

MUD HEN LAKE REHABILITATION DISTRICT MEETING

6/12/2021

Meeting was called to order at the Daniels Town Hall on Saturday, 6/12/2021 at 10:00 am by Mike Huber with 43 members that signed the attendance sheet.

I. Secretary's report was read by Mary Sagstetter. Motion was made by Mike Huber to approve Secretary's report. Motion was seconded by Chuck Awe. Motion carried.

II. Treasurer's report was read by Ryan Tjader. Motion was made by Mike Huber to approve Secretary's report. Motion was seconded by Chuck Awe. Motion carried.

Current balances: Checking: 681.48 Savings: \$12,260.62 Total of \$ 12,942.10 See Quarterly Report included.

III. New Business:

A. Meeting Protocol - Mike Huber shared that he spoke to Lara Carlson of the WTA in the last week and discussed items in relation to Wisconsin Statutes, Chapter 33 specifically in relation to conducting our meetings. She confirmed that these meetings should be held according to Robert Rules as stated in the Mud Hen Lake Rehab District By Laws, where only the board members can make motions, second motions and vote to approve /disapprove items on the agenda. The district members are only allowed this pleasure at the Annual meeting. It explains all of this in Chapter 33. Rehab districts information is contained in sections 33.28 through 33.35.

B. Annual Book Auditing – Mike asked for three volunteers to audit the Mudhen Lake books. The volunteers are Denise Fedie, Jerry Fedie and Wilhelmina Fischer.

C. Board Member Position Open – Mike shared that there will be a Board position open coming up at the August 14, 2021, meeting. If anyone is interested, a Letter of Intent to run needs to be submitted to Mary Sagstetter, Secretary by July 1, 2021. Mike also shared that when a new Board Member is elected, immediately after the meeting the Board convenes to confirm positions that each Board Member will hold going forward.

IV. Old Business

A. Lake Update

1. ILIDS Report – Report from website shared. Nothing remarkable. This report included in minutes and can be accessed at this link:

https://docs.google.com/document/d/1Ycl21h6yIFjCgll8seFkMnM3g1_4DrLEVJ4GbFzrJ8Q/edit?usp=sharing

2. Lake Monitoring - Steve Hoffman shared that he was planning to take the lake monitoring readings this coming Monday. One secchi disk reading was taken and the clarity was at 13 feet. Mike Huber stated that he would also be taking readings and entering data on the online site (SWIMS).

B. Committee Reports:

1. Aquatic Plant Management – status quo – report is good though 2023

2. Purple Loosestrife - Dan Heintz stated that the date for eradication of the Purple Loosestrife from the lake is August 7, 2021, at 8 AM.

Meeting location is at Dan Heintz's house - 9663 Mudhen Lake Dr. A reminder email was requested to be sent out prior. Dan explained the procedure and has taken care to account for safety precautions. A reminder email will list items needed for the removal process.

3. Lake Level Committee – Mike began by providing background information. The DNR required the property owner to take out any type of a dam structure that was put in either by beavers or humans. DNR has made it known that a permanent structure is not allowed in the outlet area without a permit. The Mudhen Lake Rehab District is continuing the process to figure out if we can get a structure put in to control the water. The Lake Level Committee, Mike Huber and a few other members attended a Zoom meeting last fall with the DNR. Mike commented that the Lake Level Committee did a nice job with survey work last year so we have documentation of where the community stands on their beliefs on the matter. At the meeting there were three steps stated by the DNR to move forward.

1. Permission of the Landowner
2. Understand the cost

3. Consensus of 65% of the Mudhen Lake Rehab District members is needed to move forward with a feasibility study and 100 % consensus is needed if the project is to begin.

Mike shared that a Civil Engineering firm would need to be hired to study the lake. It would be a study of property owners home elevation and flowage and flooding easement would need to be signed.

The cost could be substantial, and we need a lot of cooperation is needed to go forward. Mike asked the Lake Level Committee Chairperson - Deb Luzinski to report.

Deb began by clarifying that the Lake Level Committee is comprised of representatives from the four sides of the lake. In order to effectively work and communicate as a committee the numbers of the committee members is held to small number. Deb assured the members that there is not bias against anyone who was not selected to be on the committee.

Deb shared where the drainage problem exists is at the outlet and land on either side is owned by one landowner. She reported the Lake Level Committee prepared a letter that was presented to the Mudhen Lake Rehab District Board with a request to present the letter to the landowner. Deb stated that she has been in contact with an engineer from WSB in Minnesota Metro area and was provided – in theory – the cost of a feasibility study. Deb shared that the WSB suggested costs of \$10,000 and a timeline of completion could be two months. She also mentioned that 100% consensus is needed if the cost would be assessed to each landowner, yet it is possible that grants or other funding sources could be accessed to defray or absorb the costs.

The floor was taken by Ted Fischer, Lake Level Committee Member. He shared the goal of the committee was to present options and potential solutions to restore the lake level. They met several times as a committee, conferred with DNR and surveyed lake owners and presented that information at the OCT 2019 Board meeting. The conclusion of the committee is that there should be a permanent structure at the outlet. Ted shared the following:

- Costs are unknown.
- Construction would require DNR permit.
- Hiring an engineering firm is needed to perform a feasibility study, submit a proposal for costs and design.
- The Board would be in control of the project and all the approvals needed to move forward.
- The first essential step is to get authorization of the landowner.
- Findings have been submitted to the Board, urging them to make a motion to obtain authorization.

The floor was taken by Jerry Fedie, Lake Level Committee Member. He stated that we have to come together for what is best for the lake and the property owners, we may need to rethink the agreed upon lake level. He offered an opinion of a possible dam structure solutions for the lake. The goal is getting a structure that will maintain a consistent lake level throughout the year.

Questions arose as to the potential timetables for completion.

Concerns were shared about the dead fish on the shoreline, boats not being able to be launched and weed growth.

Aquatic Management Plan was brought up as a resource that can be accessed for the feasibility study.

The floor was given to Craig Duran, landowner of the area in question. He shared challenges of owning this land with this structure on it. He was contacted by the DNR who told him he had an illegal structure on it and to take out. He complied. Craig shared he wants more water in the lake too. He spoke with the DNR regarding this and shared his understanding, based on that discussion, of the steps that need to happen next. Conversation occurred regarding liability, and the previously stated recommended steps by the DNR for the landowner not aligning with what was heard at the Zoom meeting. Mike took the floor and offered it to Chuck Awe, Board Member, commented that until we have a study the landowner would not know what he was agreeing to. Mike recognized Tim Peterson, who suggested providing a letter of intent to be signed by both sides to agree to start talking about working towards the common goal.

Mike shared a conversation that he had with Craig Duran regarding sitting down with the Mudhen Lake Rehab District Board and the Lake Level Committee to begin discussions. Mike opened the floor for comments. Deb Luzinski stated that the Lake Level Committee had crafted a letter and presented that to the entire Board. Deb asked if the letter was given to the Craig Duran. Mike stated the contents of the letter was shared with Craig. Deb requested that the letter be presented to Craig. Mike handed the Lake Level Committee letter to Craig.

Mike shared that the \$10,000 previously mentioned would only be for the feasibility study and that it is not the total cost of project. Also, Mudhen Lake Rehab District does not have \$10,000 budgeted unless we amend where the money should go. If not amended, the assessment will be on the tax roll. All the costs are going to be retained by the residents in the district. Discussion occurred about the possibility of grants. Concerns were raised about spending the \$10,000 without obtaining the landowner's approval of the potential project. It was noted, by Mike that an additional easement will be needed across someone's land to access the area and operate to operate the structure.

A motion was made by Mike Huber to discuss a letter of intent with Craig Duran and to put out a Request for Proposal (RFP) for engineering firms to bid on providing a feasibility study. Motion was seconded by Chuck Awe.

The Board will share the decision of the selected firm at the August 14, 2021, Annual meeting. At that time, it will be determined if we have the 65% consensus to move forward.

Mike made the motion to adjourn the meeting. Motion was seconded by Chuck Awe. Motion carried. Meeting adjourned.

Additional Note: Senator Ron Stafsholt attended this meeting. He introduced himself after the meeting and requested to be invited to future meetings. He is very open to discussion at any time and said he is involved in some grant and money allotment. He will be coming back in the next weekend or two to get a small tour of the lake and issues. He reiterated several times though that he is willing to help as needed.

Respectfully Submitted,

Mary Sagstetter

Mud Hen Lake Secretary

mps1300@aol.com

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Reports online:

2021 MUD HEN LAKE ILIDS (lake camera) report located at:

https://docs.google.com/document/d/1Ycl21h6yIFjCgII8seFkMnM3g1_4DrLEVJ4GbFzrJ8Q/edit?usp=sharing

MUDHEN Aquatic Plant Management Plan: 2018 – 2023:

<https://www.burnettcounty.com/DocumentCenter/View/7374>

Mud Hen Lake Rehab District Meeting Minutes:

<https://townofdaniels.com/mudhen-lake-rehab-district/>

Mud Hen Lake Rehab District Upcoming Meetings:

August 14, 2021 / Oct.9, 2021 / March 12, 2022 / June 11, 2022

All meetings are held at 10 AM at Daniels Town Hall

MUDHEN LAKE REHAB DISTRICT QUARTERLY REPORT

6/1/21

			Total Beginning Balance \$12,565.91		Checking Balance \$1,541.28		Savings Balance \$11,024.63	
Date	Description of Deposit or Expense	Check #	Received	Expense	Received	Expense	Received	Expense
03/11/21	Balance of First Half Taxes		\$2,235.48				\$2,235.48	
03/30/21	Interest		\$0.10				\$0.10	
04/30/21	Interest		\$0.10				\$0.10	
05/26/21	Transfer from Savings to Checking				\$1,000.00			\$1,000.00
05/26/21	Environmental Sentry Protection	1095		\$1,859.80		\$1,859.80		
05/31/21	Interest		\$0.11				\$0.11	
Total			\$2,235.99	\$1,859.80	\$1,000.00	\$1,859.80	\$2,235.99	\$1,000.00

Total	
Beginning Balance	\$12,565.91
+ Total Receipts	\$2,235.99
Sub total	\$14,801.90
- Total Expenses	\$1,859.80
Ending Balance	\$12,942.10

Checking		Savings	
Beginning	\$1,541.28	Beginning	\$11,024.63
+ Receipts	\$1,000.00	+ Receipts	\$2,235.99
Sub total	\$2,541.28	Sub total	\$13,260.62
- Expenses	\$1,859.80	- Expenses	\$1,000.00
Ending Bal.	\$681.48	Ending Bal.	\$12,260.62

Total Funds	\$12,942.10
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Video Review Worksheet **Lake:** [Mud Hen Lake, WI \(500/month\)](#) **Launch:**

Summary Report

This report summarizes I-LIDS monitoring and review activity at the boat launch for 2021.

I-LIDS Summary Data

Date Installed

Date De-installed

Videos Captured

Videos Reviewed by ESP

Total Videos Reviewed

Launches counted

% of boat launch videos ¹

Suspect AIS Violations

Hours of operation

Total hours of inspection time

Observations:

Recommendations:

¹ The number of videos is always greater than the number of launches. If there is a magnetic sensor, it will trigger the camera to look for motion for 120 seconds. During this time, any activity (inspection, tie-downs, people moving, cloud movement, etc.) in front of the camera will trigger another video. Infrequently, the magnetic sensor may trigger randomly, or vehicle movement behind the sensor may set up the camera for additional video capture. If there's no magnetic sensor, the camera simply looks for sufficient motion and will capture a video.

Launch:

Video Review Worksheet **Lake:** **Mud Hen Lake, WI (500/month)** **Launch:**
May 2021

Date Range for Videos	Date(s) of Review	Reviewer	Videos Captured	Videos Reviewed	Launches Counted	Notes (outages, excessive videos)
4/26 - 5/2	5/2	Andrea	20	20	5	
5/3 - 5/9	5/3 - 5/9	Andrea	118	118	24	
5/10 - 5/16	5/12-5/16	Kelly	191	153	31	
5/17 - 5/23	5/19-5/23	Kelly	164	111	14	
5/24 - 5/30	5/24-5/30	Kelly	134	134	25	
TOTAL			627	536	99	

Potential Violations

Date	Time	Boat Desc.	Reg/Lic.	What was seen	2nd review

Notable Videos (Date/Time/What was seen)

[illegible]

Launch:

Date Range for Videos	Date(s) of Review	Reviewer	Videos Captured	Videos Reviewed	Launches Counted	Notes (outages, excessive videos)
5/31 - 6/6	6/5-6/6	Kelly	268	152	7	
6/7 - 6/13						
6/14 - 6/20						
6/21 - 6/27						
TOTAL						

Date	Time	Boat Desc.	Reg/Lic.	What was seen	2nd review

[illegible]

Purple loosestrife (*Lythrum salicaria*)



Description

Appearance

Purple loosestrife is a wetland plant with showy purple flowers arranged on flower spikes.

Leaves and Stem

Leaves are lance-shaped with smooth edges and grow up to four inches long. They are usually arranged in pairs opposite each other on the stem, and rotated 90 degrees from the pair below. Leaves sometimes appear whorled (radiating out from a single point) around the stem. A recognizable feature is the square-shaped stem, which is generally four to six-sided. A single plant is made up of multiple woody stems.

Flowers

Individual flowers have five or six pink-purple petals surrounding small, yellow centers. Single flowers make up flower spikes, which can be up to one foot tall. Flowers bloom from early July through September.

Seeds

Purple loosestrife spreads primarily by seeds. When flowers drop off, capsules containing many tiny seeds appear in their place. Depending on location, plants may go to seed as early as late July. Each mature plant can produce up to 2.7 million seeds annually. As tiny as grains of sand, seeds are easily spread by water, wind, wildlife and humans. Germination can occur the following season, but seeds can also lay dormant for several years before sprouting.

Roots

Purple loosestrife produces thick, woody roots. On mature plants, roots are extensive and can send out 30 to 50 shoots, creating a dense web. Pieces of the roots and stem fragments can also produce new plants.

Biology

Purple loosestrife is a perennial plant found rooted in a range of wet soil habitats. It can grow in a couple feet of water or on dry shore near the water line. It is commonly found in roadside ditches. Plants range from two to six feet tall, with several half to one foot long flower stalks on a single plant. Plants bloom from early July to September, and then go to seed.

Origin and Spread

Purple loosestrife is native to Europe and Asia. The species was unintentionally introduced to the United States' Great Lakes through contaminated solid cargo ship ballast as well as through the deliberate importation of seeds. The first discovery in the United States was in Lake Ontario in 1869. Purple loosestrife was sold and planted for decades as a decorative ornamental plant. However, due to its negative impacts on native plants and its ability to escape from cultivation, purple loosestrife is illegal to sell in most states.

Don't be fooled by these look-alikes

It looks similar to many native, beneficial wetland plants found in Minnesota shoreland areas and wetlands.

Look-alikes:

- Fireweed (https://apps.dnr.state.mn.us/restore_your_shore/plants/plant_detail/148) (native)
- Blue Vervain (https://apps.dnr.state.mn.us/restore_your_shore/plants/plant_detail/384) (native)

Regulatory Classification

Purple loosestrife (*Lythrum salicaria*, *L. virgatum* and any combination thereof) is listed as a MDA Prohibited Noxious Weed (Control List) (<http://www.mda.state.mn.us/plants-insects/minnesota-noxious-weed-list>) and a prohibited invasive species

From: deboutdoors@live.com,

To: mps1300@aol.com,

Cc: tedandwil@aol.com, denisefedie@gmail.com, jfedie@csdz.com, grant.wilhelm@comcast.net, mark.luzinski@ci.stpaul.mn.us,

Subject: Upcoming Lake Assn Meeting/Lake Level

Date: Tue, May 25, 2021 11:09 am

Attachments: Mud Hen Lake Level Ad Hoc Committee.docx (15K), Letter to Landowner.docx (13K)

Dear Mary:

The Ad Hoc Mud Hen Lake Level Committee has adopted the enclosed motion regarding initiating the process toward establishing a water level on Mud Hen Lake which will necessarily involve the establishment of some type of water control structure. As the Board may be aware, the essential first step in the process is obtaining permission from the owner of the land adjacent such a structure.

The Committee requests the Board seek such permission by acting on the matter at its regularly scheduled meeting in June, 2021. As the Committee understands it, such permission can be in the form of a conveyance of the property outright or the granting of the necessary property rights over the property such as an easement.

Enclosed is the form of a letter that the Board may consider utilizing in transmitting its request to the landowner.

Please confirm receipt. Thank you, Mary.

Respectfully,

Deb Luzinski, Chair
Ad Hoc Mud Hen Lake Level Committee

Attached: Motion of Lake Level Committee
Proposed letter for Board

Mud Hen Lake Level Ad Hoc Committee

Motion

I move the following:

Whereas, Mud Hen Lake is experiencing extensive low water levels, and

Whereas, the water level is reasonably anticipated to continue receding in the future resulting in a drastic adverse impact on the ability of a great number of lake shore owners to utilize and enjoy the lake such as precluding the launching, mooring and use of watercraft, and is anticipated to negatively affect the values of lakeshore properties to a substantial degree, and

Whereas, the low water level is directly attributable to the absence of any structure or other control over the outlet flow from the lake, and
Whereas, in the past the lake level has been controlled by various means including beaver dams and other structures which now have been totally removed, and

Whereas, it appears to be necessary and desirable that a water level control structure be established at the lake outlet in the area where previous structures have been located so as to be able to maintain a reasonable water level to permit the normal and usual enjoyment and pursuit of activities on the lake, and

Whereas, as an essential initial step in the process permission is required from the adjacent landowner in order to obtain the necessary authorization to construct such a structure:

The Ad Hoc Committee requests the following:

That the Board of the Mud Hen Lake Rehabilitation District promptly submit a request to the owner of the land adjacent to the location of such proposed structure for permission to construct such a structure, such request to be in such form as is acceptable to the Wisconsin Department of Natural Resources, which may involve the purchase of property, the granting of an easement, or such other authorization as may be necessary, and

Those, due to the urgency of the situation, the Board convene in a special session as soon as practicable to consider the submittal of such request.

Craig & Susan Duren
18099 Jacquard Court
Lakeville, MN 55044-6624

May 25, 2021

Dear Craig & Susan:

Interested owners on Mud Hen Lake have met as an ad hoc committee to investigate concerns and possible solutions regarding the lake level of Mud Hen Lake. The committee has transmitted the enclosed Motion to the Board of the Mud Hen Lake Rehabilitation District relating to pursuing methods to control the lake level. This includes the potential construction of a water control structure in the vicinity of land that you currently own. The Board has determined it is necessary and desirable to initiate the process toward the ultimate construction of such water control structure.

The first and necessary step in the process is obtaining the permission from you as adjacent landowner to such construction.

If you do not grant permission the potential project cannot proceed. The Board thus requests that you grant such permission.

Such permission may authorize the conveyance of all or part of the property, the granting of an easement to permit the construction or such other method or means that will accomplish the purpose and meet the approval of all authorizing agencies.

In connection with the granting of permission reasonable immunity from liability arising from such structure would be provided to you as landowner.

Respectfully,

Mary Sagstetter
Secretary Mud Hen Lake Rehabilitation District