

VILLAGE OF GRAFTON

VILLAGE BOARD MEETING MINUTES

AUGUST 3, 2009

President Jim Brunnuell called the Village Board meeting to order at 6:00 p.m. The Pledge of Allegiance followed.

Village Board members present: Jim Grant, Ron LaPean, Richard Rieck, Sue Meinecke, David Liss, Scott Volkert, Jim Brunnuell

Staff / Officials present: Village Administrator Darrell Hofland, Finance Director Paul Styduhar, Utility Director Tom Krueger, Director of Public Works / Village Engineer Dave Murphy, and Administrative Assistant Rachel Reiss

Public Information Meeting

The purpose of this public information meeting is to consider the removal of the Bridge Street dam due to the excessive cost to repair structural problems with the dam.

President Brunnuell explained this item was presented to the Village Board as a recommendation from the Board of Public Works. Mr. Brunnuell stated this is an informational meeting and no decision will be made tonight.

Director of Public Works / Village Engineer Dave Murphy stated the Bridge Street dam was inspected by the Wisconsin Department of Natural Resources (WDNR) after the flooding in 2007. A letter dated July 13, 2009 from the WDNR stated the Village will need to address the hazardous dams at Bridge Street and Lime Kiln within the next 10 years. Previously, the Village applied for a federal grant to remove the dam but was unsuccessful.

After reviewing the possible options to fund rebuilding the dam, Mr. Murphy contacted Ozaukee County representatives who had applied for and received a federal grant for a fish passage in the Milwaukee River near the Bridge Street dam. With receipt of the letter from the WDNR regarding structural deficiencies of the dam, Mr. Murphy contacted Ozaukee County requesting if the grant could be used to remove the dam allowing for a natural fish passage.

These options were presented to the Board of Public Works in July. The Board of Public Works recommended the Village Board approve the removal of the Bridge Street dam.

Andrew Struck, Planning and Parks Director for Ozaukee County reviewed the information on the National Oceanic and Atmospheric Administration (NOAA) fish passage grant. Within the \$4.7 million grant award, the Grafton and Mequon-Thiensville dams are addressed. The goal of the project is to create fish passages.

John Griffin, Project Engineer, Bonestroo, Rosene, Anderlik & Associates, Inc. reviewed the status of the impoundment. When the fish passage project first began, the removal of the Bridge Street dam was not in the scope of the project. After the Village received notice on the dam's condition, a request came to the County to review the potential of the NOAA Grant funding the removal of the dam.

Mr. Griffin stated the current dam was originally constructed in 1918. The impoundment is in 12 to 13 feet of water and causes the water to back-up to River Island (golf course). Mr. Griffin reviewed the possible changes to the impoundment if Bridge Street dam was removed.

Mr. Struck stated the historical plat of the river showed the original width was 207 feet. Currently the width of the river is 240 feet.

William Wawrzyn, WDNR Fisheries Biologist, reviewed before and after examples of dam removals throughout southeastern Wisconsin including the Chair Factory dam in Grafton, which was removed in 2002. Many dam removals are a result of floods and poor maintenance. In many cases, the vegetation will fill in naturally allowing for more green space and recreation areas along the river. The removal of the dams allows for the fish population to increase.

Mr. Wawrzyn stated the goal of the removal of dams and creation of fish passages is to bring back wildlife that has been cut off for over 150 years.

Brent Binder, WDNR Water Management Engineer, stated the removal of the dam will reduce the areas included in the flood plain. If a fish passage is constructed it will not change the current flood plain.

Mr. Struck stated Ozaukee County does not have a preference on either creating a fish ladder or removal of the Bridge Street dam. Both will serve the purpose for the intent of the NOAA Grant; however, the removal of the dam being funded by the grant has not been confirmed to be eligible.

Robert Molkentine, 952 14th Avenue questioned who makes the decision on removing the dam? Mr. Brunnquell stated the Village Board will make the decision based on information received and input from the citizens. Mr. Molkentine suggested the Village have a referendum on this issue.

Jim McCabe, owner of the Milwaukee Ale House, stated he located his business there because of the view the dam creates. Mr. McCabe expressed concern of harmful sediment that could be released by removing the dam. It is a landmark for the Village and should not be removed.

Town of Saukville resident stated the removal of the Chair Factory dam caused problems due to the choice of rip rap placed on select west river bank locations. The WDNR did not complete the job of the removal process. Though the dam removed in Milwaukee off of North Avenue was a nice improvement; it did cause a darkening of the water where it used to be clear.

Tom Pfanner, 1112 Sunset Court, questioned if actual surveys have been done to determine what the path of the water will be. What studies have been done to find out what contamination exists when the sediment is exposed? Mr. Struck stated no formal design has been completed. The information presented is based on historical information.

Mike Crotzer 1110 Sunset Court, questioned how much faster will the water flow? Mr. Griffin stated the velocity will increase; however, the amount of water will not. A good example of the velocity increase will be further downstream where the Chair Factory dam was.

Roger Lange, 911 17th Avenue, expressed concern that property values along the river will be reduced due to the removal of the dam. If there is 30 feet of mud along the river, people will not be interested in purchasing his home when it is time to sell.

Elizabeth Schneider, 1118 Riverview Court, stated she is against the removal of the dam. Ms. Schneider expressed concern that the removal would cause detrimental impacts to the downtown. Ms. Schneider also stated she contacted representatives from Aurora Healthcare who would be willing to discuss financially assisting the Village with preserving the dam.

Pat Bunkoske, 2206 N Green Bay Road, questioned why the dam was originally constructed. Mr. Struck stated it was constructed for power generation.

Tina Christensen, 1327 North Street, questioned if the fish ladder is covered by the NOAA Grant and will the fish passage prevent any future flooding. Mr. Struck responded that the grant is for a fish passage; however, the fish passage will not affect the current flood plain.

Mr. Binder explained how the fish ladder is constructed. The fish ladder is similar to a series of steps allowing fish to pass through the dam area.

Keith Valerius, 1910 Valley Court, expressed concern that this decision is being rushed. Mr. Valerius questioned if the Village was notified or aware of the possibility that the dam was hazardous during the riverwalk construction. President Brunnquell stated the letter from the WDNR was recently received and this is the first informational meeting on the issue. The Village Board understands the importance of this issue and does not want to rush any decision.

Mr. Murphy stated at the time the riverwalk was constructed, the dam was looked at and it was anticipated that repair work would need to be done in the future. With the recent notification by the WDNR of the need to install floodgates, the Village can spend \$1.2 million to \$2 million to fix the dam; however, there is a possibility of removing the dam at no cost to the taxpayers.

Mr. Valerius questioned if the Board would consider forming a committee to review this situation. The committee could gather information and give direction of what needs to be done.

Trustee Grant stated the Village is dealing with a powerful agency, the WDNR. The Village has been offered \$1.4 million by NOAA. The WDNR would like to see every dam in the Village removed. The Village has been put in similar situations before by the WDNR such as when the bridge was initially considered along Falls Road. The Board stood their ground then and will continue to do what is best for the Village residents! The Village Board will not be pushed because money suddenly appears and this decision will not be rushed. Mr. Grant stated if this grant is a part of the Federal Government's economic stimulus package, he wants nothing to do with the funds.

Monica Baas, 1223 15th Avenue, questioned with the removal of the dam will the properties along the river have more land and less water. Mr. Binder stated there will be more land.

Ed Mulloy, 1110 Riverview, moved to the Village 31 years ago. One of the major attractions to moving here was the appearance of the Milwaukee River. Every weekend many canoes, kayaks, and fisherman are utilizing the River and if the dam is removed they will not be able to. The Village needs to save this beautiful resource for the future.

Louise Stahlberg, 1962 Edgewater Drive, questioned if the NOAA Grant is for a fish passage or dam removal. Mr. Struck stated the NOAA funding is for a fish passage; however, it may be possible for the dam to be removed with the funds since it will essentially have the same effect.

Ms. Stahlberg questioned what the costs may be to install floodgates. Mr. Binder stated based on projects across the state, the cost could be \$1.2 million to \$2 million. There have not been any specific estimates done for the removal of this dam.

Marj Radick, 2042 Edgewater Drive, questioned if the specifications were changed by the state why the dam cannot be grandfathered into the prior specifications. Mr. Binder stated the code that governs dams was drafted in the late 1970's. There are four criteria established for compliance. As dams are inspected and major repair is needed, the owner of the dam is then required to repair the dam per the current specifications. The owner has 10 years to complete the repairs.

Lee Austin, 910 14th Avenue, stated the Bridge Street dam is an asset to the Village. The dam should be replaced or repaired. This can be financed using long term debt. The Village should be able to pay the cost of the dam over the next 20 years. It is a small expense for residents to be able to leave something for their children and grandchildren.

President Brunquell reiterated there will be no decision tonight. There are too many questions and too much information that still needs to be known. Mr. Brunquell questioned what the timeline was for the County to be notified of the Village's decision.

Mr. Struck stated the current scope of the project includes a fish passage being constructed by the dam. The entire project needs to be completed in 18 months. If the scope is to be changed, it needs to be done soon.

President Brunnuell questioned if the fish ladder can be constructed and the dam removed after. Mr. Struck stated a removal or reconstruction of the dam will not affect the fish passage.

Administrator Hofland stated another informational session can be held to receive and share more information. Mr. Brunnuell questioned if the school district could be contacted to allow for a larger venue. Administrator Hofland stated he will contact the school district to reserve a larger facility for the next meeting. The directly affected residents will be notified via mail as well as announcements on the web site and through the local media.

Trustee Grant stated he would like to see the inspection report from WDNR. Mr. Grant would like to know if only one of the dams at Bridge Street was inspected or if both dams were. There is a second dam and he would like to know the condition of that dam.

Trustee LaPean stated there are two sides to this issue. Mr. LaPean has heard from residents complaining about spending \$20 a year for yard waste brush drop off to offset costs and yet this evening residents are willing to spend \$1.2 million to \$2 million on reconstruction of this dam.

Trustee Volkert questioned how the dam in Thiensville compares to the Bridge Street dam in Grafton. Why is the Thiensville dam not being recommended for removal? Mr. Binder stated there are no flood capacity issues in Thiensville to cause a structural inspection of the dam. The Bridge Street dam has had flood capacity issues in the past.

Town of Grafton resident stated it is his understanding that the WDNR is not requiring the dam to be removed. The Village has a choice to install a fish passage or remove the dam. The Village may not have to pay for the removal now; however, will have to pay for reconstruction and maintenance in the future. The Village needs to look at the best way to spend funds.

The informational meeting was closed. A second meeting will be scheduled in the next two weeks depending on availability of a larger facility.

MINUTES

Motion by Trustee Rieck, seconded by Trustee LaPean, to approve of the 7-20-2009 Village Board meeting minutes and File the 7-20-2009 Special Board of Public Works meeting minutes, 7-29-2009 Historic Preservation Commission, as presented.

Trustee Grant requested an amendment to the Historic Preservation Minutes. The consensus to recommend the dam at Bridge Street be repaired was not an

actual motion. The item was discussed; however, it was not an actual agenda item.

The minutes were approved unanimously as amended.

PERSONS REQUESTING TO BE HEARD

None.

BUSINESS PRESENTED BY THE PRESIDENT

President Brunnuell reviewed the materials distributed for Village Board member review.

RESOLUTIONS/ORDINANCES/ACTION ITEMS

Request to fill part time Telecommunicator position

Motion by Trustee Meinecke, seconded by Trustee LaPean, to authorize the Police Chief to fill a vacant part-time Telecommunicator position. Approved unanimously.

Determination on Utilizing Build America Bonds for the 2009 Capital Project Financing

Todd Taves, Ehlers and Associates stated the original possible savings by the Village utilizing Build America Bonds was \$450,000. Recent data received has lowered that savings to approximately \$150,000. The City of Mequon has recently utilized Build America Bonds.

President Brunnuell stated the Build America Bonds would require reporting to the Federal Government. However, reports are similar to the reporting the Village does now for borrowing.

Administrator Hofland stated the reports to the Federal Government would only be throughout the spending timeline of 24 months.

Trustee Grant questioned if the Build America Bonds were a part of the stimulus package. Mr. Taves said yes.

Motion by Trustee Liss, seconded by President Brunnuell to approve the utilization of Build America Bonds for the 2009 Capital Project Funding. The motion was denied 2-5 (Aye – Brunnuell and Liss, Nay – Grant, LaPean, Rieck, Meinecke, Volkert).

Item 1 Report of the Plan Commission

Resolution No. 036 Series, 2009 certifying the land use plan map amendment to the Comprehensive Plan 2035 to allow Office use designation to be located at 1971 Washington Street was offered by Trustee Rieck.

Motion by Trustee Liss, seconded by Trustee Meinecke, to adopt Resolution No. 036 Series, 2009 certifying the land use plan map amendment to the Comprehensive Plan 2035 to allow Office use

designation to be located at 1971 Washington Street. Approved unanimously.

Item 2 Report of the Plan Commission

Resolution No. 037 Series, 2009 certifying the land use plan map amendment to the Comprehensive Plan 2035 to allow Park and Recreation use designation for property located at 887 North Green Bay Road was offered by Trustee Grant.

Motion by Trustee Meinecke, seconded by Trustee LaPean, to adopt Resolution No. 037 Series, 2009 certifying the land use plan map amendment to the Comprehensive Plan 2035 to allow Park and Recreation use designation for property located at 887 North Green Bay Road. Approved unanimously.

Item 3 and 4 Report of the Plan Commission

Motion by Trustee Grant, seconded by Trustee Meinecke, to approve Ordinance No. 015, Series 2009 rezoning the property located at 1971 Washington Street approximately 1.90 acres as requested by the Village of Grafton from I-Institutional District to O-Office District and Ordinance No. 016, Series 2009 rezoning 3.75 acres from R-1 Suburban Estate Single Family Residential to the PR Park and Recreation District, located at 887 North Green Bay Road and owned by Robert A. Lauer, et al. Approved unanimously.

LICENSES

Motion by Trustee Liss, seconded by Trustee Volkert, to approve a Special Class "B" Picnic License to the Grafton Athletic Booster Club / Annual Corn Roast - August 30, 2009 / Veterans Memorial Park, 1000 13th Avenue. Approved unanimously.

Motion by Trustee Grant, seconded by Trustee Meinecke, to deny the issuance of an Operator's license request from Mark Trombley. Approved unanimously.

Motion by Trustee Rieck, seconded by Trustee Liss, to approve the issuance of Operators licenses, as presented. Approved unanimously.

DEPARTMENT AND OFFICERS REPORTS

Trustee Volkert questioned the progress of the First Avenue project. Mr. Murphy stated the water main on Highland Drive will begin this week. The curb and gutter has been removed and the project is moving forward as projected.

Trustee Liss questioned what the progress was on the walking path for STH 60. Mr. Murphy stated the walking path is a part of the First Avenue project and will begin in the next 2 to 3 weeks.

Administrator Hofland invited the Village Board to tour the new Village Hall on September 7 prior to the Finance Committee meeting. The project is on schedule.

Mr. Murphy informed the Board if the Village decides to keep the Bridge Street dam; there would be engineering inspection work that will need to be completed in 2010. Once this work is done the WDNR begins the clock on the ten years the Village has to fix the dam. Ozaukee County is on a tight time schedule with their project in order to receive the grant; so, it is imperative the Village make a decision as soon as possible.

Mr. Krueger informed the Board that in one week the Utility received 27 rain barrel orders.

REPORT OF BILLS

Motion by Trustee LaPean, seconded by Trustee Meinecke, to approve the payment of Village expenditures in the amount of \$355,199.69 as presented. Approved unanimously.

OLD BUSINESS

None

NEW BUSINESS

Mr. Murphy updated the Board on the Municipal Services Facility project. Currently 95 percent of the pond has been removed. There was \$80,000 budgeted for the possibility of poor soil being found in that pond. Currently \$50,000 has been expensed. A change order will be forthcoming when the pond is completely removed.

Bill Harbeck, 907 17th Avenue questioned after reading the letter from the WDNR did the Village notice there is a 30 day appeal process to contest the quality of the dam. There is only two weeks left to make this appeal and it could have a dramatic impact.

CONVENE TO CLOSED SESSION

Motion by Trustee Volkert, seconded by Trustee Liss, to Convene to Closed Session at 8:05 p.m., pursuant to WI Statutes 19.85(1)(e) for Real Estate and Competitive Bargaining Matters (lease for Lauer property, lease with North Shore Academy of the Arts, intergovernmental services agreement with the Town of Cedarburg, and purchase of downtown property for redevelopment purposes). Approved unanimously by a roll call vote.

A closed session of approximately 45 minutes was held where the Village Board discussed Real Estate and Competitive Bargaining Matters (lease for Lauer property, lease with North Shore Academy of the Arts, intergovernmental services agreement with the Town of Cedarburg, and purchase of downtown property for redevelopment purposes).

RE-CONVENE TO OPEN SESSION AND THE REGULAR ORDER OF BUSINESS

Motion by Trustee Grant, seconded by Trustee Rieck, to adjourn the closed session and reconvene into the Regular Order of Business, at 8:45 p.m. Approved unanimously by roll call vote.

ADJOURN

Motion by Trustee Grant, seconded by Trustee LaPean, to adjourn at 8:45 p.m. Approved unanimously.