

## Village seeks breakthrough in dam spat

Written by STEVE OSTERMANN  
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### **Grafton officials encouraged after meeting with DNR to discuss floodgate requirement in abutment work**

Grafton officials are continuing their efforts to get the Department of Natural Resources to reverse a decision requiring the village to install a floodgate as part of repair work on the Bridge Street dam.

In challenging a DNR ruling that a gate or other device is needed to control flooding and ensure public safety, village representatives met with agency officials last week.

During the meeting, which was requested by the Village Board, Grafton officials questioned the need for a gate, which is expected to cost at least \$300,000.

“I felt like it was a positive meeting,” said Village President Jim Brunnuell, who joined Village Administrator Darrell Hofland, Village Attorney Mike Herbrand and Village Engineer Dave Murphy in a discussion with DNR Deputy Secretary Matt Maroney and DNR Southeastern Regional Director Eric Nitschke.

“They didn’t make any promises to us, but I think the exchange was productive and civil.”

Brunnuell made his comments at Monday’s Village Board meeting, which was attended by about a dozen residents interested in an update on the repair project.

Early this year, the village was poised to begin design work for upgrades in and near the downtown dam that would include rebuilding a masonry wall, reconfiguring an overlook area and raising the riverwalk. Village officials believed the repairs would meet requirements in NR333, the state law regulating dams and flood control.

However, in January the DNR issued a ruling stating the upgrades to the dam’s east abutment would also require a gate, flashboards or stop logs to control water levels. Installing a gate — which is expected to cost \$300,000 to \$700,000 — had been considered last fall by the Village Board but was rejected as a way to save money on upgrades.

In making the ruling, DNR officials cited Chapter 31 of the state administrative code for justifying the need for a gate, which they said would make the dam compliant and safe.

The village had expected to spend \$410,000 for upgrades without a gate, half of which would be covered by a DNR grant. Additional costs could also be defrayed by other grant money, but it is unsure how much the village’s share would increase.

Last week’s meeting was requested by the village to have the DNR clarify its position. Herbrand said local officials questioned the concern about public safety and noted that installing a gate would undermine the DNR’s contention that the dam is a critical barrier to prevent the spread of invasive aquatic species. Raising a gate to lower water levels would open the Milwaukee River

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to possible species migration, DNR officials were told.

“If the dam is a regulatory barrier, then it shouldn’t have a gate,” Herbrand said.

Village officials also told DNR officials that their concerns about safety risks due to a possible breach of the dam were overstated because it is structurally sound and the amount of water in the impoundment has been lessened due to a heavy accumulation of silt.

Echoing Brunnquell’s view, Herbrand said the response of Maroney and Nitschke was receptive.

“They seemed to be open to hearing about the unique aspects of the Bridge Street dam,” Herbrand said.

Village officials also presented a history of the dam, prepared by Bill Hass, a member of the Save the Dam Association. The group spearheaded a petition drive forcing a 2010 referendum in which residents voted overwhelmingly to preserve the structure until at least 2019.

Several audience members questioned the likelihood of the DNR reversing its decision after it has imposed other requirements on dam projects, including flood-control regulations.

“Do you really trust them? Do you feel confident that you’ll get somewhere?” village resident Mary Mulloy asked the board.

Brunnquell said the meeting was encouraging because it included Maroney, who he said has the authority to reverse the agency’s decision.

“It’s not like we’re working our way up the ladder. This is the top guy,” Brunnquell said. “They seemed to be sympathetic to our concerns.”

Brunnquell said last week’s meeting was the first in what Grafton officials hope will be an ongoing discussion with the DNR about the repair project. “It’s an opportunity for local and state boards to work cooperatively to resolve this,” he said.

Herbrand said another meeting between Grafton and DNR officials is expected to be held in the next two or three weeks.

Although the Village Board recently agreed to hire Ayers & Associates of Eau Claire to complete a final design for dam upgrades, Village Administrator Darrell Hofland said a contract with the firm would not be finalized until the scope of the work is determined.