

From the Executive Director of Parks, requesting authorization to enter into an Intergovernmental Cooperation Agreement with the Milwaukee Metropolitan Sewerage District (MMSD) for the repair and renovation of the Kletzsch Park Dam and installation of a fish passage and the transfer of remaining grant funding and capital funds from Project WP548 in an amount not to exceed \$780,807 from the County to MMSD, by recommending adoption of the following:

A RESOLUTION

WHEREAS, the Kletzsch Park Dam (the Dam), a Wisconsin Department of Natural Resources (DNR) regulated structure, was cited by the DNR in 2010, and again in 2016, as in need of repair, and ordered Milwaukee County (the County) to implement such repairs as necessary to restore the Dam; and

WHEREAS, additionally, the DNR is tasked with implementing the Area of Concern (AOC), which is defined as “geographic areas designated by the Parties where significant impairment of beneficial uses has occurred as a result of human activities at the local level,” and in performance of that role, it was determined that the Dam is a barrier to the free movement of native fish and other aquatic life within the Milwaukee River, except during infrequent and extended duration flood events, and due to this barrier the Kletzsch Park Dam Fish Passage (the Passage) has been identified in the Remedial Action Plan for the Milwaukee Estuary AOC; and

WHEREAS, the County has been awarded several grants to fund improvements that will address a number of deficiencies at the Dam, as well as construction of the Passage in furtherance of the AOC; and

WHEREAS, the concepts for the Passage and related overlook and water access improvements were presented at Public Information Meetings in January and September of 2019; and

WHEREAS, a number of questions and concerns were raised during the public engagement process regarding major changes to the landscape, impacts to the historic parkway, and loss of trees; and

WHEREAS, during the course of the project, many alternatives were reviewed and tested in order to be sure that the best possible solution was produced; and

WHEREAS, the preferred final concept was presented to the Milwaukee County Board of Supervisors in October 2019, but was not pursued due to ongoing public concerns; and

WHEREAS, Milwaukee Metropolitan Sewerage District (MMSD) approached the Department of Parks, Recreation, and Culture (DPRC) in late November 2020 to partner on the Dam repair and Passage because the work aligns with its mission, and MMSD is obligated to ensure any repairs or alterations of the Dam do not increase the risk of regional flooding; and

WHEREAS, a partnership with MMSD would leverage MMSD's powers, which may allow for the installation of the Passage on the East bank of the river, a feat that the County was not able to accomplish due to the increases in flood plain elevation, the impact to structures, and the need to acquire real estate in that area; and

WHEREAS, due to the delays in project implementation, the County is currently at risk of losing grant funding for these projects; and

WHEREAS the parties possess complimentary expertise in dam management and repair, and watercourse maintenance and flood management; and

WHEREAS it is in the best interests of the taxpayers, ratepayers, and citizens' use and enjoyment of the Dam that the County and MMSD combine efforts to reduce redundancy of labor, and promote efficiency in government operations; and

WHEREAS coordinated efforts will provide better results than could be achieved by MMSD or the County acting separately; and

WHEREAS, DPRC recommends that it combine its efforts with MMSD for the repair and rehabilitation of the Dam and installation of the Passage, as outlined in the Intergovernmental Cooperation Agreement; and

WHEREAS, the Committee on Parks, Energy, and Environment, at its meeting of March 16, 2021, recommended adoption of File No. 21-283 (vote 5-0); now, therefore,

BE IT RESOLVED, the Department of Parks, Recreation, and Culture (DPRC) is hereby authorized to enter into and execute the Intergovernmental Cooperation Agreement (ICA) with the Milwaukee Metropolitan Sewerage District (MMSD) for the Kletzsch Park Dam (the Dam) and installation of a fish passage (the Passage); and

BE IT FURTHER RESOLVED, DPRC, and any other department that may be necessary, is authorized to transfer the remaining grant funding and capital funds (Capital Project WP548) for the repair of the Dam and the installation of the Passage to MMSD, in an amount not-to-exceed \$780,807; and

BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors hereby authorizes DPRC, the Department of Administrative Services, the Office of Corporation Counsel, and any other department that may be necessary, to execute and record all documents and perform all actions as required to effectuate the ICA; and

91 BE IT FURTHER RESOLVED, the County Executive and County Clerk are
92 authorized to execute any required documents regarding the execution of this resolution
93 and the ICA.

94

95

96 kae

97 03/16/21

98 s:\committees\2021\mar\pe&e\resolutions\21-283 kletzsich fish passage.docx