

Fox River Navigational System Authority

1008 Augustine St
Kaukauna, WI 54130

Philip Ramlet, Executive Director
Telephone: 920-850-1677
Jeremy Cords, Operations Director
Telephone: 920-309-4501



MINUTES

FRNSA Board of Directors Meeting

Tuesday, December 12, 2023 – Board Meeting **3:00PM PROMPTLY**

Meeting Location: **1008 Augustine Street, Kaukauna, WI 54130**

Virtual: <https://global.gotomeeting.com/join/412495285>

United States: [+1 \(786\) 535-3211](tel:+17865353211)

Access Code: 412-495-285

Members: Ron Van De Hey (Chair), Jeff Feldt (VP), Tim Short (T), Bruce Enke, John Vette, Jean Romback-Bartels (Board Secretary, DNR), Tom Buchholz (DOT), Daina Penkiunas (SHPO), Dean Haen

Attending: Ron Van De Hey, Tim Short, Bruce Enke, John Vette, Jean Romback-Bartels, Tom Buchholz, Dean Haen, Phil Ramlet, Jeremy Cords, Beth Taubel, Tim Bolwerk (Westwood)

Attending Virtually: Daina Penkiunas

Excused: Jeff Feldt

Start: 3p End: 5p

Agenda:

1. Introduction
2. Review and approval of previous board meeting minutes
 - a. Discuss
 1. Items carried over from September meeting for follow-up
 1. Discussion with US Senator Tammy Baldwin and US Representative Mike Gallagher's staff
 - a. Update
 - i. No response received from US Senator Tammy Baldwin's office
 - ii. Phil Ramlet met with US Representative Mike Gallagher staff member, David Brooker (District Director)
 1. US Representative Mike Gallagher's office is very supportive
 - a. However, concern over US Fish and Wildlife Service possibly adding lake sturgeon to the endangered species list
 - b. Southern states are lacking in lake sturgeon
 - c. Northern Midwest populations are strong

- d. US Fish and Wildlife could do selective geographical areas for endangered list
- 2. Previous discussions that Jeremy Cords had with “fish” groups
 - a. Update
 - i. When Jeremy Cords met with public for an informational meeting in 2019
 - 1. Fish groups 100% against barrier and will never support one
 - a. Want to protect fish populations and watershed
 - b. Don’t want Menasha lock to open
- 3. Report for dredging and sediment testing that was done a couple of months ago to DNR
 - a. Verify complete
 - i. Phil Ramlet verified that this was completed and information submitted to Jean Rombach-Bartels
 - 1. This work was completed in association with electric barrier as sediment would need to be removed prior to work being done
 - a. Low level lead and PCB contamination
- 4. Westwood Construction Services Scope of Work and Fee Proposal
 - a. Get revised/clarified proposal
 - i. Review and Discuss
 - 1. N/A
 - ii. Motion to approve
 - 1. N/A
 - b. Incorrect SOW listed, should be “Westwood “Schedule A – Scope of Work and Fee Proposal” for Inspection, Operation and Maintenance Plan (IOMP) and Emergency Action Plan (EAP), not “Construction” services
 - i. Will be added to January 2024 Board of Directors meeting
 - 1. Get revised/clarified proposal
 - ii. See notes under Item 4; 2; 1; a – Vinton Construction Change Order 1
- 5. ACOE fence layout routed to WDNR/Jean Rombach-Bartels
 - a. Verify complete
 - i. Phil Ramlet submitted fence layout to Jean Rombach-Bartels
 - 1. Jean Rombach-Bartels states the “Blue” fence option would work best
 - a. Closes off perimeter of dry dock, but not trail
 - b. Shorter and cheaper
 - 2. “Yellow” fence option would go around specific “hot spots”

- ii. Phil Ramlet will submit the “Blue” and “Yellow” options to Beth Taubel for meeting documentation/record
 1. Beth Taubel will submit to rest of the board members so they are aware of what is being discussed
6. Meet with Curt Detjen with Community Foundation for the Fox Valley Region (CFFVR)
 - a. 501(c)(3) conduit for FRNSA
 - i. Update
 - b. Begin developing list for 2024 fundraising
 - i. Discuss
 - c. Phil Ramlet will meet with Community Foundation of the Fox Valley Region (CFFV) on Thursday, December 14, 2023 to discuss items (a) and (b) above
3. Review and approval of Treasurer’s Report – Tim Short
 - a. Financial Summary
 - b. Unlock the Fox monthly summary from Associated Bank
 - c. Monthly expense details
 1. October
 1. No surprises
 2. Funds down \$½ million
 2. November
 1. No expenses in for November yet
 2. Unlock the Fox funds up
 3. Market is up
 3. Tim Short motions to approve the Treasurer’s Report, seconded by Bruce Enke, all approve
 - d. Endries Otto, LLC Invoice 49934
 1. Motion to approve payment
 1. Invoice received for period 04/01/23-06/30/23
 2. Amount of \$8,640.00
 3. Phil Ramlet has previously requested more timely billings
 4. Dean Haen asked if these invoices wouldn’t be approved when the budget is approved
 - a. Due to precedent set of having board approve all invoices over \$5K, this is something state auditors questioned when items over \$5K weren’t being approved by board
 - b. Jean Romback-Bartels suggested getting three estimates to possibly find an accounting firm that will submit timely billings so

contract could be passed with budget and individual bill approvals wouldn't be necessary

- i. Approve as an annual contract at that time
- ii. Phil Ramlet will get clarification of process from DOA
- c. Tim Short motions to approve payment of Endries Otto, LLC invoice, seconded by Tom Buchholz, all approved

4. Executive Director – Phil Ramlet

1. Menasha Lock

1. Kleinschmidt Proposal from Jason Kent

a. Review and discuss

- i. Phil Ramlet, Jean Rombach-Bartels, and her staff, had a teleconference with Jason Kent with Kleinschmidt

1. Additional work was identified

2. 60% design and concerns

a. No velocity and flow

- i. This has been a concern since day one and never gets addressed

- ii. Does FRNSA continue to pay for the same, without getting an answer

- iii. Review original proposal to see exactly what it states, FRNSA feels that Kleinschmidt still owes us answers based on the original contract we paid for already

- iv. Should include (9) points put forth by the DNR, still need to be addressed

b. Phil Ramlet will review original contract to match design to scope

- i. Will submit letter to Jason Kent with Kleinschmidt regarding biological concerns

- ii. Phil Ramlet will work with Jean Rombach-Bartels, next year, to put together the letter

c. Biological concerns not addressed

- i. Without water flow or constant sweeping algae will bloom and dead fish will cause a smell, not to mention the image of dead fish in the lock

d. To induce constant water flow if it's a design requirement

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- i. More cost for pumps, maintenance, replacement parts, etc
 - e. Voltage
 - i. There is no gradual “build up” to full force of voltage
 - ii. Full force from entry to exit
 - 3. Funding
 - a. Ron Van De Hey states he will not support spending more money
 - i. If no funding available, why continue
 - 4. Research ownership
 - a. FRNSA does not own the research
 - i. FRNSA may have sharing rights, unsure
 - b. FRNSA feels like we are funding an ongoing research study
 - c. Kleinschmidt could take this information to the market
 - d. FRNSA is in the forefront of this research in North America
 - ii. Motion to approve
 - 1. This decision will be put on “pause” until January 2024
- 2. UWGB Testing - Round goby trapping/monitoring Scope of Work (SOW)
 - a. Review and discuss
 - i. DNR Comments sent on to UWGB
 - 1. Suggests studies shouldn’t all be done at the same time, or back-to-back
 - 2. Include more turning basin and throughout government canal
 - ii. Continued testing would ensure that when/if round goby is found in Lake Winnebago, that they didn’t enter via locks
 - iii. Proposal is for \$17,590.00
 - iv. Motion to approve to continue testing
 - 1. Bruce Enke motions to accept proposal, not to exceed \$17K, seconded by Tim Short, all approve with Jean Rombach-Bartels abstaining
- 2. 2023 Construction Projects
 - 1. Jeremy Cords and Tim Bolwerk (Westwood) presented
 - 2. Review and discuss
 - a. Vinton Construction Change Order 1
 - i. Kaukauna Lock 5 – Seepage
 - 1. Install temporary bridge
 - a. Revised from temporary timber mat access crossing

- ii. Cedar Lock – Seepage
 - 1. Per DNR review, cut off trench installation will not take place
- iii. Little Chute – Levee
 - 1. Substantial leak
 - 2. Underground issues different than what was expected and bid
 - a. Existing bentonite mat – large depression
 - b. Sinkholes in embankment and left approach wall
 - c. Additional embankment repair work
 - 3. Working with Ryan Pichler (DNR)
 - a. Agrees with repairs
 - 4. Amount of Change Order 1, time and material not to exceed \$57,004.50
- iv. Motion to approve written Change Order 1
 - 1. Tim Short motions to approve Change Order 1, not to exceed \$57K, seconded by Bruce Enke, all approve with Jean Rombach-Bartels abstaining
- b. Vinton Construction Change Order 2
 - i. De Pere – Sinkhole
 - 1. Developed Spring 2023
 - a. Good time to repair
 - i. Low water
 - ii. Warm weather
 - b. Working with DNR
 - i. Still waiting on final approval and comments
 - ii. SOW may change based on comments
 - iii. Tim Bolwerk (Westwood) will follow-up with Ryan Pichler on Wednesday, December 13, 2023
 - c. Pull back rip rap
 - d. Excavate
 - e. Fill with grout
 - f. Pack with clay
 - g. LDHP liner to go over seam
 - i. Cover with rip rap to toe of slope
 - h. Amount of Change Order 2, \$27,900.00
 - i. Tim Bolwerk (Westwood) will discuss further with Vinton Construction
 - ii. Will be less excavating, should be cheaper
 - ii. Motion to approve verbal Change Order 2

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1. Tom Buchholz motions to approve Change Order 2, not to exceed \$28K, seconded by Tim Short, all approve with Jean Romback-Bartels abstaining
3. January 23, 2024, Board Meeting
 1. Beth Taubel will be out of the office
 - a. Decide what to do regarding minute taking
 - i. Jean Romback-Bartels offers to take and type up minutes for January 2024 Board of Directors meeting
5. Capital Projects Committee – Tom Buchholz
 - a. Motion to approve to pay the following invoices
 1. Kleinschmidt Invoice 000202310154
 2. Vinton Construction Company Application #1
 1. Tom Buchholz motions to approve the two above invoices, seconded by Bruce Enke, all approve with Jean Romback-Bartels abstaining
 3. Westwood Invoice 1231002136
 4. Westwood Invoice 1231101743
 1. Tom Buchholz motions to approve the two above invoices, seconded by Bruce Enke, all approve
6. Executive Committee – Jeff Feldt
 - a. Update
 1. No update
 1. No November meeting was held
7. DNR – Jean Romback-Bartels -
 1. Update - ACOE Dry Dock –
 1. No update
8. Fundraising Committee – John Vette
 - a. Update
 1. No update
9. Rapide Croche Committee – Bruce Enke
 - a. Discuss
 1. No update
10. Closed Session per Wis. Stat. 19.85(1)(c), considering employment, promotion, compensation or performance evaluation data
 - a. Consider employee (Office Operations Manager) PTO proposal
 1. Discussion

1. Tim Short motions to go into closed session, seconded by Jean Rombach-Bartels, all approve
 - a. Phil Ramlet asked if the Board had reviewed the proposed resolution to the paid time off situation that employee, Beth Taubel, was in. Phil Ramlet explained that Beth Taubel, having dealt with two audits this year, and having carry over leave from 2022, found herself in a situation where she could not use her leave effectively prior to the years' end. Phil Ramlet requested the Board to consider an exception to the 2023 Paid Time Off policy to accommodate this unusual situation. Daina asked for clarification on amount of leave hours given to employees.
2. Bruce Enke motions to approve as presented, seconded by Tim Short, all approve
3. Jean Rombach-Bartels motions to return to open session, seconded by Tim Short, all approve

11. Adjournment

- a. Tim Short motions to adjourn, seconded by John Vette, all approve