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## Minutes

### **Kinni Corridor Project Committee Meeting**

Thursday, Jan. 25, 2018

4-6:00 p.m.

City Hall – Training Room

The Kinni Corridor Committee met on January 25, 2018. Those in attendance included Dan Toland, Lisa Moody, Patricia LaRue, Rick Bowen, Jason Engstrom, Susan Reese, Gary Horvath, Rita Kozak, Chris Blasius, Adam Myszewski, Scot Simpson, Mary Zimmerman, Dave Fodroczi, Julie Bergstrom, Buddy Lucero and Mark Lobermeier.

Also in attendance: Dave Simons from SEH and several members of the public.

Buddy Lucero called the meeting to order at 4:04 pm and took roll call. All of the Committee members were present.

### **Discussion Items**

#### **1. Opening Statement**

Buddy discussed the agenda for the evening and reminded the Committee that on February 13, the Council would receive the Committee's final resolution, along with the final report and a brief presentation. On February 27, the Council will take action and vote on a final resolution.

#### **2. Meeting Minutes**

The meeting minutes from the December 21, 2017 and January 11, 2018 were approved

#### **3. Utility Advisory Board Meeting Update**

Adam Myszewski, reported on the UAB meeting of January 15, 2018. According to Adam, the Council chamber was full, full-house, including a crew from KARE 11; those in attendance heard a brief presentation from SEH's Mark Lobermeier regarding the process to date and the draft resolution for consideration by the UAB. The resolution included 3 scenarios:

- Scenario 1 – Relicense and maintain both the Junction Falls and Powell Falls facilities.
- Scenario 2: Surrender the license, and remove both the Junction Falls and Powell Falls hydro facilities and dams at some point in the future.
- Scenario 3: Relicense and maintain the Junction Falls facility.

The UAB heard support from the public for scenario 1 and 2, but not for scenario 3. The UAB ultimately voted 5 -1 to support scenario for scenario 3 – not to relicense Powell Falls. Adam indicated that it was not political, but that there were many competing financial issues, noting that scenario 3 seemed to represent a compromise. He related that the UAB felt that scenario 3 would give the City time to start the process.

#### 4. Final Committee Recommendations and Resolution

Prior to the meeting, Mark Lobermeier had written on the white board the following phrase as a way to set up the discussion:

*“We can achieve some of our objectives if we let other people achieve some of theirs”*

Mark verified that the Committee had a copy of the draft resolution which was sent out as part of the agenda packet. The focus of the discussion would be on the two “Now therefore...” paragraphs and the 10 policy statements and a signature-block which followed, for a total of 13 elements for consideration.

As an initial approach, Mark asked the Committee to consider a consent agenda approach; the Committee could choose to approve the entire resolution as written, or identify which of the 13 elements required further discussion and approve the rest.

Susan asked for clarification in the second “Now therefore” regarding the single license. Mark confirmed that both facilities are covered by a single license.

The Committee agreed that policy elements 9 and 11 (policies 7 and 9) were okay as written.

*vii. The City shall continue to pursue its’ renewable energy policies to create greater amounts of clean energy from other sources and identify strategies for reducing overall consumption compared with the current situation.*

*ix. The City shall develop additional policies for increasing funding to support stormwater management best practices in order to minimize the thermal and pollutant loading to the river.*

Gary asked that element 10 (policy 8) be pulled for discussion. He wondered if dates should be added. Dave questioned whether element 10 should include reference to the Lake George Plan.

Mark proposed the following revision to element 10, and the Committee agreed.

*viii. The City shall ~~update~~ develop and implement a Lake George ~~Improvement~~ Rehabilitation Plan including comprehensive stormwater strategies within the contributing subwatersheds, in accordance with the adopted Corridor Plan, and dates related to future removal of the Junction Falls facilities.*

Patricia had some questions related to element 12. Gary was pleased to see the statement. Dave noted that the statement only speaks to ‘adverse development impacts’, suggesting we delete “adverse”. The Committee agreed to the following revision:

*x. The City shall aggressively pursue policies to address ~~adverse~~ land use development impacts in the upper Kinnickinnic River Watershed that would diminish the quantity and quality of future groundwater sources that contribute to the Kinnickinnic River and its current thermal condition above the City.*

Mark jumped back to element 1 – the first “Now therefore...”. The Committee agreed to the following edit:

***NOW, THEREFORE, BE IT RESOLVED** that the Kinni Corridor Project Committee hereby finds that the future of the Kinnickinnic River Corridor should be based on a ~~shared~~ long-term vision of a free flowing Kinnickinnic River, including associated ecological restoration to maintain the current classifications as a Class I trout stream, an Outstanding Resource Water above STH 35 and an Exceptional Resource Water below STH 35 as defined by the WDNR.*

The Committee discussed the second “Now therefore...”, with Dave noting that the FERC default license has recently gone from 30 – 40 years. He questioned if we would need a settlement agreement. The Committee agreed to come back to this element later in the meeting.

The Committee agreed that element 3 (policy 1) and element 6 (policy 4) were okay as included in the packet.

- i. The City shall aggressively continue efforts to complete Phase 1 and Phase 2 of the Corridor Plan that will define implementation action plans and dates that achieve the long-term vision of the corridor.*
- iv. The City shall document the Powell hydroelectric facility removal process to evaluate ecological restoration successes and failures and use those findings to enhance strategies plan for the ultimate removal of the Junction Falls hydroelectric facilities and associated river restoration.*

Scot raised an issue about element 8 (policy 6), reminding the Committee that they would have an opportunity to direct where the money would go. Julie indicated that there is not funded where this would go today. The Committee agreed to delete element 8:

- ~~*iv. The City shall document the Powell hydroelectric facility removal process to evaluate ecological restoration successes and failures and use those findings to enhance strategies plan for the ultimate removal of the Junction Falls hydroelectric facilities and associated river restoration.*~~

Dave suggested that element 4 (policy 2) would be better if the date was 2018. Scot cautioned the Committee that you can’t do an implementation plan parallel with a corridor plan, and that completing an implementation plan within 24 months of plan adoption would be aggressive. The Committee accepted element 4 (policy 2) without any dates, as follows:

- ii. The Corridor planning process shall establish a fiscally responsible financing plan to implement the recommendations of the final Corridor Plan including ultimate dam removal and stream restoration ~~(A). (B) by the end of 2018, or (C) by the end of 2021.~~*

Mark moved on the element 5 (policy 3), calling it the meat of the discussion. Lisa asked about the timing of potential grants. Mark discussed the Army Corps of Engineers grant process. Patricia preferred a later date in the element, while Gary preferred something earlier. Dave agreed with Gary, expressing concern that the further out the date is the longer it will take to get people to address the funding issues. Chris felt that we still didn’t have enough information, but could support the element with edits. Mark suggested calling the date a “target date”, arguing that the stream is warming and

that an earlier date sends a signal. He reminded the Committee that the dates would not be legally binding.

Dave added that there would be many additional plans. Dan liked the 2028 date which gives the City a cushion to come up with the money. Adam felt that the best case scenario was 8 years, adding that 10 – 12 years seemed realistic. He noted that 2026 is okay, but might not be realistic. Mark made some edits to element 5 and the Committee agreed with the following:

*iii. The City will proceed immediately to define and complete necessary steps to remove the Powell hydroelectric facilities and complete associated stream restoration ~~no later than (A) by the target date of 2026, (B) 2028 or (C) 2033.~~*

Following a brief break, Mark walked the Committee thru the options for element 7 (policy 5). Dave supported the use of a 2030 date as that is when depreciation of the Junction Falls rehab is complete. Susan preferred to have no dates. Patricia supported 2048. Dave believed that a settlement agreement would be needed. He suggested that the word 'or' be inserted prior to Option D, and that Option D is not a stand-alone alternative. Chris felt that if money was no issues, she would agree with 2030, supporting language "...if funding is available."

Scot questioned that if in fact the money was available, would the removal be as soon as possible? He noted that some people still want "x" amount of years of use from the facilities. He indicated that the resolution has to be believable, realistic, and that the date is important to leave in. Rick asked if the proposed changes was the most realistic based on what we've learned so far. Scot indicted that the dates could be changed, but noting that Council will look favorably on the Committee recommendations. Dan agreed, noting the Committee would put their name on it. Element 7 (policy 5) was revised and approved by the Committee as follows:

*v. The City will take necessary steps to remove the Junction Falls dam and complete associated stream restoration by the target date of ~~no later than (A) 2038 20 years from today, (B) 2040, coincident with the estimated 50 year useful life of the facility, (C) 2048, unless funding is available to complete the removal of facilities and associated stream restoration by a date no earlier than 2040, or unless the trend of ecological conditions on the Kinnickinnic River have degraded to a point where the project becomes more immediate. 30 years from today, (D) when actual and estimated maintenance and repairs to safely operate the facility exceed \$100,000, or (E) immediately following license surrender in 2063.~~ Any future hydro or dam related expenditures over \$5,000 shall be brought to the Utility Advisory Board and City Council for review and approval*

Element 2 was revisited. Dave asked that we add "with a settlement agreement that will incorporate the provisions of the resolution". Mark clarified that the settlement agreement approach would indicated that the City doesn't want to follow a conventional licensing agreement. The Committee approved element 2 as follows:

***NOW, THEREFORE, BE IT FURTHER RESOLVED*** *that the Kinni Corridor Project Committee hereby recommends that the City relicense the hydroelectric project for the final time, with a settlement agreement that incorporates the provisions of this resolution, and take steps to pursue the long-term vision for the Kinnickinnic River Corridor within the following policy framework:*

Finally, the Committee agreed to the signature page (element 13), indicating their support for the resolution:

*The Kinni Project Corridor Committee guided the language of this resolution, and while each word and provision may not have complete agreement of each member of the Committee, the members by their signature below acknowledge their support of the overall recommendation:*

**5. Next Meetings**

Mark reminded the Committee of the next meetings – February 13 and 27 with the City Council and March 8 with the Committee.

**6. Adjourn**

The meeting adjourned shortly after 6:00 pm.