

VILLAGE OF GRAFTON

PUBLIC HEARING BEFORE THE VILLAGE BOARD

OCTOBER 22, 2009

The public hearing before the Village Board was called to order at 6:30 p.m. by Village President Jim Brunnquell. The Pledge of Allegiance followed.

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

Staff/Officials present: Village Administrator Darrell Hofland, Village Clerk Teri Dylak, Director of Public Works/Village Engineer Dave Murphy, Deputy Clerk Lisa Bohn and Village Attorney Michael Herbrand

Statement of public notice was given by Village Clerk Teri Dylak.

The purpose of this public hearing is for public review and comment on the proposed removal of the Bridge Street dam.

President Brunnquell outlined the format for the meeting. Presentations will be made by the Department of Natural Resources (WDNR), Ozaukee County, and Bonestroo. President Brunnquell also indicated that a representative from the "Save the Dam" group has asked to make a short presentation. Following the two presentations, attendees will be allowed to speak and comments from the Village Board will be heard last. President Brunnquell stated that he would like to keep discussion on this matter within a 2 hour timeframe, if possible. The focus tonight is to present alternative action plan options for the dam, which has been given a hazardous rating by the WDNR.

Andrew Struck, Ozaukee County Director of Planning and Parks, reviewed the previous actions that occurred to bring this matter to this point. He indicated that the Village of Grafton partnered with other Ozaukee County municipalities and the lead agency, Ozaukee County, for the NOAA grant funds for the installation of a fish passage in the Milwaukee River. When the dam analysis results indicated a hazardous rating, the grant was amended to include the removal of the structure as an option. In order for the Village of Grafton to receive the NOAA grant funds, a final decision on the dam must be made by the end of October. Mr. Struck stated that the final decision on the dam is at the discretion of the Village of Grafton. Ozaukee County's role in the process was to collect and analyze field data and prepare and submit the NOAA grant application.

Brent Binder, WDNR Water Management Engineer, reviewed the results of the recently completed dam study. He indicated that the entire surface of dam was looked at during inspection. The purpose of the inspection was to provide the Village with new mapping data. The results of the study were adopted in April, 2008, following new mapping. The study analysis indicated a downstream profile in the hazard rating. This resulted in the WDNR establishing a significant hazard rating on the dam, per the requirements of

NR333. If the dam fails, there is a high likelihood of significant property damage. However, it is unlikely that there would be any loss of life with a dam failure. The NR333 spillway requirements indicate that structure must meet 500 year flood requirements.

Mr. Binder stated that there are two options for the Village to consider. The first is to bring the dam into compliance. This alternative could be either the repair or replacement of the dam to meet the NR333 flood requirements. The current spillway capacity is approximately 41 cubic feet per second (cfs) of floodwater. The June, 2009 significant rain event showed that the river peaked at 6,000 cfs. In order to meet NR333 requirements for a 500 year flood event, the spillway must have a capacity of 15,400 cfs. Based on the available information, the dam spillway is severely deficient in capacity. The Village of Grafton has 10 years to bring the structure into compliance. In addition, the community Emergency Action Plan and operation must be updated.

Mr. Binder stated that the second option is the complete removal of the structure.

John Griffin, lead engineer for Bonestroo, stated that the structure must meet the requirements of NR333 while providing for the passage of fish. Mr. Griffin reviewed the fish ladder option that was originally presented for NOAA funding. He stated that a fish ladder can be from 5-8 feet in width with weirs placed at 5-7 foot intervals. As fish travel upstream, they “jump over” the small weirs. The area between the weirs acts as a small pond allowing the fish to rest as they go upstream. Fish ladders have been very successful in providing for the movement of fish species in rivers.

The proposed location of the fish passage is parallel to the existing riverwalk. Mr. Griffin stated the projected cost of the fish ladder project is approximately \$1,500,000. In addition, the estimated cost for future dam improvements could be between \$3 and \$5 million.

Mr. Binder identified another options for consideration. He indicated that by removing the dam, the channel would be restored to its natural state. This option would provide the best fish habitat and provide additional water flow in the river. The approximate cost of this option is \$700,000.

Dale Buser, Principal Hydrologist from Bonestroo, indicated that Ozaukee County and Bonestroo staff have spent hundreds of hours working on this project. He indicated that the river was probed in over 500 locations to provide soil borings and check depth levels both up and down stream from the dam. In addition, bedrock maps and hydrologic studies were reviewed. It was determined that in the long term, the channel would restore itself to a natural state.

Mr. Buser indicted that the impoundment area covers approximately 35 acres. The average depth is only 2.5 feet. The depth at the dam is approximately 11 feet. He stated that the study shows over 40,000 cubic yards of sediment in the impoundment area. The sediment borings were analyzed found to be free of contaminants. There is bedrock under the channel sediment.

The dam currently holds back water in about 85 acres. If the dam were removed approximately 23 acres of the current 35 acre impoundment would remain. There would be approximately 12 acres of new river land and the channel would likely include a Class 1 or 2 rapids.

Mr. Buser provided photographs of the area of the former Chair Factory Dam which shows increased water flow and small rapids. He reviewed the upstream and downstream implications of removing the dam.

Composite photos of how the area may look if the Bridge Street Dam is removed were presented. The photos showed that the width of the channel would be less; however, the water flow would be greater and the bank area returns to a natural vegetation state. Part of the restoration project would include a storm water pond. In addition, the Village may want to consider an expanded canoe ramp and park area.

Will Wawrzyn, WDNR Fisheries Biologist, gave an overview of the sediment in the impoundment area and river channel. He reiterated that no contaminants were found in the silt. Both organic and inorganic samplings were lower than the minimum standards for contaminants. Mr. Wawrzyn stated that sediment accumulation can be extremely difficult to manage and removal of the silt can be costly. He stated that the impoundment area will continue to accumulate sediment. Some areas in the channel are up to 7 feet thick. The water will continue to get shallower, plant growth will increase and the water will continue to be stagnant.

Mr. Wawrzyn stated that regardless of which option the Village of Grafton chooses, fish passage and dam replacement or removal, there will be sediment loss downstream due to the increase in water flow. The loss of sediment is projected to be up to 25 percent. Steps will be taken to minimize the loss of sediment downstream. Mr. Wawrzyn explained the process for re-vegetation of the shoreline.

Whatever decision is made on the dam, the project must be feasible and fundable. The end result must increase the ability for fish passage. Mr. Wawrzyn stated that both options will work. Both will enhance fishery upstream, increase recreational fishing, and general recreation on the river. It is likely that trout and salmon fishing could return to the river. In addition, there is a new program to restore lake sturgeon into the river. Riveredge Nature Center is part of a stocking program and is raising small sturgeon and releasing fingerlings into the river.

Mr. Wawrzyn stated that of the two projects, removal of the dam would be ideal for fish habitat; however, a fish passage would also work.

Tom Isaac, WDNR Wildlife Biologist, informed the Board that there will be minor impacts to wildlife with either option. Dam removal would improve habitat for wildlife, provide a larger bank area with additional exposed floodplain area. This area will promote additional wildlife along the river.

Mr. Isaac stated that there is concern with invasive species entering the river. There is no complete barrier to fish migration between Lake Michigan and the Bridge Street Dam location. Several invasive species have been found in Lake Michigan and the Sheboygan River.

There are no laws to require dams to be maintained as fish barriers. If the fish passage option is chosen, the design will include a mechanism outfitted with gate/trap sort device. This allows the trapping and sorting of good versus invasive species. If the dam is removed, the next life of defense would be the Mequon/Thiensville dam, which is not capable of trapping 100 percent of species.

Mr. Isaac presented photographs of several dam removal projects. He reiterated that the objective of the WDNR is to move fish in the river.

President Brunnuell thanked representatives from the WDNR and Bonestroo for the thorough presentation. He requested a brief financial analysis of the two options.

Village Administrator Darrell Hofland stated that the Village could use the \$1.3 million NOAA grant for dam removal and related projects with \$700,000 for dam removal and \$600,000 for site restoration/amenities. Should the Village Board decide to keep the dam, the estimated 2020 cost to build a new dam is \$4 million. The impact to the community over 20 years of debt would be approximately \$0.20 extra per 1,000 of valuation. This is assuming a 2 percent growth in the tax base and a 4.5 percent interest rate. NOAA grant funds would be available for either project.

Director of Public Works/Village Engineer Dave Murphy stated that two storm water ponds may be included in the project. The Village of Grafton is required, as part of our storm water management permit, to remove 40 percent of suspended solids in the older portion of the Village, by 2013. A planned project of \$760,000 could be eliminated if the ponds are completed as part of the dam removal project.

John Gassert, 1607 Valley Drive, and Chair of the Community Development Authority, indicated that he is in favor of the removal of the dam. The added parkland north of the current dam would allow the extension of the Riverwalk. In addition, more recreational options will exist in the river. The removal of the dam will enhance the river and return the area to its original natural state. The Village has the opportunity to do this project with no impact to the taxpayers of Grafton. If this project is postponed, that may not be the case. Mr. Gassert reiterated that removal of the dam is a better option than a manmade fish passage.

Bill Harbeck, 907 17th Avenue, representing the "Save the Dam" Association (Group), identified that the Association is a "diverse group of concerned Grafton residents who want to ensure all Grafton residents and Board members are fully informed of all considerations, costs and impacts before a decision made" on the dam project.

Mr. Harbeck provided the group's website so that residents and Board members can review their mission and concerns. The information is available at:
www.savethedam.110mb.com

Mr. Harbeck stated that the "Group" does not oppose the fish passage project. This amenity would be a tourist draw, and it is believed that this project would accomplish the objectives of the WDNR and the use of the NOAA grant funds to improve the river and allow the passage of fish. There is no reason to remove the dam to accomplish this objective.

Mr. Harbeck commented that the Board of Public Works recommended the removal of the Bridge Street Dam in August. This decision was made without having all of the information on the environmental impact of the project on the river. In addition, the cost of the project and the upgrades that may be needed under the requirements of NR333 were not known.

Mr. Harbeck informed those present that the Village of Grafton Downtown Master Plan recognizes the importance of the river to the community. He referred to a passage in the plan: "The Milwaukee River is an important unifying feature of Grafton. The River contributes to Grafton's unique identity, provides a framework for community recreation and social interaction and links community land uses...." He also identified that the NOAA grant application also recognizes the importance of the Bridge Street Dam. The grant application identifies: "The Bridge Street Dam provides a still water area that has attracted millions of dollars in new development, provides unique recreational opportunities not otherwise available in the community, is considered by some as the "centerpiece aesthetic feature" of the Village, has not reached the end of its operational life, and holds back a large volume of soft sediment. For these reasons, removing the dam is not a practical solution for the foreseeable future".

Mr. Harbeck summarized the concerns of the "Group". He indicated that maintenance of the Bridge Street Dam has been very limited. The Village will be required to inspect the dam 2 times every 10 years at a cost of several thousand dollars, if the structure is saved. Grafton has 10 years to modify the dam to meet the requirements of NR333; there is no need to rush into this decision. The removal of the dam will create mudflats and, based on what has occurred at other dam removal sites, it is unlikely that there will be rapids in this location. In addition, the flow of sediment downstream may cause problems further down the river.

The impoundment area is a great visual amenity in the center of Grafton. This mini-lake is something that most communities do not have; the Village needs to protect this asset.

Photographs of the Estabrook Park dam removal project were reviewed. Photographs of the area of the Bridgewater Condominiums and Milwaukee Ale House were presented showing how the area will change if the dam is removed.

The impact on recreation, canoeing, boating, ice skating, snowmobiling, etc, will be significant. The Village may want to consider dredging the sediment in the impoundment area to restore the lake area. In 1989, this area was capable of supporting water skiing and other water recreational activities. The potential is there if the Village wants to explore it.

Lee Austin, 910 14th Avenue, indicated that he has lived in the Village of Grafton for 20 years. He presented several petitions, circulated by “Save the Dam” members. The petitions included signatures from local business owners and managers, Village residents, and non-residents. The “Group” also initiated a door to door campaign. A total of 2,184 signatures were received in favor of saving the Bridge Street Dam.

Mr. Austin commented that the door to door campaign alone garnered 875 signatures in favor of saving the dam. The data was analyzed by Concordia University. Based on the results of the analysis, which was expanded to obtain a community wide projection on the matter, there is a 99 percent confidence level that 86 percent of adult residents are in favor of saving the Bridge Street Dam.

Mr. Harbeck commented that there are still several unanswered questions. The capacity of the spillway has not been determined. In addition, alternatives to preserve the dam will meet the requirements of NR333, but have not been researched. Only the fish passage and dam removal have been looked at by the Village. He questioned the \$10,000 cost identified in the analysis for dam inspections stating it was very high.

Bill Haas, 1226 Water Terrace, informed the attendees that he recently met with representatives from Montgomery Engineering, Madison, WI, to review the dam analysis data and the available options. He indicated that there is an option to modify the abutments to manage flood water for a 50-500 year flood event. Water would flow over the primary spillway (dam) and auxiliary spillway to lessen possible flooding. If the crest of the dam is lowered, the impoundment area would also lower slightly and lessen the flooding on the riverwalk.

Photographs were presented showing several dam improvement concepts.

The recommendation of the “Group” is as follows:

1. Preserve the Bridge Street Dam
2. Utilize the NOAA grant for the fish ladder
3. Explore alternative dam designs to meet NR333
4. Explore long term financing options

Mr. Harbeck stated that the recommendations of the “Group” provide several benefits including:

- ✓ Preserving the “Centerpiece” of Grafton – the “Heart of Ozaukee County”
- ✓ Provides environmentally friendly fish passage / tourist draw.
- ✓ All-season recreational activities, including kayaking, canoeing, fishing, ice skating, cross-country skiing, snowmobiling.

- ✓ Maintains migratory bird habitat.
- ✓ Preserves the best of both water features – a natural, free flowing river south of the dam, and an aesthetical and functional lake north of the dam with a waterfall and riverwalk.

The members of the “Save the Dam” group finished their presentation by encouraging the Village Board to “Vote to Preserve the Dam”.

Mike Crotzer, 1110 Sunset Court, expressed concern with the cost of the project. The end result to replace the dam will cost less to the community than the construction of the new Public Works facility.

Mary Mulloy, 1110 Riverview Court, is a member of the Save the Dam Association. She commented that Cedarburg has its antiques and Grafton has the Milwaukee River and the dam. She stated that “Grafton is where it is at”, save the dam.

Ed Mulloy, 1110 Riverview Court, stated that he was one of the 86 percent who want to keep dam.

Sue Haas, 1226 Water Terrace, read a letter from Village resident Ralph Zaun in favor of saving the dam (copy attached).

Bob Sehmer, 1527 Jo-Dee Lane, Town of Grafton, stated that a good alternative would be, if possible, to demolish a portion of the dam to install the fish passage. He indicated that the placement of the fish passage along the Riverwalk is not a good option. He is in favor of removing dam and letting the area return to a natural state.

Elizabeth Sproehlich, 1118 Riverview Court, commented that she does not have a long history of living in the Village of Grafton. Mrs. Sproehlich and her husband moved to Grafton after looking at homes in several other communities. The millpond was a deciding factor in choosing Grafton. She commented that once the dam is gone, it is gone forever. The Village has time to make this decision and she stated that if the other alternatives do not work, the dam can be removed in the future.

Anthony Sproehlich, 1118 Riverview Court, commented that the rapids and falls indicated by representatives of Bonestroo are not likely to occur. Other communities have been told the same thing when dam removal was discussed. Mr. Sproehlich questioned if anyone has been held accountable for the elevation of the current riverwalk. This area experiences considerable flooding in the spring and is unusable.

President Brunquell stated that the riverwalk was designed to be flooded. Unfortunately, there were a number of restrictions placed on the design and location of the walk by the WDNR.

Arlene McDaniel, 1215 Bridge Street, owner of Heim’s Shoe Store, has been a part of the Village of Grafton for 63 years. She enjoyed the river as a small child, her children

enjoyed the river and now her granddaughter is enjoying the river. She indicated that she would hate to lose this beautiful amenity. She wished the Village Board luck in the decision making process.

Ted Warwick, 1742 Falls Road, stated that he came to Grafton 28 years ago from Texas. He commented that the aesthetics of dam is very important to Grafton. He suggested that the Village Board start with the premise that the dam will be preserved and the impoundment improved. He also thought that an Ad-Hoc Committee should be appointed to look at all of the available options for the structure. The Village has 10 years to make this decision; start today with preserving Grafton as it is today and move forward.

Stan Gracyalny, 1750 Falls Road, informed the Board that one of the reasons he moved to Grafton was the river. He is not in favor of removing the dam.

Les Blum, 1108 Sunset Court, stated that he has lived in the Village of Grafton for 32 years and raised 5 children here. He stated that he had the opportunity to speak with residents of the City of Mequon and Village of Thiensville. These communities were faced with a similar situation and choose, at a cost of less than \$1,000,000, to save the dam. The result is a beautiful area along the river and an amenity that will be last a long time.

Erin Blum, 1108 Sunset Court, questioned if the NOAA grant funds can be utilized for site restoration for the properties along the river or will the individual property owners have to pay the restoration costs. She stated that new vegetation and accouterments do not appear to be allowed, per the NOAA grant application. She questioned the impact of a new canoe ramp, and an ice skating pond to replace the existing amenities at Veterans Memorial Park. Mrs. Blum also stated the Village could pay the design fees and expand the riverwalk to the north side of the dam. Mrs. Blum also questioned if the storm water ponds will be located on public or private property and who is responsible for the maintenance of the structures.

President Brunquell responded that the storm water ponds would not be located on private property. The Village would need to prioritize the projects that may be funded by remaining \$600,000 available for restoration, etc. in order to maximize the funds.

Sheldon Sepstead, 1646 12th Avenue, and member of the Grafton Historic Preservation Commission, stated that he previously wanted to save the former Chair Factory Dam. He is aware that the Lime Kiln Park dam is being removed which will open up the river in that area. Mr. Sepstead commented that he appreciates all of the time and effort that has been done on this matter, by people on both sides of the issue. He finished stating "may the best side win".

Tom Christensen, 1327 North Street, thanked the Village Board for providing the opportunity for public input on this matter. He commented that the pond area is a very important part of the impoundment and will be lost forever if the dam is removed. He

stated that if the dam is removed he will lose his view of the river. He recently completed an addition to his home to provide a better view of the river. He questioned what will happen to property values along the river if the dam is removed.

President Brunquell responded that he can speak from experience on this question. His property value did not change as a result of the removal of the Chair Factory dam. Residents have the ability, on an annual basis, to challenge their property assessment through discussions with the Village Assessor and ultimately the Board of Review.

Mr. Christensen stated that the \$600,000 of NOAA funds that may be available will not go far to fix the impoundment. He questioned if the Village would absorb any additional costs or if the taxpayers would have to pay.

President Brunquell stated that they have a commitment from NOAA that all of the proposed restoration projects are eligible for NOAA funds.

Discussion centered on the installation of storm water ponds, the fish passage and who would be responsible for damage to the riverwalk and surrounding area if the dam is removed.

Linda Dean, 1563 Cherokee Street, indicated that she was one of the people who signed the petition for saving the dam. After hearing all of the facts on the project, she requested that her name be removed from the petition to save the dam.

Greg Eichstaedt, 236 West Lilac Lane, stated that he has lived in Grafton since 1970, and while he does not own river property, he considers the river and millpond to be an important part of Grafton's heritage. Ozaukee County, in their long range planning documents, identified water as a significant amenity to a community. A considerable amount of work has been done in the downtown, including along the river, and the preservation of this amenity is important. Just because funds are available, does not mean that they have to be accepted. Sometimes municipalities move too quickly to accept "free" money. The Village Board needs to think about the impact of today's decision on the future generations of Grafton.

Terry Kranz, 1967 Cedar Drive, stated that he does not want to see 25 percent of the silt deposited downstream. He indicated he is present at this hearing as an owner of property along the Lime Kiln Park dam and he is pleading with the Board to save the Bridge Street Dam.

Ann Hollrith, 1511 Jo-Dee Lane, Town of Grafton, stated that as a realtor she is aware that homes along the river have a higher value. If the dam is removed, it is very likely that the value of homes along the river will drop. She has discussed this with several local appraisers and they all agree. She commented that God gave us the river and we need to keep the dam in place to maintain this amenity of Grafton. Please keep the dam.

Scott Hollrith, 1802 North Green Bay Road, Town of Grafton, thanked the Village Board for researching the impact of the dam removal on the community. The dam is part of the history of Grafton and should be preserved. He does not want riprap along the shoreline to deter from this currently pristine area. He stated that, in his youth, he spent considerable time playing along the river. The river is a gift to the residents of Grafton and will hopefully be here forever. Just because federal funds are available, does not mean that the project is in the best interest of the community. Grafton's downtown is coming alive and the tax base of the community has increased significantly. The river is a vital part of the community; do not change that by removing the Bridge Street Dam.

Cliff Baierlipp, 200 West Acorn Drive, commented that it is very likely that when the dam was originally constructed people were opposed to its construction. He thanked the presenters for a very informative presentation which answered several of his questions on the project. He stated that while it is an option to keep the pond behind the dam, clubs like the Sierra Club and various wildlife groups are against all dams. This is a very emotional issue for many people; however, they should not close their eyes to the possibilities that could happen to this area if the dam is removed. Things look much better in the river since the removal of the Chair Factory Dam. Mr. Baierlipp stated that he refused to sign the petition to save the dam. The current millpond has green scum along the river both north and south of STH 60. This would not be present if the water was free flowing. He finished by stating that the Village Board should not let emotions cloud their decision.

Nancy Blankenheim, 213 Prairie Run, stated that she has lived in Grafton since 1991. She does not understand why the Village would consider removing the dam. She crosses the STH 60 Bridge twice a day, and every time she does it reminds her of a Norman Rockwell setting. The area is especially beautiful in the winter. After all of the positive things that have occurred in Grafton over the past couple of years, she cannot believe that the Village is considering destroying this beautiful amenity.

Brian Torreano, 1414 West Sunset Road, Apt. 102, Port Washington, WI, stated that he collects native fish out of the river and is afraid if the dam is removed he will no longer be able to do this. He thinks the fish passage is a good idea but not the removal of the dam.

George Hollrith, 1511 Jo-Dee Lane, commented that he appreciates all that efforts that have been done to provide information on this matter. As one of the older residents of the area, he has watched many changes occur in the Village of Grafton. The river, and especially the millpond, have been a vital part of Grafton over the years. He stated that he cannot believe the property value along the river will not decrease if the dam is removed. The removal of the dam in Waubeka has created a mess. Mr. Hollrith stated that he is definitely not in favor of removing the dam. The millpond has an effect on people, it should be preserved. The addition of a fish passage in this area would be another amenity for Grafton to draw people to the community.

Mary Hilgart, 811-B Cheyenne Avenue, stated that even after the presentations she is concerned with the possibility of contamination in the river sediment. She questioned if the characteristics of sediment can change after the river recedes.

Mark White, 1332 Cedar Creek Parkway, Town of Cedarburg, stated that he is the Director of Research Stewardship at Riveredge Nature Center. Mr. White is involved in the lake sturgeon repopulation project which is in the 4th year of a 25 year project. It is hoped that the sturgeon will imprint on the area and return to the river to spawn. There has not been lake sturgeon in the Milwaukee River since 1853. He stated that learning about the ecology of the river is very important. The removal of the dam would be a benefit to the river and to the fish population and wildlife of the area.

Adrian Pfanner, 1112 Sunset Court, stated that presenters have identified the impact of the proposed removal of the dam on the fish. The Village needs to consider the long term impact of the removal of the dam on the community, not just the impact on fish. She is in favor of saving the dam.

George Passint, 2226 Edgewater Drive, that living on the river provides the best of both worlds. The Village should consider replacement of the dam structure and the addition of the fish ladders. This amenity would be an added attraction to the Village.

Al Schlecht, 1605 16th Avenue, stated that he has lived along the river for a long period of time. He has been active in the Village of Grafton for over 35 years, as a Village Trustee, Plan Commission member and Ozaukee County Economic Development Committee representative. Grafton is a great place to live and raise a family. He stated that it is good to see a large turnout on this issue and to see that people care about what is happening in their community. One of the assets of the Village of Grafton is the dam and the millpond impoundment area. He cautioned that the Village needs to beware of government agencies with free gifts. The dam is not currently a hazard to life and this matter is too important to make a quick decision. The Village has 10 years to make a decision on whether to repair/replace/demolish the Bridge Street Dam. Turn down the money and keep the structure as it currently is. The Village used to have a dam, known as the Chair Factory Dam, now there is only a plaque. Do not let the beautiful Bridge Street Dam turn into a plaque too.

President Brunquell responded that the issue is not the collapse of the dam structure, but with flood control and fish passage.

Richard Yahr, Milwaukee, WI, commented that while he is not a resident of Grafton, he has long worked to preserve dams in the Milwaukee area. He has watched as other dams have been removed with poor results. He provided a website for Board members and residents to view regarding dam preservation. Mr. Yahr stated that the WDNR has a hidden agenda and their data is flawed.

President Brunquell responded that Ozaukee County, the WDNR and Bonestroo have all made unbiased presentations on the various options for the dam.

Dan Dedrick, 1899 Cypress Drive, stated that he has lived in Grafton for 28 years and along the river his entire life starting in Glendale, then West Bend and now Grafton. He appreciates the passion of the petitioners; however, the petition was presented with leading questions and inaccurate information. In addition, the structure is not safe. He identified that there was a fatality at the site in the past. The river should be free flowing and not silt filled. It makes fiscal sense to remove the dam at a cost of around \$700,000, instead of spending up to \$5,000,000 to replace the structure with a fish passage.

Jean Austin, 910 14th Avenue, read another letter from resident Ralph Zaun in favor of saving the dam. Mr. Zaun is the Chair of the Historic Preservation Commission and identifies that the dam has historic significance.

Richard Erickson, 9971 Lawndale Drive, Cedarburg, WI, and local business owner, stated that he was originally against the removal of Chair Factory Dam but now knows that it was a good decision. The area looks great and there are fishermen in the river year around. He stated that standing on the STH 60 Bridge and looking at the stagnant scummy green pond, he is in favor of removing the dam. It is not just about seeing what is currently there, but having a vision for what can be there. A moving current and vibrant park with visitor amenities is a possibility. Grafton has moved forward and changed the look of the community. He thanked the Village Board for not preserving Grafton the way it was, but for moving forward with a great vision of what Grafton can be.

Rex Borgenhagen, 1985 Port Washington Road, Town of Grafton, stated that the petition that was presented included several misrepresentations. He has lived along the river his entire life and is a volunteer at Riveredge Nature Center. He currently participates in the lake sturgeon stocking program. Several years ago, the Milwaukee River was a mess. It has taken many groups and significant work to bring the river to its current condition. He commented that the Village Board needs to look beyond the fear and paranoia of change. Look at all of the facts before making the final decision. The effect of the dam removal on the Milwaukee River would be very positive. The dam was constructed by people in order to maintain industry. That need is not longer there, and returning the river to its natural state is the best option for everyone.

Erin Ede, 1985 Port Washington Road, Town of Grafton, stated that she is part of a grass roots movement for removal of the dam. She also resents the misinformation that was provided by the Save the Dam organization during their petition drive. She stated that the possibility of sturgeon spawning in the Milwaukee River is very positive. The annual sturgeon spawn in the Wolf River attracts a large number of tourists. Grafton could enjoy this too. Removal of the dam is the best option for the entire community. Grafton is not the only community on the Milwaukee River and what we do impacts communities both up and down stream. She stated that one resident commented that God gave us the river. She is correct, but it was man who built the dam and changed it.

Tim Kaul, 1669 Ulao Parkway South, member of the Town Board and an Ozaukee County Supervisor in District 11, stated that he is a current member on the County Land Use Committee. When the NOAA grant was initially awarded it included the Grafton fish ladder. When the WDNR dam analysis was presented, the grant application was changed to add the dam project. The intent of the NOAA grant is to improve the passage of fish and fish habitat in the Milwaukee River. The removal of the Bridge Street Dam would accomplish this goal and will affect the entire watershed. Removing the dam is good for the river and what is good for the river is good for Grafton. The dam was built by man. The Village has a unique opportunity to restore this area to what it originally was. The gravel base that was found during the recent study will be exposed and will become a prime habitat for fish spawning. In addition, the possibility of lake sturgeon spawning in the river is a prime business opportunity for Grafton.

President Brunnquell read a letter from Mr. Bill Zippel, in favor of removing the dam, into the record (copy attached).

Tom Menzel, 1209 Bridge Street, stated that he lives next to Heim's Shoe Store and runs a business in Grafton. He would like to see the dam remain.

Lisa Harbeck, 907 17th Avenue, questioned when the stimulus funds became available to the Village. Andrew Struck responded that the funds were awarded to Ozaukee County, who partnered with area communities, when applying for the grant funds. The competitive process included communities across the United States. Only 50 communities received grant funds. Ozaukee County was notified in June that their grant application was approved for funding.

Mrs. Harbeck questioned if the Village is worried about possible litigation if the dam is removed. Residents along the river are in favor of saving the dam and the decision will impact their properties. Many bought property in this area based on the current state of the river. She questioned if the Village has budgeted extra funds in anticipation of possible litigation.

Administrator Hofland commented that legal services are part of the regular program budget. The 2010 budget includes \$25,000 for legal matters. Village Attorney Michael Herbrand also stated that if there is litigation resulting from this matter, it is very likely that the Village of Grafton's insurance carrier would be involved.

Jon Balius, 358 West Highland Drive, stated that he lives quite a distance from the Bridge Street dam. In the three years he has lived in Grafton, he has been impressed with the millpond area. He has lived in communities where a dam was removed and the result is never what is anticipated. The Village needs to keep the dam and look at the various options for the structure in depth before making a decision on this very important issue.

President Brunnquell thanked everyone who spoke for their comments.

Trustee Jim Grant stated that the big elephant in the room is called the stimulus fund. If these funds had not been part of the County application this meeting would not be occurring this evening. These funds are not a gift and should not be accepted. The dam is not in danger of failure. The Village may want to consider the fish ladder but should not consider removing the dam. Many positive things are occurring in Grafton and especially the downtown. Unfortunately, this issue is distracting us from all of the positive things happening in Grafton. Grafton is one of a few communities that have been able to bring an out of state company to Wisconsin. Trustee Grant commented that he will not be pushed into a decision by a deadline.

Trustee Ron LaPean stated that the fish passage is also funded by stimulus money. He also appreciates all of the comments from residents, business owners and visitors to Grafton. This matter has stirred up emotions and the final decision will be difficult. Most likely those people who were in favor of saving the dam and those that were in favor of removal still feel the same. The Village has been holding the taxes for the past 6 years and we are still interested in holding the line not just along the river.

Trustee Sue Meinecke stated that this issue is not about stimulus money it is about the requirements of NR333.

Trustee Dave Liss thanked everyone for coming and keeping discussion on this very emotional matter civil.

Trustee Scott Volkert also thanked all for coming. He addressed comments from Trustee Grant. He indicated that the WDNR are not the bad guys. He previously started a Pheasants Forever group in two different areas and has worked with many members of the WDNR. He has a lot of respect for WDNR staff. The reports presented tonight were very informative and need to be looked at in depth.

President Brunquell informed those present that the Village Board will consider action on this matter at a Special Village Board meeting scheduled for Thursday, October 29, 2009, beginning at 6:30 p.m. This meeting will be held in the Multi-purpose Senior Center, 1665 7th Avenue. He also stated that this meeting will not be another public hearing; however, if new information is available, it will be heard.

Motion by Trustee Grant, seconded by Trustee LaPean, to close discussion on this matter, at 10:02 p.m. Approved unanimously.