Bill Lewis's position is up for election, and Bill announced that he will run again for the position on the Board.

11. Adjournment: Larry made a motion to adjourn at 9:41 a.m. Approved. 7-0

Minutes done by Secretary Al Rosenthal

## **August 14 2021**

### **Fish Committee notes**

I have arranged two meetings with the DNR. The following is a summary of those meetings.

On July 16<sup>th</sup>, 2021 Joe Dion and Paul Ratzburg met with Scott Bunde of the DNR to discuss fish stocking of Buffalo Lake.

As a result of that meeting, the DNR agreed to participate in a fish stocking training at the next fish committee meeting, move a scheduled fish count from 2024 to this spring 2022. Its further recommended to hold off on any stocking until after the fish count/censes in 2022.

Paul and Joe agreed to assist the DNR with a volunteer near the dam to install a walleye fish sensor to monitor the fish migration. Bernie Sosinsky and Paul Ratzburg located a volunteer near the dam. The DNR will follow up from here. The data collected will be shared with the district.

A discussion about the gates at the dam.

In particular, gates opening from the bottom, sucking fish out of Buffalo Lake.

Scott explained, only gate number 2 has the option to allow flow over the top. Scott spoke to Lance about that being the primary gate open, but if more gates need to be opened, they will open from the bottom. There are likely some fish that are moved through the gates when they are wide open, but don't believe it is that detrimental to a Lake the size of Buffalo.

Other concerns pertaining to the gate operation arose.

Another meeting was scheduled for 08/03/2021.

In attendance were, from the DNR, Scott Bunde, David Boyarski, Lance Van Rixel, Jarrod Kehring. In attendance for the district was Joe Dion, Al Rosenthal, Bernie Sosinsky and Paul Ratzburg.

An informative discussion centered around the dam operation and the fish habitat.

The DNR staff will be considering some of the concerns raised and will get back to the district.

The dam gage in summer is 8.5 maximum and a minimum depth of 8.0.

It was unanimous to defer the fish stocking to after the fish censes in 2022.

Another factor is the availability of stocking fish. There is a shortage, and the price is double from 2016. Obtaining any fish over 8" is also unlikely.

A continuing concern was also presented to the DNR that the water level needs to be modified. Suddenly enforcing a 1976 water level procedure in 2019 without consideration, warning or a needs/damage assessment has resulted in damage to the habitat, lack of use, devaluation of property values, including, utility, desirability. Concern about removing boats in the fall was also discussed. The longer this goes on the more lack of use and damage occurs.

**Paul Ratzburg**

## WDNR (Notes)

Montello Court House 2-4pm 08/03/2021

Montello Dam Concerns

Public Interested Parties:

Buffalo Lake District: Paul (Fish Committee); Al (Board Member), Bernie (Fish/Harvesting Committee), Joe (Chairman)

DNR Staff:

Fisheries Scott Bunde/Dave Boyarski

Park Staff Lance Van Rixel/Jarrold Kehring

Meeting Brief

1. Residents express concern about the low water levels of Buffalo Lake in regard to property value, fisheries health and recreational concerns.

Key Concerns:

1. Gate adjustments are too aggressively reactive to current conditions, which draws down the water levels to lower than 8.5. (Residents would like the levels to be as close to 8.5 as possible)

1. Staff Response: The gate adjustments are based on calculations from DNR engineers and account for upriver flow. Staff attempt to keep the gauge reading as close to 8.5 as possible without violating the court order. Examples were given on specific dates and explained that the range is 8-8.5 which DNR generally keeps it above the median range on the higher end of the spectrum.

2. Gate adjustments this year don't account for the dry season and the ability of the surrounding lands to hold water preventing normal runoff. This concern is that the dryer season has thrown off the engineer's calculations and the adjustments may be too aggressive since it's a low precipitation year.

1. Staff Response: Will check with Brent Binder to make him aware of the concern and ensure he takes it into consideration if he doesn't already.

3. Would like staff to add and communicate upstream with Oxford/Briggsville during gate adjustments and vice/versa to more accurately manipulate the gates

1. Staff Response: DNR would reach out to respective towns and request would be submitted to add them to our email list and vice/versa during any gate adjustments.

4. The Lake District would like the court order revisited. Specifically, they would like the water levels to be 8.8 and the draw down to be later in the fall and the refill to be earlier (April 1st).

1. Lake District members presented many reasons for this including habitat, navigation, property values. They also are concerned that the order is over 40 years old and current conditions are different than they were in the 1970's.

2. **Staff Response:** The Lake District already initiated the process to revisit the order. We will ask WDNR staff responsible for this process to provide information to the Lake District regarding the process of requesting a change to the order.

5. Residents would like to see a stay placed on the summer court order specifically to raise it to the water level of 8.8 right away or at least maintain the 8.5 later into the fall-. Communication was initially discussed on prior zoom call with Sen. Ballweg and then followed up with an email to Jeff Schure, but the Association hasn't received any communication back yet on what steps are needed to invoke a stay on the order.

1. **Staff Response:** DNR adheres to the court order, we do not know what is needed initiate a stay on the order, but would reach out to Jeff and potentially legal if necessary to find where the communication stopped and where it can be picked back up to give a clear and definitive answer for the residents.

6. **Emergency Stay –** Lake District representatives ask about an emergency stay in particular for this fall in case the water levels were too low to get boats and docks out. Their specific questions were about the definition of emergency and when WDNR could declare an emergency to raise the water levels.

1. **Staff Response:** We do not have that answer but will fill follow-up with appropriate DNR staff and get back to the Lake District.

#### **Fisheries Concerns**

7. **Pike/Walleye/Bass populations** are not matching what historical observations from fisherman, meaning the populations decreased per fishing reports. Specific concerns are in relation to the low water levels in Spring and if it impacts spawning activity.

i. **Staff Response:** WDNR has not heard about these concerns in recent past and the reports we have heard is that the bass and panfish fishing is pretty good. We will conduct a spring electrofishing survey in 2022 (ahead of schedule) to assess the panfish and bass populations. We will share the results with the Fish Committee and the Lake District and work on management actions if necessary.

2. **Concern** that the fish ladder isn't navigable for spawning fish in the spring during the low water range.

i. **Staff Response:** The fish ladder was designed to account for the full range of the water levels. We will be conducting a walleye acoustic telemetry project on movement throughout the Fox River system starting Fall 2021. This project, in part, will evaluation walleye passage through this fish ladder.

#### **DNR Staff**

Buffalo Lake P R District Equipment Fund  
June 30, 2021

<b>INCOME</b>	<b>2021 Budget</b>	<b>2021 YTD</b> 6/30/2021
<b>Prior year balance forward</b>	114,050.73	114,050.73
Lake Assessments	61,000.00	58,078.00
Transporter Sale		25,000.00
Interest	300.00	155.89
<b>TOTAL INCOME</b>	<b>175,350.73</b>	<b>197,284.62</b>
<b>EXPENSES</b>		
<b>Checks</b>		0.00
New Cutter		35,000.00
Repairs & Maintenance	19,000.00	23,982.66
<b>TOTAL EXPENSES</b>	<b>19,000.00</b>	<b>58,982.66</b>
<b>YEAR END</b>		
<b>BALANCE</b>	<b>156,350.73</b>	<b>138,301.96</b>

**Buffalo Lake District Operating Fund**

June 30, 2021

	2020 Balance	2021 Budget	YTD 6/30/21	2021 Balance
<b>INCOME</b>				
Prior Year Balance Forward	53,798.55	53,798.55	56,375.29	
Miscellaneous	0.00		0.00	
Interest	763.50	1,000.00	327.00	673.00
Lake Assessment	184,022.28	184,000.00	175,087.64	8,912.36
Assessments to Equipment Fund	-59,607.41	-61,000.00	-58,078.00	
Assessment Overpayments	0.00		0.00	
Fuel Tax Refund	0.00		823.18	
Fish Fund	0.00		1,080.00	
Donations, Grants, Lotus Etc.	0.00		0.00	
Misc. Marq. Adams Cap. Cr.	43.19	40.00		40.00
Transfer from Equip for repairs	21,554.81	19,000.00	23,982.66	-4,982.66
Insurance Reimbursement	0.00		0.00	
YTD BALANCE	200,574.92	196,838.55	199,597.77	**
Maintenance and Repairs	21,554.81	19,000.00	23,982.66	-4,982.66
Audit	0.00	400.00	0.00	400.00
Employer Taxes Paid	5,660.82	5,000.00	965.77	4,034.23
Employee Taxes Paid	14,394.60	12,500.00	2,158.87	10,341.13
Commissioners	2,500.00	2,500.00	1,250.00	1,250.00
Bookkeeper Expense	2,500.00	2,500.00	1,250.00	1,250.00
Fuel/Oil/Antifreeze	11,456.49	9,000.00	1,166.01	7,833.99
Unemployment	3,261.53	7,500.00	0.00	7,500.00
Insurance	11,753.00	13,000.00	12,452.00	548.00
Labor Costs-Net	59,494.02	57,000.00	25,702.43	31,297.57
Legal	5,825.00	2,000.00	1,615.00	385.00
Miscellaneous	1,821.80	2,000.00	710.43	1,289.57
Newsletter/Bulk Mailing	663.00	600.00	0.00	600.00
Office Equipment	628.76	400.00	0.00	400.00
Office Supplies/Mailings	266.34	1,000.00	923.75	76.25
Printing/Legal Notices	365.27	300.00	312.95	-12.95
Site Maintenance	487.30	1,500.00	330.00	1,170.00
Utilities	446.89	500.00	205.64	294.36
Web Site	370.00	360.00	359.86	0.14
Restoration Fund	0.00	5,000.00	0.00	5,000.00
Bouys	0.00	980.00	0.00	980.00
Endeavor Fire Department Donation	750.00		0.00	
Boat Landing Repair			985.00	
TOTALS	144,199.63	143,040.00	74,370.37	
BALANCE	<u>56,375.29</u>		<u>125,227.40</u>	
*To be reimbursed by equipment fund				
	5,122.85	Checking Balance	23,929.51	
	<u>51,252.44</u>	Money Market	<u>101,297.89</u>	
	<u>\$ 56,375.29</u>		<u>\$ 125,227.40</u>	



Buffalo Lake P R District Equipment Fund  
July 31, 2021

<b>INCOME</b>	<b>2021 Budget</b>	<b>2021 YTD</b> 7/31/2021
<b>Prior year balance forward</b>	114,050.73	114,050.73
Lake Assessments	61,000.00	58,078.00
Transporter Sale		25,000.00
Interest	300.00	179.61
<b>TOTAL INCOME</b>	<b>175,350.73</b>	<b>197,308.34</b>
<b>EXPENSES</b>		
<b>Checks</b>		0.00
New Cutter		35,000.00
New Cutter Transportation		1,200.00
Repairs & Maintenance	19,000.00	26,291.58
<b>TOTAL EXPENSES</b>	<b>19,000.00</b>	<b>62,491.58</b>
<b>YEAR END</b>		
<b>BALANCE</b>	<b>156,350.73</b>	<b>134,816.76</b>

Buffalo Lake District Operating Fund  
July 31, 2021

	2020 Balance	2021 Budget	YTD 7/31/21	2021 Balance
<b>INCOME</b>				
Prior Year Balance Forward	53,798.55	53,798.55	56,375.29	
Miscellaneous	0.00		0.00	
Interest	763.50	1,000.00	333.99	666.01
Lake Assessment	184,022.28	184,000.00	175,762.64	8,237.36
Assessments to Equipment Fund	-59,607.41	-61,000.00	-58,078.00	
Assessment Overpayments	0.00		0.00	
Fuel Tax Refund	0.00		823.18	
Fish Fund	0.00		1,080.00	
Donations, Grants, Lotus Etc.	0.00		0.00	
Misc. Marq. Adams Cap. Cr.	43.19	40.00		40.00
Transfer from Equip for repairs	21,554.81	19,000.00	26,291.58	-7,291.58
Insurance Reimbursement	0.00		0.00	
YTD BALANCE	200,574.92	196,838.55	202,588.68	**
Maintenance and Repairs	21,554.81	19,000.00	26,291.58	-7,291.58
Audit	0.00	400.00	0.00	400.00
Employer Taxes Paid	5,660.82	5,000.00	2,313.93	2,686.07
Employee Taxes Paid	14,394.60	12,500.00	4,545.95	7,954.05
Commissioners	2,500.00	2,500.00	1,250.00	1,250.00
Bookkeeper Expense	2,500.00	2,500.00	1,875.00	625.00
Fuel/Oil/Antifreeze	11,456.49	9,000.00	5,459.06	3,540.94
Unemployment	3,261.53	7,500.00	922.55	6,577.45
Insurance	11,753.00	13,000.00	12,452.00	548.00
Labor Costs-Net	59,494.02	57,000.00	35,971.89	21,028.11
Legal	5,825.00	2,000.00	1,945.00	55.00
Miscellaneous	1,821.80	2,000.00	1,574.43	425.57
Newsletter/Bulk Mailing	663.00	600.00	0.00	600.00
Office Equipment	628.76	400.00	0.00	400.00
Office Supplies/Mailings	266.34	1,000.00	923.75	76.25
Printing/Legal Notices	365.27	300.00	347.99	-47.99
Site Maintenance	487.30	1,500.00	330.00	1,170.00
Utilities	446.89	500.00	248.42	251.58
Web Site	370.00	360.00	369.86	-9.86
Restoration Fund	0.00	5,000.00	0.00	5,000.00
Bouys	0.00	980.00	0.00	980.00
Endeavor Fire Department Donation	750.00		0.00	
Boat Landing Repair			985.00	
TOTALS	144,199.63	143,040.00	97,806.41	
BALANCE	<u>56,375.29</u>		<u>104,782.27</u>	
*To be reimbursed by equipment fund	5,122.85	Checking Balance	3,477.50	
	<u>51,252.44</u>	Money Market	<u>101,304.77</u>	
	<u>\$ 56,375.29</u>		<u>\$ 104,782.27</u>	

Section 10: Resolution

Buffalo Lake P & R District  
Resolution 2021-01

WHEREAS, Buffalo Lake Protection & Rehabilitation District hereby requests assistance for the purpose of:

Project Description: Purchase of one Shore Conveyor

THEREFOR BE IT RESOLVED, that Buffalo Lake Protection & Rehabilitation District has budgeted a sum sufficient to complete the project, and HREBY AUTHORIZES: Marcel J Dion, to act on behalf of that Buffalo Lake Protection & Rehabilitation District to:

Submit an application to the Department of Natural Resources for financial assistance;

Sign documents; and

Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that that Buffalo Lake Protection & Rehabilitation District will comply with state and federal rules for the programs; may perform force accounting work; will maintain the completed project in an attractive, inviting and safe manner; and will keep the facilities open to the general public during reasonable hours consistent with the type of facility; and will obtain approval from the Wisconsin Department of Natural Resources before any change is made in the use of the project site (if applicable).

Adopted this 14<sup>th</sup> day of August, 2021.

I hereby certify that the foregoing resolution was duly approved by the Buffalo Lake Protection & Rehabilitation District at a legal meeting on the 14th day of August, 2021.

Authorized Signature



Title Board Chair