

Village miffed by DNR's dam ruling

Written by STEVE OSTERMANN
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Grafton officials voice frustration with agency's requirement that floodgate be include in upgrade work on west abutment

A Department of Natural Resources' decision requiring the Village of Grafton to install a floodgate as part of upgrade work on the Bridge Street dam is not sitting well with local officials.

Village Board members on Monday voiced their displeasure with the agency's ruling, which calls for repairs on the downtown dam's west abutment to include a gate, flashboards or stop logs to control water levels.

Tanya Lourigan, a DNR water management engineer, told the board that her department determined the water-control mechanisms are needed so the impoundment can be drawn down in case of emergencies and for dam inspection and maintenance.

Although a gate is not required as part of NR333, the state law regulating dams and flood control, Lourigan said the decision is based on guidelines in Chapter 31 of the state administrative code.

"Our utmost concern is public safety and the ability to respond to situations," Lourigan said.

However, Village President Jim Brunnquell said he and other local officials were taken aback by the DNR's decision, which came after the agency reviewed the village's preliminary plans to upgrade the dam.

"I think there is a certain level of frustration within the Village Board," said Brunnquell, who noted village residents approved a binding referendum in 2010 to preserve the dam.

"The board has expressed its desire to leave (the dam) alone, but that is apparently not an option."

In approving a preliminary design for abutment work last fall, the board considered installing a gate — which is expected to cost \$300,000 to \$700,000 — but rejected that option to save money. At that time, the village was told by the DNR that the design met all NR333 requirements, Brunnquell said.

"Every time we come up with a plan, it costs money. We've spent an ungodly sum of money already," he added.

"Now we're doing a disservice to the residents who voted in the referendum and to the taxpayers. There's something dysfunctional going on at the DNR."

Trustee Susan Meinecke concurred. "It always seems like we're going around and around with this," she said.

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The referendum vote requires the village to save the dam until at least 2019. But preserving the landmark also requires the village to maintain the structure and ensure it meets state flood-control standards.

In choosing a preliminary plan for abutment upgrades, the Village Board decided to rebuild a masonry wall, reconfigure an overlook area and raise the riverwalk to help alleviate flooding problems. In addition to eliminating a floodgate from the design, the board rejected a proposed portage route, which the DNR also decided should be included.

The current estimated cost of the improvements without a gate is \$410,000, half of which would be covered by a DNR grant awarded to the village. The grant would also reimburse the village of a smaller portion of costs above \$400,000.

According to estimates from Village Engineer Dave Murphy, increases for additional upgrades would be \$50,000 for flashboards; \$100,000 for stop logs; \$300,000 for a partial gate; and \$500,000 to \$700,000 for a full gate.

Lourigan, who met with Grafton officials in January to clarify the DNR's position on the gates or stop logs, said the preliminary design meets NR333 requirements. However, she told the board Monday that the administrative code gives the department the authority to require floodgates.

"You need to have the ability to draw down the impoundment with a gate in case of emergency," Lourigan said.

"We want to see a compliant-safe dam."

Eric Nitschke, the DNR's southeastern regional director, told the board that department officials are trying to work with the village to clarify the requirements before design work is finalized. He said the agency wants to avoid communication problems like those that muddied plans to construct a fish passage at the dam last year.

In September, the village rejected the fish-passage project after the DNR decided a trap-and-sort facility had to be included to prevent invasive species and disease-carrying fish from traveling upstream.

"It was our concern that you were going to hire a consultant without consulting us," Nitschke said of the abutment-upgrade project.

The DNR's floodgate requirement sparked a protest from Bill Harbeck, a member of the Save the Dam group that organized a successful petition drive to force the 2010 referendum.

Harbeck, one of about 20 residents who attended Monday's meeting, said that even if the state administrative code gives the DNR authority to require a floodgate, the agency didn't have to exercise that power.

"I think that's a tremendous waste of taxpayers' money," Harbeck said.

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The village has already agreed to upgrade the dam to meet flood-control regulations and can do underwater inspections without having to lower the impoundment, Harbeck added.

The preliminary design for upgrade project was prepared by Bonestroo (now known as Stantec), which has done other dam-related work for the village. The village has yet to hire a firm to do the final design.

Brunnquell recommended having Murphy and Village Administrator Darrell Hofland meet with DNR representatives and other state officials before any further action is taken on the project. Board members agreed.

"I think it's the village's right to make a presentation at the state level," Brunnquell said.

Trustee Jim Grant suggested residents contact the DNR directly with questions and complaints about the agency's decisions and then bring written responses they receive back to the village.

"We could spend another three hours talking about this and not get anywhere," Grant said.