

CITY OF GLENDALE
5909 North Milwaukee River Parkway
Glendale, Wisconsin 53209

AGENDA – SPECIAL COMMON COUNCIL MEETING

Tuesday, January 17, 2017
7:00 p.m.

1. Roll Call and Pledge of Allegiance.
2. Determination of Reconsideration – Resolution Objecting to the DNR Permit for Approval of the Transfer of the Estabrook Dam until Proper Safeguards are in Place for Glendale Residents.
3. Resolution Objecting to the DNR Permit for Approval of the Transfer of the Estabrook Dam until Proper Safeguards are in Place for Glendale Residents.
4. Adjournment.

- Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals.

MEMORANDUM

TO: Mayor, Common Council
FROM: Rebecca D. Boyle
RE: Estabrook Dam/Rules of Order
DATE: January 12, 2017

The City council previously made a decision remain neutral regarding the proposed removal of the Estabrook dam. The matter now comes before the council on a request for council action to adopt and file a resolution challenging the DNR's issuance of a "completeness permit" permitting transfer of the dam to the MMSD. The sought for resolution is a formal objection to the permitting process, the effect of which is to request a contested hearing on the permit issuance. To the extent that the requested action seeks to impede or block the removal of the dam, the action, by its terms, seeks reconsideration of the previous action taken by the council.

The City of Glendale has adopted parliamentary rules of procedure that preclude reconsideration of a matter that was previously the subject of board action, unless a motion to reconsider is made at the same or next scheduled meeting.

These same rules of order permit the council to suspend the above rule, unless such suspension is prohibited by law or policy. The great weight of authority, however, provides

that suspension of the rules is to be used sparingly, and generally only for procedural, not substantive matters. There is, however, no clear prohibition against the use of the suspension procedure for substantive.

To the extent that the requested action seeks to impede or block the removal of the dam, and thus, to reconsider the previous position of neutrality, the following must occur before the council may action on the request for the objection:

1. A motion must be made to suspend to rules to allow the reconsideration,
2. That motion must be seconded. The motion is not debatable, and may not be amended.
3. The motion to suspend the rules requires a two-thirds vote.
4. There must then be a motion to reconsider, and if appropriate,
a motion to take action.



Jim Daugherty, Alderman
2nd Aldermanic District
5909 North Milwaukee River Parkway
Glendale, WI 53209
Phone: (414) 220-0695
Jim.Daugherty@Glendale-wi.gov

January 11, 2017

Rachel Reiss, City Administrator
City Of Glendale
5909 N Milwaukee River Pkwy
Glendale, WI 53209-3815

Dear Rachel:

RE: Request for a Special Meeting (before Monday 1/16/2017) Relating to a Resolution Objecting to the DNR Permit for Approval of the Transfer the Estabrook Dam until Proper Safeguards are in Place for Glendale Residents

I am sorry in advanced for the inconvenience that is associated with the nature of such a short-noticed request. I only become fully aware of these matters over the past several days and to be effective our resolution must be formally filed with the DNR before 1/18/2017.

Basically, my request is for the City of Glendale to object to the issuance of a DNR transfer permit until we are sure that proper safeguards are in place for our residents and their property in and along the floodplain. In my opinion, this request is not an extension of the resolution we passed at the 12/12/16 council meeting in that this solely involves actions the DNR is proposing. It also is not related to our neutrality on the removal of the dam. This is only being proposed to give Glendale the ability to get the necessary answers for the people, and the community as a whole.

This Resolution of Objection will allow Glendale to be assured that all the salient and relevant questions surrounding the impacts from changes in the water levels, related water flowage, dredging and levels of remediation are answered before our Glendale residents are exposed to the unknown affects and risk that will be a direct result of the DNR's permit actions.

Requesting this process is analogous to the City demanding a new owner of a building in Glendale provide their plans and assurances before any physical changes actually take place. I feel this is actually even more serious, as we are talking about 340 homes and 1,000 plus people that will be adversely affected if Glendale abdicates our due diligence responsibility.

The DNR is currently reviewing the issuance of a permit to transfer the Estabrook Dam to MMSD. This process is being pushed ahead of knowledge and understanding of its full impact to Glendale's residents. For these reasons, I am proposing a formal council resolution to object to the DNR permit issuance and because we have a very small window to exercise our rights, I am also requesting an emergency meeting be called to approve this resolution in time to be properly filed with the DNR.

The proposed resolution is as follows:

"The City of Glendale hereby objects to the granting of a permit to Milwaukee County by Wisconsin DNR allowing the transfer of the Estabrook Dam and lands upon which the Estabrook Dam is constructed to the Milwaukee Metropolitan Sewerage District. Milwaukee County has currently applied for such a permit, which has been assigned Docket #IP-SE-2016-41-04594 and ePermit #WP-IP-SE-2016-41-X12-16T13-04-30. The City of Glendale objects to the issuance of this permit.

A true and certified Copy of this Resolution shall be immediately filed with the Wisconsin DNR pursuant to 31.14(2)(b), Wisconsin Statutes. " (Wording needs to be in this specific format to comply).

This resolution is based on the following Wisconsin Statute- **See Yellow Highlight below:**

31.14(4) No person may assume ownership of a dam after October 21, 1961, or the ownership of that specific piece of land on which a dam is physically located after April 27, 1982, without first complying with sub. (2) or (3). The transfer of the ownership of a dam or the ownership of a specific piece of land on which a dam is physically located made without complying with sub. (2) or (3) is void unless a permit to abandon the dam was granted under s. 31.185 or unless the transfer occurred by operation of law. Every person who accepts ownership by operation of law is subject to this chapter.

31.14(2) (a) Unless the applicant furnishes to the department proof of ability to operate and maintain the dam in good condition, either by the creation of a special assessment district under ss. 31.38 and 66.0703, or by any other means which in the department's judgment will give reasonable assurance that the dam will be maintained for a reasonable period of time not less than 10 years; or

(b) If a majority of the municipalities in which 51 percent or more of the dam or flowage is or will be located files with the department, prior to the granting of the permit, their objections to the granting of such permit in the form of resolutions duly adopted by the governing bodies of such municipalities.

Please note that above Item 31.14(2)(b) is in **yellow** and is an important section of the statute as this involves a very large area of Glendale. The flowage area involved in this case is from the Estabrook Dam upstream to the Kletzsch Park Waterfall. In addition, please see the 3rd page of Item 1 in the attachments for several key points from the MMSD resolution including:

1. MMSD has spent over \$130 million dollars removing 2,081 structures from 100 year floodplains.
2. The 391 structures in this floodplain will not be removed from the floodplain by this action.
3. MMSD goal (established by the District's 2035 Vision) is the removal of all structures in this floodplain.

The only municipalities involved in this matter are Milwaukee and Glendale. Within this area, Glendale is clearly over the 51% threshold.

I also attended the December 20, 2016 Milwaukee County public meeting at the Blatz Pavilion in Lincoln Park at 1301 W. Hampton Ave where the County explained their views and answered questions about the planned Estabrook Dam ownership transfer to the MMSD.

Page 3

In my opinion, this meeting highlighted a serious lack of details or understanding about how the removal process will impact Glendale residents. There was also a serious shortage of engineering studies and related facts surrounding any future potential flooding or flowage problems. Given the impact this will have on over 340 homes, we need more assurances and information.

Until we fully understand all of the risk to our residents, it is prudent and proper for us to slow the DNR permit process down and obtain the proper engineer reports, complete cost & value impact studies and binding guarantees that all aspects of these actions have been properly analyzed and our residents are fully protected. This may include costly and complex solutions such as dredging and different forms of remediation.

Once we fully understand all impacts and ramifications to our residents the Council can remove our objections to this permitting process, but we must act now before the DNR approves the transfer and sale is completed to have any leverage and resolution impact for our City.

I included an email with five attachments that I received from Dale Schmidt, a longtime Glendale resident to help further explain this issue and highlight some of the reasons why I feel we must take this formal action and file it with the DNR by January 18, 2017 to properly protect Glendale's residents.

Sincerely,



Jim Daugherty
2nd Aldermanic District
City of Glendale

c: Bryan Kennedy, Mayor
Robert Whitaker, 1st Aldermanic District
John Gelhard, 3rd Aldermanic District
Richard Wiese, 4th Aldermanic District
Izzy Goldberg, 5th Aldermanic District
JoAnn Shaw, 6th Aldermanic District
John Fuchs, Fuchs & Boyle, S.C., City Attorney

enclosures

Email from
Resident

Includes 5
Items / Attachments

From: Dale Schmidt [mailto:synergy3group@wi.rr.com]
Sent: Sunday, January 8, 2017 1:15 AM
To: Glendale Alderman -(P) Jim Daugherty <jimcdaugherty@gmail.com>; Theo Lipscomb <theodorelipscomb@gmail.com>
Cc: Glendale Alderman - Jim Daugherty <jimforglendale@gmail.com>
Subject: Dale S -#1 of 2 URGENT Docs & Insights in Preparation of Resolution to Object to DNR Allowing Transfer of Estabrook Dam to MMSD
Importance: High

Hi Jim & Theo ... please read the preliminary description, before reviewing the above attachments. They will make more sense.

This is the first of several supportive email Docs Attachments requested and promised, along with and below explanations I will be sending you ... in preparation of Resolution for:

"The City of Glendale to hereby object to the granting of a permit to Milwaukee County by Wisconsin DNR allowing the transfer of the Estabrook Dam and lands upon which the Estabrook Dam is constructed to the Milwaukee Metropolitan Sewerage District. Milwaukee County has currently applied for such a permit, which has been assigned Docket #IP-SE-2016-41-04594 and ePermit #WP-IP-SE-2016-41-X12-16T13-04-30. The City of Glendale objects to the issuance of this permit.

Per the Above Attachment Descriptions

Preliminary Supportive Data and Insights:

Jim - Based on what we discussed - via some of the tremendous and expensive challenges MMSD has with aging sewers and their plans for Lincoln Creek to become a main artery of West to East sewage flowage, to relieve the deep tunnel overload and the fact that the current flow of water from Lincoln Creek will not be strong enough to push out into the stronger flow of the Milwaukee River, where they join ... and the fact that the Dam and the impound further pushes back the desired and required Lincoln Creek flow, causing a back flow flood risk up stream in the Lincoln Creek ... all the below will now make even more sense and further justify the immediate actions of the City of Glendale to protect its citizens.

For these and the others revelations enclosed further exposes a far greater and divisive ploy against the people of Glendale. In essence, we are the calculated collateral damage they are willing to inflict, to achieve their multi-faceted objectives, under the guise of caring about rivers. When in truth they want to turn the Lincoln Creek and our Milwaukee River into a sewer channel basin, to save millions in needed sewer repair expenses.

In order to do that they have to

1. Destroy the dam and the impound water levels. **2.** Remove as many structures / properties, so they can divert more runoff down thought these two drainage arteries, without creating huge potential flood restitutions. Number two is verified in the first attachment where MMSD boldly admits their intention is to take out all remaining 391 structures/ properties and it will be

hard to deny that the City of Glendale and their residents are not being sacrificed and played – to save hundreds of millions, in required repairs of the aging Milwaukee / County sewer system.

(**Note:** the reference that they are referring to of 391 structures is specifically about and in the water basin of this Glendale area- referencing the Estabrook – Glendale 5 Mile Milwaukee River Floodplain Basin). Structure is code for homes / properties. Why do I say that- because this specific area does not have 391 structures to take out. But they do have 391 homes / properties, including Parkway school. 340 plus here and also the intended properties above the Kletzsch Park dam which is also on its next agenda.

ABOVE ATTACHMENTS IDENTIFICATIONS

Attachment 1. (7.5) Full - MMSD resolution stating that **no property will be removed from the flood plain by dam removal.** You will find this on **page 3** of the resolution.

Note also how this resolution states that it is **MMSD long term goal to remove ALL properties from the flood plain.** Seems to me that Glendale needs to be paying attention to this. As the resolution states, there are 391 properties in the flood plain, and almost all of them are in Glendale.

One could conclude, as one researcher indicated, based on the fact that they have provided no agreement that they will make the residents whole – via dredging - that MMSD is deliberately trying to create a flooding crisis by removing the dam whereby they will be able to conveniently seize all properties in the flood plain, at reduced value prices and proclaim themselves to be saviors.

Attachment 2. (16.) The Realtor' Letter / petition with 59 signatures validating that property values will drop 20 – 40 % when the dam is destroyed.

The realtor's expert report to the court. Attached find the pdf of the actual court document as well as the final draft, which is in Word format. In the Word version, I have highlighted the section we spoke about.

This serious threat to 340 plus home and substantially more in the area, is just one of the validating reasons the City of Glendale needs to immediately act to stop the permitting process at this time.

This will give the Glendale Common Council the need leverage and authority to have MMSD / Sewrpsc provide the necessary agreements ... when they destroy the dam... to dredge the river bottom in all areas up to at least Bender, to prevent the exposed river bottom land mass build up that is now blocking approx. 71 % of the main channel, and is also emerging throughout the 5mile Glendale Mke River Basin.

This dredging, and or other determined flood prevention stop gaps are needed to protect our community from their desire to diminish property values so they can purchase on the cheap and allow heavier runoffs when they divert more water our way --- through our Glendale neighborhoods River Basin, to relieve the immense Deep Tunnel partially treated sewage they

dump into Lake Michigan every time we have heavy rains and to prevent MMSD from taking 391 homes in the area off the property tax rolls of Glendale.

Attachments 3/ 4. Realtor expert report FINAL / & Word Doc real est rpt draft 2- 1 revised 7- 6-15 – where you will find local Glendale resident and well know realtor, Terry Mulcahy-Shorewest Realty where he defines actual transactions that have been made below normal value as a result of the gates opened. In the attachment above identified (Word Doc) Real est rpt draft 2- 1 revised 7- 6-15 Terry's reduced value sales are highlighted in yellow.

We also have data to prove that the properties above the dam in Mequon are \$65 thousand more than below the dam. But then any thinking person knows property on a full body of navigable water is worth more than a property not on water.

And anyone who wishes to check, will find, in most cases, a community that has a full-body of navigable water running through it ... is much more appealing, attractive and desirable. Just look at the explosive development in Milwaukee along their full-bodied river. Which makes it so ironic, that the Milwaukee Mayor would go out of his way to conspire with Abele to defy the County Board's five votes to repair, and be willing to diminish Glendale's Mke River liquid asset, when he is enjoying so much prosperity from the same river in his area.

This makes no sense unless you factor in Two things ... A. the money he will save from diverting the runoff through Lincoln Creek and the Glendale Mke River Basin directly into lake Michigan. B. The repayment of debt to Abele for getting Madison to give him the mandate to quickly put together the Buck land sale. The very mandate Abele also inappropriately (I am being kind) used to by-pass the county board with Mayor Barrett's help (could not have been done without Barrett- who controls the zoning committee and the MMSD) to destroy the Estabrook dam, and lake impound to achieve the above described objectives.

The next email will provide the Statute and verbiage that allows Glendale to object and stop the permitting process for now, which has to quickly be put on the books and a public notice for a special nonpublic participation meeting of the common council, before the 30 day DNR review period is up, which is very soon, somewhere around Jan 18th. This is why they have jammed this through before the Holidays ... when everyone is celebrating and not thinking about this ploy.

Attachments 5 is Glendale's original Resolution for remediation... but Glendale needs to expand that to Bender and be even more specific.

Thank you for your support.

Dale A. Schmidt

President & CEO

Synergy 3 Group Inc.

North Shore Insights- NSI News

Cell: 262-442-0710 – **Land:** 414-962-2708

Communications for Action- Sales Acceleration

Business & Personal Enhancement Consulting

Event Productions- Media - Print/Web

synergy3group@wi.rr.com

Full MMSD Resolution
to Remove Estrabrook Dam
File # 15-053-5

Item # 1

See Page 3 of this section for several key points from the MMSD:

1. MMSD has spent over \$130 million dollars removing 2,081 structures from 100 year floodplains.
2. The 391 structures in this floodplain will not be removed from the floodplain by this action.
3. MMSD goal (established by the District's 2035 Vision) is the removal of all structures in this floodplain.



Item 8

COMMISSION FILE NO: 15-053-5 DATE INTRODUCED: May 4, 2015

INTRODUCED BY: Executive Director (Signature on File in the Office of the Commission)

REFERRED BY COMMISSION CHAIRPERSON TO: Policy, Finance, and Personnel Committee

RELATING TO: Commission Support for Removal of the Estabrook Dam

SUMMARY:

The Commission is requested to adopt a resolution supporting removal of the Estabrook Dam, because removal will reduce the risk of flood damage within the Milwaukee River Watershed. Adoption of this resolution is consistent with the District's goal of reducing flood risks to structures within its service area, will not result in any cost impacts to the District, and is expected to improve water quality, habitat, fish passage, and river aesthetics.

ATTACHMENTS: BACKGROUND KEY ISSUES RESOLUTION
FISCAL NOTE SW/MBE OTHER

PPF_Estabrook_Damt_legislative_file.docx
04-21-15

COMMITTEE ACTION: _____ DATE: _____

COMMISSION ACTION: _____ DATE: _____

BACKGROUND

Commission Support for Removal of the Estabrook Dam

The Estabrook Dam (Dam) is located on the Milwaukee River in the cities of Glendale and Milwaukee, approximately 1,500 feet downstream of the Port Washington Road Bridge. Milwaukee County owns and operates the Dam. The Dam has two parts separated by an island. A gated spillway section connects the east bank to the island. An overflow weir section connects the island to the west bank. Upstream, a series of concrete tripods act as ice breakers. The structure is deteriorating and needs costly repairs.

In the early 1930's, about five feet of channel bottom was removed for over a mile upstream from the Dam's location, which left a normal stream flow not suitable for boating. The Dam was built in 1937 to reestablish an impoundment suitable for recreational use.

When the gates are closed, the Dam creates a 100-acre impoundment that stretches for over two miles upstream. One hundred sixty-three (163) residential properties have river frontage along this impoundment, which extends beyond Silver Spring Drive.

Within this two-mile reach upstream of the Dam, at least 53 structures are in the 100-year (1% probability event) floodplain when the Dam's gates are open. In the City of Milwaukee, south of Silver Spring Drive, three residential structures are in this floodplain. In the City of Glendale north of Silver Spring Drive, at least 50 residential structures are within this floodplain.

The Wisconsin Department of Natural Resources (WDNR) identified safety problems in 1995. WDNR ordered repairs to the Dam in 2008. In 2012, the Milwaukee County Circuit Court decided that the Dam was a public nuisance. This lawsuit is ongoing. (*Milwaukee Riverkeeper v. Milwaukee County*, Milwaukee County Case 2011-CV-8784)

Milwaukee County developed an Environmental Analysis (EA) to identify alternatives that would comply with both the WDNR order and the Circuit Court order. The Southeastern Wisconsin Regional Planning Commission documented the hydraulic analysis for the EA. The EA evaluated five alternatives:

1. Rehabilitate the Dam.
2. Rehabilitate the Dam and add fish passage.
3. Abandon and remove the Dam.
4. Abandon and remove the Dam, providing a rock ramp for fish passage and creating an impoundment.
5. Remove portions of the Dam and rehabilitate other portions as well as providing a rock ramp for fish passage and creating an impoundment.

BACKGROUND (cont'd)

Commission Support for Removal of the Estabrook Dam

The hydraulic analysis shows that Alternative 3, abandonment and removal, provides the most flood risk relief of all the alternatives. Alternative 3 would completely remove the Dam, including both the gated control structure and the fixed crest spillway, and create free flow conditions in the Milwaukee River. During a 100-year flood (1% probability event), Dam removal would reduce water surface elevations by approximately six inches for the City of Milwaukee structures and by three inches for the City of Glendale structures. These reductions in flood elevations do not remove these structures from the floodplain, but do significantly reduce the risk of flood-related property damage.

Within the Milwaukee River watershed, the District has invested approximately \$130 million removing 2,081 structures from the 100-year (1% probability event) floodplain. Three hundred ninety-one (391) structures remain in this floodplain. Although Dam removal will not remove these structures from the floodplain, any reductions in water surface elevations will support the District's goal of removing all structures from the floodplain, as established by the District's *2035 Vision*. In addition to reducing the risk of flood damage, removal of the Dam is expected to improve water quality, habitat, fish passage, and river aesthetics and reduce sediment accumulation. Also, Dam removal is the least costly of the alternatives identified by Milwaukee County to remedy the public nuisance and has no annual operation and maintenance costs for the County.

This is a very important paragraph as it highlights several key points:

1. MMDS has spent over \$130 million dollars removing 2,081 structures from 100 year floodplains.
2. The 391 structures in this floodplain will not be removed from the floodplain by this action.
3. MMSD goal (established by the District's 2035 Vision) is the removal of all structures in this floodplain.

RESOLUTION

Commission Support for Removal of the Estabrook Dam

WHEREAS, removal of the Estabrook Dam will reduce flood elevations in the Milwaukee River upstream of the Estabrook Dam; and

WHEREAS, a reduction of flood elevations supports the District's goal of removing structures from the 100-year (1% probability event) floodplain; and

WHEREAS, removal of the Estabrook Dam will improve water quality, habitat, fish passage, and river aesthetics and reduce sediment accumulation.

NOW, THEREFORE, BE IT RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that the Commission supports the removal of the Estabrook Dam as soon as practicable.

Realtor's Letter's to
Milwaukee County
September 2014

Item # 2

Milwaukee County Executive, County Board Chairwoman & County Board Supervisors
 901 N. 9th Street - Courthouse, Room 306
 Milwaukee, WI 53233-1458

Dear Executive Abele, Chairwoman Dimitrijevic and County Supervisors;

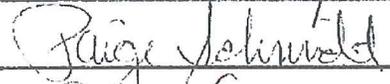
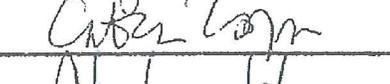
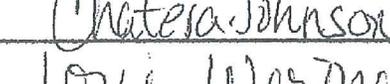
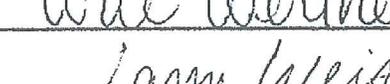
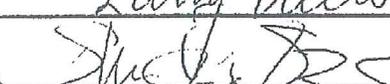
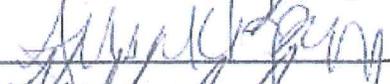
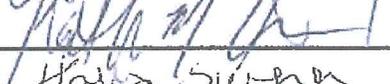
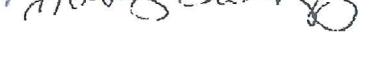
We urge you to expedite repairs to the Estabrook Park Dam!

We are real estate professionals who are experienced and working in Milwaukee County and we are very concerned about the Estabrook Park Dam Repair decision made by the County Board of Supervisors in 2009 that has yet to be implemented. In our expert opinion, the dam and the resultant aesthetics and navigation contribute greatly to the property values of the homes located along the river as well as the entire surrounding neighborhoods. If the dam were removed or if it ceased normal operation, and the water level were drawn down, land values and assessments would be significantly reduced by 20%-40% depending on the property. This reduction in land values would result in lower tax revenue for the City, County and State.

Many of us also signed a similar letter in 2009 and since that time our concerns have proven to be valid. There have been 18 listing in the past two years that have NOT been able to be sold because of the prolonged unknown fear of dam removal. Several listings made multiple price reductions but still could not be sold. Homeowners paid a premium price for a view and use of the Milwaukee River. Removing the dam will rob them, Glendale and Milwaukee County of that value. The Milwaukee River Impoundment includes over 200 homes. These yards are all landscaped based on the historical high water level.

Please help save the Milwaukee River and this Inland Lake as we know it and preserve this unique recreational asset of our parks and communities for future generations to enjoy and cherish. Again, we urge you to Repair the Dam, without further delay. Thank you for your consideration.

Respectfully,

Signature	Company / Firm Name	Date
	Coldwell Banker	9/9/2014
	Coldwell Banker	9/9/2014
	Coldwell Banker	9/9/14
	Coldwell Banker	Sept 9, 14
	CBRB	9-9-2014
	CBRB	9-9-2014
	CBRB 71	9-9-2014
	" "	9/9-2014
	Coldwell Banker	9/9/2014
	CBRB	9/9/14
	CBRB	9/9/14

(over)

Andrew Kent	Coldwell Banker	9/9/2014
Barbara H. Adams	Coldwell Banker	9/9/2014
Yvonne Kezief	Coldwell Banker	9/9/2014
W. H. H. H.	Coldwell Banker	9/9/14
Lou M. Bunker	Coldwell Banker	9/9/14
Robert M. Hagan	Coldwell Banker	9/9/14
July Spota	Coldwell Banker	9/9/14
Margene Friedman	CB	9/9/14
Brett Timmerman	Coldwell Banker	9-9-14

Ruby Scott	CB	9-9-14
Frankie	CBRB	9-9-14
Chad W. Wemy	CBR-NS	9-9-14
Tommy B.	CBR-NS	9-9-14
Nick Janasik	CBRB	9-9-14
Greg Duss	CBRB	9/9/14

Milwaukee County Executive, County Board Chairwoman & County Board Supervisors
 901 N. 9th Street - Courthouse, Room 306
 Milwaukee, WI 53233-1458

Dear Executive Abele, Chairwoman Dimitrijevic and County Supervisors;

We urge you to expedite repairs to the Estabrook Park Dam!

We are real estate professionals who are experienced and working in Milwaukee County and we are very concerned about the Estabrook Park Dam Repair decision made by the County Board of Supervisors in 2009 that has yet to be implemented. In our expert opinion, the dam and the resultant aesthetics and navigation contribute greatly to the property values of the homes located along the river as well as the entire surrounding neighborhoods. If the dam were removed or if it ceased normal operation, and the water level were drawn down, land values and assessments would be significantly reduced by 20%-40% depending on the property. This reduction in land values would result in lower tax revenue for the City, County and State.

Many of us also signed a similar letter in 2009 and since that time our concerns have proven to be valid. There have been 18 listing in the past two years that have NOT been able to be sold because of the prolonged unknown fear of dam removal. Several listings made multiple price reductions but still could not be sold. Homeowners paid a premium price for a view and use of the Milwaukee River. Removing the dam will rob them, Glendale and Milwaukee County of that value. The Milwaukee River Impoundment includes over 200 homes. These yards are all landscaped based on the historical high water level.

Please help save the Milwaukee River and this Inland Lake as we know it and preserve this unique recreational asset of our parks and communities for future generations to enjoy and cherish. Again, we urge you to Repair the Dam, without further delay. Thank you for your consideration.

Respectfully,

Signature	Company / Firm Name	Date
<i>Karen Calabrese</i>	SW Realtors	9-10-14
<i>Kristi Nussler</i>	SW Realtors	9-10-14
<i>Phil W. H. H.</i>	SW Realtors	9-10-14
<i>Thomas Kaczmarek</i>	SW Realtors	9-10-2014
<i>Mark W. H.</i>	SW Realtors	9-10-2014
<i>Dawn J. Paderic</i>	Shorewest Realtors	9-11-2014
<i>Chelsy L. H.</i>	Shorewest Realtors	9-11-14
<i>Eric W.</i>	Shorewest Realtors	9-12-14
<i>John F. H.</i>	Shorewest Realtors	9-12-14

Milwaukee County Executive, County Board Chairwoman & County Board Supervisors
 901 N. 9th Street - Courthouse, Room 306
 Milwaukee, WI 53233-1458

Dear Executive Abele, Chairwoman Dimitrijevic and County Supervisors,

We urge you to expedite repairs to the Estabrook Park Dam!

We are real estate professionals who are experienced and working in Milwaukee County and we are very concerned about the Estabrook Park Dam Repair decision made by the County Board of Supervisors in 2009 that has yet to be implemented. In our expert opinion, the dam and the resultant aesthetics and navigation contribute greatly to the property values of the homes located along the river as well as the entire surrounding neighborhoods. If the dam were removed or if it ceased normal operation, and the water level were drawn down, land values and assessments would be significantly reduced by 20%-40% depending on the property. This reduction in land values would result in lower tax revenue for the City, County and State.

Many of us also signed a similar letter in 2009 and since that time our concerns have proven to be valid. There have been 18 listings in the past two years that have NOT been able to be sold because of the prolonged unknown fear of dam removal. Several listings made multiple price reductions but still could not be sold. Homeowners paid a premium price for a view and use of the Milwaukee River. Removing the dam will rob them, Glendale and Milwaukee County of that value. The Milwaukee River Impoundment includes over 200 homes. These yards are all landscaped based on the historical high water level.

Please help save the Milwaukee River and this Inland Lake as we know it and preserve this unique recreational asset of our parks and communities for future generations to enjoy and cherish. Again, we urge you to Repair the Dam, without further delay. Thank you for your consideration.

Respectfully,

Signature	Company / Firm Name	Date
<i>[Handwritten Signature]</i>	Shorewest Realtors	9-23-14
<i>[Handwritten Signature]</i>	Shorewest Realtors	9-23-14
<i>[Handwritten Signature]</i>	Shorewest T. Lisse / Boland	9-23-14
<i>[Handwritten Signature]</i>	Shorewest	9/23/14
<i>[Handwritten Signature]</i>	Peter Bugel's Wisconsin Watercare Co. Inc	9/23/14
<i>[Handwritten Signature]</i>	Leslie Lattorelle Shorewest Realtors	9-23-14
<i>[Handwritten Signature]</i>	Shorewest Real Estate	9/23/14
<i>[Handwritten Signature]</i>	Shorewest Realtors	9/23/14
<i>[Handwritten Signature]</i>	SWR	9/23/14
<i>[Handwritten Signature]</i>	SWR	9/23/14 9/24/14

Milwaukee County Executive, County Board Chairwoman & County Board Supervisors
 901 N. 9th Street - Courthouse, Room 306
 Milwaukee, WI 53233-1458

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Signature	Company / Firm Name	Date
[Handwritten Signature]	SWR	9/23/14
[Handwritten Signature]	SHOREWEST REACTORS	9/23/14
[Handwritten Signature]	SWR	9/23/14
[Handwritten Signature]	SWR	9-23-14
[Handwritten Signature]	shorewest	9/23/14
[Handwritten Signature]	SWR	9/23/14

Final Real Estate Expert Report
to Milwaukee County Court
Case # 11-CV-8784

Item #3

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

MILWAUKEE RIVERKEEPER
1845 N. FARWELL AVENUE
MILWAUKEE, WI 53202,

Plaintiff,

v.

Case No. 11-CV-8784

MILWAUKEE COUNTY
901 N. NINTH STREET
MILWAUKEE, WI 53233,

Defendant,

MILWAUKEE RIVER PRESERVATION ASSN, INC.,
and BRIAN KREUZIGER
706 W. ROCK PLACE, 2nd FLOOR
GLENDALE, WI 53209

Intervening Defendants.

MILWAUKEE RIVER PRESERVATION ASSOCIATION
AND BRIAN KREUZIGER'S REAL ESTATE EXPERT REPORT

To The Honorable Judge Christopher Foley:

According to a letter signed by 59 local realtors, the loss to private riparian property values resulting from removal of the Estabrook Dam can be expected to be in a range of 20% to 40%.ⁱ This translates to a loss of riparian property value of \$11 million to \$22 million.^{ii iii}

I agree with that conclusion.

If the dam is removed, the riparian owners can seek damages against the County for their diminution in property values.^{iv} This is not mentioned in the AECOM expert report. Furthermore, a landscaping contractor has provided a general estimate of expected shoreline remediation costs for the typical riparian property. Those costs are estimated at \$6,000 to \$42,000 for a typical riparian property.^v

Reduced property values will result in a decreased tax base and therefore decreased revenues for schools and governmental bodies or increased costs for other tax-payers caused by shifting of the tax burden. The resulting revenue loss or shifting of the property tax burden will be in the range of \$70,000 to \$140,000 per year to Milwaukee County alone and another \$230,000-\$460,000 annually to support all other taxing authorities, including school districts, municipalities, etc. (22A, 23B) It is possible that property tax caps will not allow all of the lost taxation potential to

be shifted. These figures also do not take into account the known domino effect of reduced property values on the surrounding area. It is reasonable to assume that if riparian property values decrease in the range of 20 to 40% that nearby non-riparian values will also decrease in value and cause further deterioration of the tax base.

The Provencher, Sarakinos, Meyer study relied upon by the AECOM study to support a claim that property values will not be affected by dam removal has no bearing on this area, is not scientific and is biased and prejudicial. The study was co-released and paid for by a dam removal organization and thus reached the desired conclusion of that group.^{vi vii viii} That organization, the River Alliance of Wisconsin, currently features childish and defamatory web postings regarding the Estabrook Dam.^{ix} The study was co-authored by an employee of that organization, Helen Sarakinos, who has no training or experience in economics or real estate.^x For validation, the study on multiple occasions cites other studies by its own author and other studies that cite the study itself. That is hardly an objective validation of the methods and presumptions utilized in the study. The study does not provide the raw data from which its conclusions are supposedly drawn and does not appear to draw any distinctions between land values and values of improvements and may very well confuse these distinctions and improperly make use of them.

The study makes the claim that distance from Madison and Milwaukee is a consistent indicator of land values. It is doubtful that this is actually the case. It is clear that in Milwaukee, this is not the case. Land values in many neighborhoods within a ¼ mile to as many as 10 miles from downtown Milwaukee are so low as to be almost negligible, whereas land values in other locations, the same distance from downtown, have significantly high land values. The study completely ignores the single most important fact of real estate, commonly known as "location, location, location." Every market is different. No two markets are the same. The study purports to be of the "Madison" housing market and by extension an "urban" real estate market. In reality, it is a study of small impoundments in small municipalities and rural areas in South-central Wisconsin, no two of which are the same. The locations studied were spread over 6 counties and are all small towns and rural areas as far as 62 miles from Madison. For the sake of reference, Pewaukee is 62 miles from Madison, but it is clearly not part of the Madison real estate market. The closest site to downtown Madison studied, Token Creek, is 10 miles from downtown Madison in an unincorporated area.

Sample distances to dam locations studied:

Madison to Baraboo- 41 miles

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Milwaukee to Oconomowoc: 34 miles

Estabrook Dam is a large dam with a large impoundment in a very urban area. However, the dams studied were almost all small dams and impoundments and none were in an urban area. The study itself states in reference to the sites studied, "All are located in small municipalities." Only 17% of the properties analyzed were riparian properties, the rest were up to ¼ mile from the present or former waterfront. Furthermore, very few properties at sites where dams had been removed actually had water frontage. The study admits that "The most obvious weakness of the data is the lack of frontage observations at removed sites." Token Creek was the closest site to an actual urban area. None of the properties studied that were associated with that site were actually on the waterfront. Of the 6 actual dam removals studied, only one, Rockdale, was nearly as large as the Estabrook impoundment and only 2 waterfront properties associated with this impoundment were utilized in the study. Estabrook has some 170 properties on the water. All of the other impoundments where dams were removed were less than half the size of the Estabrook impoundment. The 2 intact impoundments of similar or larger size to Estabrook do not allow motor boating. Motor boating has always been allowed and done on the Estabrook impoundment. None of the intact impoundments studied were used for flood control. Estabrook is. The study states explicitly that the conclusions it reaches cannot be extended to large impoundments like ours: "Some caution is necessary in interpreting the results. The conclusion that free-flowing rivers confer a price premium on residential property compared to impounded waters is likely due to the small size of the impoundments at our study sites. The conclusion should not be extended to large impoundments where such activities as fishing, boating, and swimming are especially attractive." It is readily apparent that the Estabrook dam impoundment is unique and not similar in any way to any of the impoundments studied.

This study was recently relied upon by those advocating dam removal in the contested case hearings regarding the removal of Little Hope Dam in Waupaca County and was mentioned in the recently published DHA decision in that matter. The Little Hope Dam is a small dam

in a small town near a small municipality. Dam removal advocates there must have claimed that the study proved that dam removals in small municipalities do not negatively affect property values. But here, they want to say that the study is of an "urban" area and therefore applies here. So, which is it? Is it a study of small municipalities and rural areas or is it a study of an urban area? It seems readily apparent that this is the only study anywhere that purports to prove that dam removal has no negative effect on property values. Therefore, dam removal advocates rely on it in the instant case, even though it is of doubtful value in any case and clearly irrelevant to the Estabrook Dam.

In contradiction to the claims of the Provencher study, and in affirmation of the assertions made by Milwaukee realtors, property assessments were lowered by as much as 60% when the McDill dam just outside Stevens Point was drawn down from 2011-2013. The assessor also stated that if the drawdown became permanent it would result in an average loss of value of \$24,900 per waterfront property.^{xi}

A comparison of assessed 2010 Glendale land values of riparian residential properties on the Estabrook Dam impoundment and properties directly across the street from them shows that land values on the impoundment have land values 55.8% higher than those directly across the street and not on the impoundment.^{xii}

An analysis of the 2014 assessments of riparian properties on the Milwaukee River in Thiensville shows that riparian properties situated on the impoundment created by the Thiensville Dam with deep water and lake-like characteristics have land values that are 39.6% greater than the land values of riparian properties just downstream of the impoundment. In addition, riparian properties on the impoundment have an average structure value of 39.8% greater than riparian properties not on the impoundment.^{xiii}

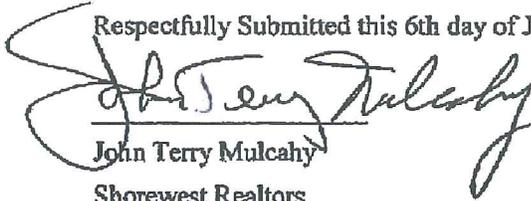
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In the event of dam removal, minimal estimates of property value losses are 20%. Minimal remediation costs per residential property are \$6000. There are approximately 170 residential riparian properties in the affected area. Minimal private remediation costs are then \$1 million. Sewer outfall remediation costs for the 17 outfalls owned by Glendale are estimated at \$800,000.^{xiv} There are an additional 22 sewer outfalls in the affected area owned by other authorities. Using a pro-rated basis, the cost of remediation of these 22 outfalls is \$1 million. A minimum of \$500,000 can be expected in streambank remediation costs to Milwaukee County parkland in Lincoln and Estabrook parks. Therefore, a bare minimum estimate of the upfront cost of dam removal is not \$1.67 million, as claimed by the AECOMM report, but

rather \$1.67 million plus these other costs. The total is then \$4.97 million. When the effect of 20% loss of property values is taken into account this figure increases to \$16 million. When the effect of a 20% loss to the tax base is taken into effect, the present value cost of dam removal over 20 years is \$22 million. These are bare minimum estimates of the real costs of dam removal.

In conclusion then, it is my opinion that removal of the Estabrook Dam will result in a reduction to private property values of a minimum of \$11 million and possibly as high as \$22 million or even higher. It is furthermore my opinion that removal of the Estabrook Dam will cause private riparian property owners to incur remediation expenses totaling \$1 million at minimum and possibly totaling as much as \$6.5 million. It may also devalue the County owned land adjacent to Lincoln Golf Course as you will be looking at a large mud flat with weeds instead of a water hole.

Respectfully Submitted this 6th day of July, 2015



John Terry Mulcahy

Shorewest Realtors

Licensed Real Estate Broker since 1978

Milwaukee County Condemnation Commission member

Glendale resident over 28 years

REFERENCES

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ⁱⁱ Kreuziger, Brian, Projected property value and real estate tax losses due to removal of Estabrook Dam, Milwaukee River Preservation Association, June, 2015ⁱⁱ.

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^v Northouse Landscape Company inc. Landscape Proposal: Milwaukee River 2009 Riparian Rights, March 17, 2009

^{vi} Greenhalgh, Nathan, "City part of river study," *Reedsburg Times-Press*, January 31 2007, retrieved 5-1-15 from http://www.wiscnews.com/reedsburgtimespress/news/local/article_5687c032-eb7f-582f-b81c-03faa0584ca3.html

^{vii} "Study finds dam removal increases property values in long run". *River Revival Bulletin* No. 82, March 22, 2007, retrieved 4-30-15 from: <http://www.internationalrivers.org/es/river-revival-bulletin/no-82-march-22-2007>

^{viii} Beam, Christina. Study: Removing dams impacts property value, *Wiscnews*, January 6, 2007, retrieved 5-1-15 from http://www.wiscnews.com/news/local/article_750e923d-bb70-5e06-a9a9-786aca376527.html

^{ix} River Alliance of Wisconsin, "Estabrook Dam: Let's Put It Out of Its Misery", retrieved 4-30-15 from <https://www.wisconsinrivers.org/word-on-the-stream/blog/item/estabrook-dam-lets-put-it-out-of-its-misery>

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^{xiii} Holmes, David. Thiensville Dam Assessment Data, June 2015

^{xv} Maslowski, Richard. Email to Glen Goebel, April 1, 2009.

Word Doc Version of
Real Estate Expert Report
to Court with Key Highlights

Item # 4

Expert Report to the Court of Real Estate Expert Witness

on Behalf of Milwaukee River Preservation Association and Brian R. Kreuziger, Intervenors,
Milwaukee County Circuit Court Case Number 2011CV008784

Honorable Judge Christopher Foley:

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Glendale resident over 28 years

REFERENCES

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- ^{iv} Kuglitsch, Paul D. Interoffice Communication, County of Milwaukee, October 14, 2014.
- ^v Northouse Landscape Company Inc. Landscape Proposal: Milwaukee River 2009 Riparian Rights, March 17, 2009
- ^{vi} Greenhalgh, Nathan, "City part of river study," *Reedsburg Times-Press*, January 31 2007, retrieved 5-1-15 from http://www.wiscnews.com/reedsburgtimespress/news/local/article_5687c032-eb7f-582f-b81c-03faa0584ca3.html
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- ^{ix} River Alliance of Wisconsin, "Estabrook Dam: Let's Put It Out of Its Misery", retrieved 4-30-15 from <https://www.wisconsinrivers.org/word-on-the-stream/blog/item/estabrook-dam-lets-put-it-out-of-its-misery>
- ^x Rosenfeldt, Paul, Attorney At Law. Personal oral communication to Kreuziger, Brian, March 15, 2015.
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^{xiii} Holmes, David. Thiensville Dam Assessment Data, June 2015

^{xiv} Maslowski, Richard. Email to Glen Goebel, April 1, 2009.

City of Glendale Resolution
Dated 10/11/2016

Item # 5

**A RESOLUTION REQUESTING RESTORATION OF CITY OF GLENDALE
PROPERTIES SUBSEQUENT TO REMOVAL OF ESTABROOK DAM**

WHEREAS, the County of Milwaukee plans to turn over jurisdiction of the Estabrook Dam to the Milwaukee Metropolitan Sewage District; and

WHEREAS, the Milwaukee Metropolitan Sewage District has announced it will exercise that jurisdiction to effectuate removal of the dam, and

WHEREAS, such removal will result in damage to the shoreline areas of residential properties within the City of Glendale currently having shoreline frontage, and

WHEREAS, there is precedent for restoration of such properties as demonstrated by property restoration occurring after removal of the North Avenue Dam, and

WHEREAS, both the Estabrook Dam and the North Avenue Dam are or were on the Milwaukee River, and within Milwaukee County, and

WHEREAS, certain Glendale property owners will suffer physical damage and potential diminution of property value subsequent to removal of the dam.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Glendale go on record as urging the County of Milwaukee and/or the Milwaukee Metropolitan Sewage District to determine any negative impacts on residential properties within the City of Glendale; and

BE IT FURTHER RESOLVED THAT that the County of Milwaukee and/or the Milwaukee Metropolitan Sewage District are urged to exercise their best efforts to effectuate repair and restoration of the aesthetics and values of such negatively affected properties.

ADOPTED this 11th day of October, 2016.

Countersigned:



Karen L. Couillard, City Clerk



Bryan Kennedy, Mayor

This Resolution was drafted by:

John F. Fuchs
City of Glendale Attorney
Fuchs & Boyle S.C.
13500 Watertown Plank Road
Suite 100
Elm Grove, WI 53122

MEMORANDUM

TO: Mayor, Common Council

FROM: Rebecca D. Boyle

RE: Estabrook Dam/Objection to Permit

DATE: January 12, 2017

In October of 2016, Milwaukee County announced plans to transfer the Estabrook Dam to the MMSD. As announced by Milwaukee County, the transfer is conditioned upon the MMSD's agreement to remove the dam.

On December 19, 2016, the Department of Natural Resources (DNR) gave notice of MMSD's pending application for a permit allowing transfer of dam ownership. This permit (what the DNR refers to as the "completeness permit") is only **one of a number** of permits that MMSD must obtain in order to effectuate removal of the dam. In the case of the Estabrook Dam, in addition to the "completeness permit", the MMSD must also apply for and obtain a Transfer Permit, and ultimately, an Abandonment Permit which allows for the demolition of the dam.

At each stage of the permitting, DNR regulations and state statutes provide for a process for filing objections for the purpose of requesting a contested hearing. Generally,

objections must be filed in 30 days and set forth **with specificity**, the grounds for the objection.

At each stage, the scope of the objections is limited to the matters or issues encompassed by the particular permit. For example, the current permit, referred to as the “completeness permit” relates only to the completeness of filings relating to the transfer in ownership. As outlined by statute and rule, filings at this stage (the “completeness permit”) are essentially related only to satisfactory proof of ownership and financial soundness on the part of the transferee. **Only matters which relate to these issues may be the subject of an objection to the “completeness permit”.** Filings that fail to meet this requirement will result, at best, in a dismissal or denial, or at worst, in an assessment of costs or attorney fees if the filing is determined to be frivolous.

No information has been forwarded to my attention at this time relating to any insufficiency or deficiency that would permit a viable challenge to the issuance of the “completeness permit”.

As noted above, requests for contested hearings are allowed at each permitting stage. And while the statutory provision relating to **municipal** objections applies only at issuance of the “completeness permit” (Wis. Stat. § 31.14), **any individual** may make request for a contested hearing at each of the permitting stages.

STATE OF WISCONSIN :: CITY OF GLENDALE :: MILWAUKEE COUNTY

RESOLUTION NO:

A RESOLUTION REJECTING THE DNR PERMIT APPROVAL OF THE TRANSFER OF THE ESTABROOK DAM UNTIL PROPER SAFEGUARDS ARE IN PLACE FOR GLENDALE RESIDENTS

WHEREAS, the City of Glendale hereby objects to the granting of a permit to Milwaukee County by Wisconsin DNR allowing for the transfer of the Estabrook Dam and lands upon which the Estabrook Dam is constructed to the Milwaukee Metropolitan Sewerage District and,

WHEREAS, Milwaukee County has currently applied for such a permit, which has been assigned Docket #IP-SE-2016-41-04594 and ePermit #WP-IP-SE-2016-41-X12-16T13-04-03 and,

WHEREAS, the City of Glendale objects to the issuance of this permit,

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Glendale, Milwaukee County, Wisconsin – that a true and certified Copy of this Resolution shall be immediately filed with the Wisconsin DNR pursuant to 31.14(2)(b), Wisconsin Statutes.

PASSED AND ADOPTED by the Common Council of the City of Glendale this 17th day of January, 2017.

CITY OF GLENDALE

By _____
Bryan Kennedy
Mayor

Countersigned:

Karen L. Couillard
City Clerk



Memorandum

To: Rachel Reiss – City Administrator
From: Collin Johnson – Director of Inspection Services
Date: 1/12/2017
Re: Report Summary – January 11, 2017 Interagency Meeting to Discuss City of Glendale Request for Hydraulic Analyses of the Milwaukee River

On January 11, 2017, representatives from several agencies including: City of Glendale, SEWRPC, Milwaukee County Parks, WI – DNR, Milwaukee County Executive’s Office, MMSD, and the Milwaukee County Board met to discuss the City’s “*Resolution Requesting Milwaukee County and The Southeastern Wisconsin Regional Planning Commission to Investigate Island and Sediment Issues Upstream from the Estabrook Dam*” dated December 14th, 2016.

The *Resolution* included two specific requests:

1. Request Milwaukee County Executive and Milwaukee Metropolitan Sewerage District to forthwith investigate flood potential dangers, and to take such remedial action as may be determined to be necessary, or to contact such authorities, including but not limited to the Milwaukee County Executive, the Milwaukee Metropolitan Sewerage District, the Army Corps of Engineers and the Department of Natural Resources, to engage in such remediation work as may be necessary for the protection of properties within the City of Glendale and along, near, and upstream on the Milwaukee River; and
2. Requests the Southeastern Wisconsin Regional Planning Commission to order the re-evaluation of the hydraulic analyses for the Estabrook Dam initially done April 8 and April 25 of 2014.

The *Resolution* was drafted in response to concerns outlined in part, from information provided by the MRPA concerning “new islands and tree growth” as outlined in an email from Glen

Goebel dated January 2, 2017 to Michael Hahn of SEWRPC. The email included the following requests:

1. Sediment removal to improve flow during flood events citing ice dams and log jams and floodwater events as major concerns.
2. Restoration of pre-drawdown (2008) flow characteristics.

The general understanding from each party present was that both the MRPA request and the *Resolution*, in response to that request, requested the above actions be completed in advance of spring in order to reduce or eliminate any potential for flooding associated with the impending 2017 spring thaw.

Following the agenda, Michael Hahn opened the meeting by providing a brief summary of the 2014 hydraulic and hydrologic study (or H&H study). He then provided several aerial maps showing the lagoon area in both pre and post drawdown conditions. The photograph dates ranged from early 2000's to 2015 and in each example, showed the existence of each of the islands. These photographs clearly demonstrated the varying and ever-changing conditions of the river, islands, and oxbows, during those years. As one can expect, each were continually transforming in terms of size, shape, exposure, and vegetative cover, etc.

Mr. Hahn then asked what questions the City was looking to have answered. Mr. Johnson, the City's Floodplain Administrator reiterated the concerns outlined by the MRPA group regarding sedimentation and vegetative growth as well as the potential for ice/log jams. It was further explained that the City would like the re-study to be as inclusive as possible in terms of information gathered with the idea that any and all information could and would potentially be used for future mitigation and re-mapping efforts.

One point of contention noted by MRPA was the coefficient used to show how the vegetation growth affected flows. A DNR official explained that he has never seen a 0.150 coefficient factor used in the over 400 H&H analysis he has reviewed, including areas where vegetative growth was more impactful to flood flows.

In closing, Mr. Hahn outlined to all present, the two requests contained within the *Resolution* and a proposed a scope of work for the re-study within keeping of the *Resolution*, which included:

1. Provide a comparative study of the 2014 report with current (2017) conditions based on “dam in place with gates open” scenario. This includes the three islands in the main channel and along the entire eastern oxbow.
2. Complete a field check of the current vegetative growth throughout the lagoon area from roughly Hampton Ave. north to Villard Ave.
3. Run 10 year, 50 year, 100 year, and 500 year flood profiles for the study area.
4. Add additional cross-sections to the 2014 model (where needed) to reflect 2017 conditions.

Closing discussions circled around the fact that this river, like all rivers, is dynamic in that they are always changing and never static. There are numerous factors that impact how a river acts and the notion that today’s river is not tomorrows...as demonstrated in the aforementioned photographs, must be understood and acknowledged.

It was also mentioned that any type of work relating to dredging, sediment removal, vegetation management, would not occur prior to requested deadline and likely not in the near future as such proposals require extensive planning, approvals and permitting from both state and federal levels. Mr. Hahn indicated that the study would likely commence in roughly one month noting that this is not the ideal time to conduct such a study due to various factors.

: End