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From the Director, Architecture, Engineering, and Environmental Services Section, Facilities Management Division, Department of Administrative Services, requesting authorization to execute a consultant fee increase with InterFluve, increasing the existing Professional Services Agreement by an amount not-to-exceed \$215,518, from \$202,376 to \$417,894, for final fish passage design and construction services, by recommending adoption of the following:

AN AMENDED RESOLUTION

WHEREAS, implementation of Section 59.52(31), Wisconsin State Statutes, with regard to purchase of professional services agreements (under Chapter 56 of the Milwaukee County Code of General Ordinances), capital projects require approval of the Milwaukee County Board of Supervisors to award the initial agreement, or fee extensions to the original agreement, when the total contractual fee exceeds \$300,000; and

WHEREAS, the Director, Department of Administrative Services, is requesting authorization to execute a consultant fee increase to an existing professional services agreement with InterFluve to provide professional design services for 2017 Capital Project WP548 – Kletzsch Park Dam Repairs and Improvements; and

WHEREAS, in late 2017, Interfluve, a water resources engineering firm, entered a professional services agreement to complete Phase 1 of the design including development of a schematic design of the fish passage with integrated public access, overlook, and portage along the Western bank of the river, and dam repairs, including necessary modeling and preliminary agency coordination for the fish passage to ensure a buildable concept from a fish passage efficiency and regulatory perspective; and

WHEREAS, many versions of in-river fish passage alternatives have been reviewed, but did not meet all the necessary project criteria of no flood-plain impact, efficient fish passage, short and long-term access, and property ownership; and

WHEREAS, an alternative that has been determined to meet the design criteria is a fish passage channel on the Western bank of the river in Kletzsch Park; and

WHEREAS, in January 2019, the Western bank alternative was presented at a public information meeting, generating a number of questions and concerns regarding major changes to the landscape, impacts to the historic parkway, loss of trees, why not the Eastern river bank for fish passage, and others; and

WHEREAS, additional fish passage alternatives will be reviewed in an effort to best address the concerns raised about the Western bank alternative, including looking at the Eastern bank, which had not been strongly considered due to private property and access concerns; and

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WHEREAS, there are sufficient funds in the current WP548 Kletzsch Park Dam Repairs and Improvements capital budget to award the requested professional services agreement consultant fee increase to Interfluve; and

WHEREAS, the Wisconsin Department of Natural Resources (WDNR), the granting agency funding the fish passage, has indicated additional grant funds are available for fish passage design and construction, if needed; and

WHEREAS, the need for additional funding will be reviewed with the WDNR when a fish passage alternative has been selected, and an appropriation fund transfer recognizing additional grant funding will be processed prior to awarding a construction contract, as required; and

WHEREAS, a March 2019 petition circulated and signed by over 100 Milwaukee County residents opposes all development on the west riverbank of the park; and

WHEREAS, most landowners on the east riverbank support locating a fish passage on that side of the river in order to preserve the trees on the west riverbank and the historic waterfall dam; and

WHEREAS, the fee increase to add final design and construction oversight effort is an actual cost not-to-exceed \$215,518 (including a \$20,000 contingency), extending the total cost of the professional services agreement to \$417,894; and

WHEREAS, the Committee on Finance and Audit, at its meeting of April 18, 2019, recommended adoption of File No. 19-335 (vote 6-0) as amended; now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board) hereby authorizes the Director, Department of Administrative Services, to extend the current contract with InterFluve to address a consultant fee increase for Kletzsch Park Dam design services, and to complete the construction documents, bidding services, and construction oversight, which results in an adjusted professional services agreement value of \$417,894; and

BE IT FURTHER RESOLVED, that before proceeding with the project, the Department of Parks, Recreation, and Culture will present the proposed final design at another Public Information Meeting, at a location near the project site, to address the new alternatives and how the proposed final design addresses the various concerns raised by the public; and

BE IT FURTHER RESOLVED, the proposed final design shall require County Board approval before construction of any project can proceed.

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