

Commission members present:

Dean Falkner (Village of Mukwonago) (Chairman)
Katelyn Bratz (Town of Mukwonago) (Vice-Chairperson)
Alan Barrows (Waukesha County)
Chad Sampson (Racine County)
Bob Bartholomew (Town of Vernon)
Fred Koeller (Village of Waterford)
Francis Stadler (Village of Big Bend)
Doug Koehler (City of Waukesha)
Donny Hefty (City of Burlington)
Wayne Jensen (Village of Rochester)
Jeff Lang (Town of Burlington)
Andy Buehler (Kenosha County)
Andrew Lois (Town of Wheatland)
Tom Slawski (SEWRPC)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Ken Miller (Town of Waukesha)
Sara DeBruijn (Wisconsin DNR)
Rachel Sabre (Wisconsin DNR)

Also present: Senator Stephan Nass (11th Senate District), Dillon McGee (Office of Rep. Adan Neylon 98th Assembly District), Erin Probst and Paul Ferguson of the Legislative Fiscal Bureau, Dan Hubert (Office of Rep. Scott Allen 97th Assembly District), Gabriel Szerlong (Legislative Assistant to Rep. Chuck Wichgers), Senator David Craig (Senate District 28), Don Houston and Zeke Jackson of the Village of Waterford, Joe Keller of the Fox Waterway Agency of Illinois, and Dan Treloar of Kenosha County.

At 1:05 PM the special SEWFRC ‘in district’ Meeting with Legislators began. Jim Pindel started with a Power Point presentation, paper copies were provided to all in attendance that included the following:

- a) The SEWFRC is a statutory commission established in 1997.
- b) SEWFRC channeled \$1,681,554.32 into ~ 50 beneficial projects, involving erosion control, storm water abatement, public access, education and feasibility studies
- c) The SEWFRC is working on 8 active projects involving \$190,124.00 of grant funds and has only \$2035.00 grant fund dollars available for other projects.
- d) The SEWFRC is working toward a 9-Key Elements plan because it is a Best Management Tool for fixing and maintaining the Fox River and it might make us eligible for Federal funding
- e) In 2016 the area of responsibility of the SEWFRC increased 71% when the area of coverage included from the Waterford Dam to the Illinois border.
- f) In 2017 the SEWFRC funding was eliminated.

- g) A slide was provided showing the active projects involving \$190,124.32 of grant funds.
- h) A slide was provided showing the anticipated grant projects for Racine County amounting to \$486,733.34, plus an additional grant request of \$2,000,000.00 toward the dredging of the Waterford impoundment.
- i) A slide was provided showing anticipated grant projects of \$366,333.33 for Waukesha County.
- j) A slide was provided showing anticipated grant projects of \$572,333.33 in Kenosha County.
- k) It was pointed out that 100% of grant funds are spent on grant projects.
- l) SEWFRC is a clearing house for small grant projects.
- m) SEWFRC has minimum overhead like publication of annual public hearing and office supplies.
- n) All SEWFRC work is done by volunteers, no salaries are paid.
- o) It was explained that details of all SEWFRC projects are available on our website SEWFRC.org.
- p) Proposed Assembly Bill LRB 5070/P1 would provide \$200,000 for fiscal years 2017/2018.
- q) Proposed Assembly Bill LRB 5071/P1 would provide \$100,000 for every fiscal year thereafter.

At this point Rep. Chuck Wichgers pointed out that the reason for this 'in district' meeting was to make the other legislators who have constituents within the area of jurisdiction of the SEWFRC aware of need for funding for the SEWFRC. Rep. Wichgers said that with all the business and bills the legislators are working on in Madison a meeting like this one hopefully will put funding for the SEWFRC on their radar. Rep. Wichgers went on to say that if just one legislator promotes a bill it might not get the priority it needs to get passed. However if several legislators make the bill a priority and support it, it should have a better chance to get passed. Rep. Wichgers said that at the last SEWFRC he attended we discussed what it takes to get a funding bill accomplished, What it takes is a grassroots meeting like this and for all of the municipalities involved to engage their legislators asking them to support our funding. The municipalities must have a dialog with their legislators encouraging them to support the bills so we can justify the 'ask'. Rep. Wichgers said that the other legislators might question where is the money coming from, will we have to replace the money from wherever it was taken from or is their enough money in the existing fund to cover the cost of the funding over this and upcoming biennium's and is it justified. Rep. Wichgers said that Jim Pindel's presentation pointed out some points which would justify the funding and that at a meeting in Madison when Dean Falkner and Jim Pindel attended they talked to the Legislative Fiscal Bureau who identified that the SEWFRC is a statutory commission that the state created and it is all volunteer. It allows the counties and municipalities to participate to be involved and benefit. Rep. Wichgers said that as he became more aware of what the commission is trying to accomplish and how hard it would be to do what they are tasked to do without funding. Rep. Wichgers said that the state owns the waterway, created the commission to care for the waterway and the WDNR sets standards that the waterway must comply with and the commission has not been given the funding to

accomplish its objectives. The volunteers are doing the work and the municipalities are participating without adding to the local tax burden. So there are expenses that end up here even though the state owns the waterway and it can be enjoyed by all the state citizens. It turns out to be an unfunded mandate that the commission must do its job and meet the standards set by the WDNR. Rep. Wichgers said that the SEWFRC has been funded since its inception in 1997 and now this year it has not been funded which has made a burdensome task and made it more burdensome. Rep. Wichgers said that talking to the Legislative Fiscal Bureau (LFB) the fund (derived from the gas tax) though strained does in fact have funding available. Rep. Wichgers ended up by saying now it is up to the commissioners and their municipalities to contact their legislators and emphasize the work we have to do and that we need their support to get these two bills passed. Rep. Wichgers said that it is not a big 'ask' but it is a worthy 'ask'. Rep. Wichgers said that the first bill asking for \$200,000 for this biennium must be passed in February while the legislature is still in session. The second bill for ongoing funding will have to be taken up when the legislature reconvenes next January. So there is less urgency with this second bill but we need to bring it up to our legislators so that they remember us next year when it needs to be passed. Tom Slawski asked if the funds would still be administered by the WDNR and Rep. Wichgers said that it would be and probably from the gas tax collected by the Recreational Boating Facility. Paul Ferguson of the LFB said that the \$200,000 for the first bill would come from the RBF gas tax money but the ongoing funding of the second bill would come from the broader Water Resources Account but essentially it still comes from the gas tax collected from motor boat users. Dean Falkner pointed out that the state has listed the Fox River as an impaired waterway because of water quality issues. Dean said that all of the work we do is done to improve the water quality of the Fox River. Jim Pindel made a point of the fact that the legislature increase our area of responsibility in 2016 and then the very next year 2017 the legislature cut our funding making it difficult to almost impossible to carry out our mandates. Rep. Wichgers asked that since the SEWFRC has worked since 1997 in Racine and Waukesha counties and now our footprint has grown to include Kenosha county, is there some catching up to be done in the new area? Jim Pindel answered the question by pointing out that in his Power Point presentation; Kenosha County had the highest requirement of anticipated projects of the three counties exceeding \$500,000. Jim Pindel went on to say that in 2014 the commission hired Graef Engineering from Milwaukee to survey the then existing mainstream of the Fox River from the north end of Waukesha down to the dam in Waterford. This survey identified 19 areas where shoreline restoration or erosion control was needed. This last year the SEWFRC hired SEWRPC to do a similar survey from the Waterford dam down to the Illinois border. It is expected that the results of this survey will identify at least as many areas of need for shoreline or erosion control measures. The actual survey has been completed but we will not see the final report until it is finished this year by June 30th. Rep. Wichgers then asked isn't it reasonable to expect that the majority of project in say the next five years will be in the new area of our responsibility in southern Racine county and in Kenosha county? Jim Pindel responded that this would be the case if counties or municipalities applied for grant funds for these projects. Someone has to come forward and sponsor the projects. Jim also said that historically projects were granted funding on a first come first serve basis. It is likely that the commission will have to do some additional planning to

have funds available for as many projects as possible. It is possible we will have to rethink our normal cost share ratio of 90% by the commission and 10% by the sponsor, so we can spread the funding around to more projects. Rep. Wichgers summed it up by saying that we have an identified budget plan and an anticipated budget plan and we expect some large expenses coming up as a rebound effect of our expansion. Andrew Lois pointed out that nothing has been done in the stretch of the Fox River from Wilmot to the Illinois border, because there has never been money available to do any work there. Rep. Wichgers asked Dean Falkner which areas within SEWFRC's jurisdiction were listed as impaired by the WDNR. Dean said that the entire stretch of river in our area of jurisdiction is impaired. The phosphorus concentration exceeds the water quality standards. Dean went on to say that besides the phosphorus there is sediment rushing down the river being deposited in lakes and the river downstream. All the work we do is trying to address the infiltration of phosphorus and dirt into the Fox River to improve the water quality and make the waterway available for boating. Rep. Wichgers asked how the commission will work with the WDNR and municipalities (or Lake Management Districts) to accomplish dredging where it is needed. Jim Pindel pointed out that the commission has supported the dredging efforts of the Waterford Waterway Management District (WWMD) to the tune of approximately \$190,000 so far. These funds were used primarily to pay for testing and engineering. The dredging itself has not started and we are not capable of covering the expense of the dredging project. However some funds could be channeled through us to help pay for the dredging. Jim Pindel pointed out that the WDNR stated that they maintain the Waterford impoundment by funding the SEWFRC, but now that we are unfunded they are not meeting their obligation to maintain the Waterford impoundment. Andy Buehler of Kenosha County stated that their county is a new member of the commission and that their County Executive was very supportive of the county joining the commission because he saw how much work we have done in what you might call the upper portion of the Fox River in Racine and Waukesha counties. He is aware of the need for the same sort of work that needs to be done in Kenosha County. Andy pointed out that there was extensive flooding in 2017 and as the water receded it carried significant amounts of sediment and nutrients into the Fox River. Andy said that this flooding occurs on an annual basis and they need to address the flooding and erosion that goes on. Andy said that some of the work that needs to be done involves roads that are eroding to the point that they need to be fixed. The county hopes to address these needs with the help of the SEWFRC. Wayne Jensen asked if we have been funded since 1997 and now we were not funded this last year, why did this happen? Did we not do something right and who made the decision to not fund us? Erin Probst of the LFB said that all the funding we received in the past was always 'one time' funding so it would not automatically reoccur in the next budget cycle. Someone needed to ask for it to get it into the state budget. No one on the Joint Finance Committee made a motion to fund the commission. Wayne asked who had been making the motion to fund us in the past and he was told that it was Senator Mary Lasich who is now retired. Rep. Wichgers asked for clarification, he said he thought that the funds came from the DOT budget and Erin Probst said that the funds were transferred from the DOT budget from the gasoline tax collected for motor boat usage. This is a long standing transfer that happens every budget cycle. Rep. Wichgers said that even though funding was not requested up front we still have a chance in the present legislative session to

request these funds. This has to happen before the end of the current session which ends in February. Wayne Jensen asked if we need to get someone to request funding every new budget cycle and he was told that it would be requested for the present budget cycle on a 'one time' basis. If and when the second Assembly Bill is passed a request each budget cycle will not be required because the bill provides for funding every fiscal year hereafter. There would have to be an action taken by someone to repeal this bill to cause the funding to stop. So it would be up to us to monitor the budget process to make sure our bill was not being repealed. Donny Hefty of the City of Burlington said that the City runs a waste water treatment plant and we are now listed as MS4 storm water committed facility by the WDNR. So we are now required to meet requirement on the sanitary sewer side as well as on the storm water control regarding water quality. These new requirement forced the City to provide more funds and so the City is now looking to the SEWFRC to help provide funding for the small projects that still need to be done without any impact on the taxpayers. Jim Pindel pointed out that this is another example of how the commission acts as a clearing house for smaller project to help our member municipalities. Rep. Wichgers pointed out that the report from the LFB said that the SEWFRC is charged with improving the water quality and recreational use of the Fox River within its boundaries. The recreational use of the Fox River is an economic stimulus which generates income for the state and the local businesses as well as increasing property values. This is a great return on investment for the \$200,000 every biennium. In essence we are helping the state by generating this revenue. Tom Slawski of the SEWRPC pointed out that by the SEWFRC funding the annual Fox River Summit it promotes collaboration among different groups within the watershed sharing technical, environmental and best practices enhancing the entire Fox River Watershed. The initiative for the Fox River National Water Trail grew out of the Summit. The Water Trail should draw visitors from throughout the state and even the whole country to this recreational destination. Tom pointed out that one of the speakers at the upcoming Summit will be talking about the economic impact of the Huron River. The talk will ask how you put a price on a river and the report covers what it took to make the Huron River a recreational destination. The information we get from this presentation could and should be applied to our Fox River. Jim Pindel made his last comment saying that the commission has grown in better business practices and standard operating procedures as we evolved over the years. He also said that he will provide meeting minutes to all present as well as sending them to the legislators who were not able to attend. Rep. Wichgers ended up by addressing the legislators and the municipal leaders present making a point of the fact that the local municipalities participate in the commission. Rep. Wichgers went on to say that there are watchdogs that look into the funding provided by the state and if they see local municipality participation they are more likely to look favorably on the grant funds.

The 'in district' meeting closed at 1:50 PM with a 10 minute break for discussion between the attendees and the visitors before the regular SEWFRC commenced.

At 2:05 PM, Chairman Dean Falkner called the SEWFRC meeting to order.

The Pledge of Allegiance was recited. Roll call was taken earlier in the 'in district' meeting and a quorum was confirmed.

Minutes The minutes from the December 15, 2017 meeting were reviewed. It was motioned by Doug Koehler that the minutes be approved and the motion was seconded by Alan Barrows. The minutes were approved unanimously.

Treasurer Reports – Jim Pindel reviewed the December 2017 treasurer's report. We started the month with \$32,693.12. We made a payment of \$264.32 to cover the hotel room costs for the consulting company that ran the Smart Salt Workshop. We received \$5.51 in interest in December bringing our Money Market account to a balance of \$32,434.31. The changes to the non-grant funds was the \$5.51 in interest and removal the Smart Salt Workshop (because it was a grant fund project) resulting in the net non-grant funds available being \$32,369.50. On the grant fund tracking page the 2018 Fox River Summit was added bringing the available grant funds down to \$2,035.68, which needs to be spent by June 30th. It was motioned by Alan Barrows and seconded by Katelyn Bratz that the treasurer's report should be approved. The motion carried unanimously.

Old Business

- a) **Fox River Partnership 2018 Summit**: Tom Slawski said that he has been trying to get people to attend. He said some people have already signed up. He has gotten more sponsorships than in the past which is helping out financially. Tom said they are planning to end the summit with a panel discussion which he hopes will lead to more collaboration across the Wisconsin Illinois border. Tom hopes that this will lead to more active participation between the groups in Illinois and Wisconsin. Dean Falkner added that when he called Joe Keller of the FWA, Joe said I see you have expanded down to the Illinois border which should have been 1 year old news. So more interaction with the Illinois Fox River organizations is needed. Dean said that if we are trying to get federal money to help out in Kenosha County we must get aligned with the FWA. At this point Alan Barrows made a motion that the SEWFRC reimburse the attendance fee for commissioners and alternate commissioners who attend the Summit from non-grant funds. Fred Koeller seconded the motion. The motion passed unanimously.
- b) **Mukwonago River shoreline restoration at WE Energies Site**. Alan Barrows said that he had nothing new to report. Dean Falkner said that he drove by the site yesterday and it looked very good. Alan said that if anyone sees anything out of order at the site they should let him know about it.
- c) **ESR Project disposal sites environmental impact**: No one from the WWMD was present, so Jim Pindel stated that even though the idea of using the Super Mix site was still a possibility the ESR group is still working with Waste Management

- (WM) who is proposing to do the entire dredging, dewatering and disposal of the sediment. A phone teleconference is scheduled for this coming Thursday so WM can bring the ESR committee and the WWMD up to speed as to where they are in coming up with a solution for dredging the Waterford impoundment.
- d) Schuetze Playground Storm Water Abatement: - Doug Koehler said that he forwarded everything he received to Jim Pindel. And Jim Pindel said he received it and needs to process the documentation.
 - e) Mukwonago Park Shoreline Restoration – Alan Barrows said he did not have an update at this time.
 - f) Village of Waterford East Shore river bank Restoration: - Fred Koeller said that he thought that all the required documentation had been sent to Jim Pindel. Jim said that the final thing he needed was the proof of payment and that he received it yesterday. Dean Falkner said that there were a couple islands just below the Waterford dam and that one of them either relocated down the river or was washed away during the 2017 flood. Dean asked Fred Koeller if the remaining islands were protected and Fred said they were not. Fred said that an island about 20' by 15' was completely washed away and the other island is still there. Fred said that during a flooding situation the Waterford dam is wide open causing a strong current coming straight down the river and the Waterford spillway allows the excess water which the dam cannot pass to flow over it causing a diagonal strong current which work against the islands eroding them. Fred said that the Village's concern is that if the existing island, which protects the shorelines under these conditions, disappears will this cause erosion or damage to the shorelines. Tom Slawski said that SEWRPC could do a study to see what could or should be done in this regard. Tom asked if there were any photo documentation of the islands and Fred said he would check. Dean said that someone who was monitoring the water downstream of Waterford said that the silt and phosphorus increase heavily during the period when the island was disappearing. Chad Sampson said there was a mud slide along the shoreline at that time and that the shoreline just south of the areas that were stabilized by our projects needed some stabilization or there will be further erosion. Fred pointed out that when the river current gets so strong it is able to wash out large rocks. Chad said that a possible project would be maintenance of the shorelines to keep them from deteriorating.
 - g) SEWRPC Survey for Waterford Dam to the Illinois Border – Tom Slawski said that he had nothing to report at this time except that he will put more emphasis on the islands in his study.
 - h) Birch Lane Shoreline Protection Project: Chad Sampson said that there is nothing to report at this time and that construction will start in early spring.

New Business

- a) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that they are now at the point that what they need most is money so they can develop any part of the plan. So as of now the plan is on hold.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Joe Keller of the FWA was present and made his report. Joe said that in 2013 they were flooded out of their headquarters. Funding for a new facility was obtained and now they have a new 3000 square foot headquarters with offices and all the necessities. Joe said that the 2017 flood has reignited the debate about restoring an island in one of the lakes which was originally formed from dredged materials. The island has pretty much eroded away and the riparian owners like it that way; they don't want to look at island only open water. They have come to a compromise the island was originally 50 acres and now it will be re-established on a smaller footprint. The FWA is working with the Army Corps of Engineers to work out the details of the new island. Joe said that the FWA has turned their financial situation around in the last few years by being conservative and making good decisions on spending the little money they have. The FWA has not received any state of Illinois funds but they are looking at ways to free up some money for them. The state has returned properties to the FWA that belonged to them 25 – 30 years ago. Now the FWA is considering selling these properties and using the proceeds to pay for projects or equipment. Joe said that an appraisal has just come in on the first property at about \$500,000 and he expects the other properties to come in at about the same price. So even though no money is coming from the state they are getting funds indirectly by getting these properties back. So the FWA will have funding to get some work done. Joe said that the FWA is doing a better job of engaging the public through social media and an updated website. Joe said that they have received good feedback from the public. An example is a landowner near the Wisconsin Illinois border who has large holes in the ground that need filling and the FWA has many cubic yards of rich top soil to get rid of, so this could be a win-win situation for the landowner and the FWA.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: No one had anything to report. Dean Falkner said that he had a conversation with someone from the WDNR asking him what would be the effect of the diversion especially downstream of the confluence of the Fox and Mukwonago Rivers. And it was said that the lessening of flow will likely cause the concentration of silt and phosphorus to go up.
- c) Progress toward designation as a “National Water Trail” – Village of Waterford. Fred Koeller said that they were able to collect their data before the river froze up. The St. Charles canoe club has volunteered to collect data in the St. Charles area. Fred said that Barbara Messick will update the Wisconsin database based on the new data collected. They are working on confirming that all the different visitor

bureaus will indeed contribute \$1,500 each to the marketing coalition. The coalition will concentrate on the river and the area on both sides of the river for 10 miles. They want to capture the events and activities along the river which is broader than the activity on the river itself. They are waiting to see if they get a WDNR grant which will be awarded in February. Fred pointed out that a WDNR study from 2004 to 2017 showed an increase in kayaking of 604%. Francis Stadler asked if attaining National Water Trail status made them capable of getting federal grants. Tom Slawski said that they applied for a grant from the National Park Service they did not get any money but they did get support in the form of time helping them with the process from someone named Angie. Francis then asked if we get any national advertising and Tom said yes it will be included in a national database of Water Trails.

- d) SEWFRC Website – Al Sikora was not present and no one had any comments.

Correspondence –

- a. 12/18/17 Email from Jim Pindel asking you to mark your calendars for today's meeting.
- b. 12/18/17 Email from Jim Pindel notifying everyone that the 'in district' meeting will be held on 1/12/18 with an excerpt from the meeting minutes covering the discussion about the 'in district' meeting
- c. 12/19/18 Forward of an email from Jayne Jenks with attached manuals regarding side walk and parking lot salting.
- d. 12/19/17 Email from Jim Pindel asking everyone to check and correct the list of Legislators for our counties and municipalities.
- e. 12/23/17 Emailed letter to Johnathan Delagrave (Racine County Executive) reporting how we spent the 2017 Racine County allocation.
- f. 1/4/18 Emails from Jim Pindel inviting the following to the 'in district' meeting: Senator Van Wanggarrd, Senator Stephen Nass, Senator David Craig, Senator Chris Kapenga, Rep. Samantha Kerkman, Rep. Tyler August, Rep. Chuck Wichgers, Rep. Robin Vos, Rep. Scott Allen, Rep. Adam Neylon, and Rep. Cody Horlacher.
- g. 1/4/18 Forward of an email from Gabriel Szerlong with attached copies of the two bills being sponsored by Representative Chuck Wichgers.
- h. 1/4/18 Forward on an email from Tom Day with attached "Mukwonago River Watershed Nutrient Study 2004-2017.
- i. 1/4/18 Email response from Jim Pindel to Senator Craig's office explaining details of the 'in district' meeting.
- j. 1/4/18 Email from Rep. Scott Allen's office stating that he is not available at the time of the 'in district' meeting.
- k. 1/12/18 Forward of an email from Rep. Wichgers office with the meeting notes from December 13th meeting that Dean Falkner and Jim Pindel attended in Rep. Wichgers office.

Miscellaneous Issues –

Fred Koeller pointed out that all the commissioners or their supervisors should contact their legislators asking them to support the two bills being sponsored by Rep. Wichgers to get funding for our commission.

Jim Pindel said that during the break between the ‘in district’ meeting and the regular SEWFRC meeting Jeff Lang told him that he talked to Robin Vos this last week and Rep. Vos said that he didn’t know about our ‘in district’ meeting. Jim Pindel said that when he emailed the invitation to Rep. Vos’ office he got an automatic reply asking for my name and address. From past experience Jim said he knew that they were checking to see if he was a constituent and if you are not a constituent the just disregard your email. So Jim asked all the commissioners to forward the minute they will receive for the ‘in district’ meeting to their legislators, especially Rep. Robin Vos.

It was motioned by Andy Buehler to close the meeting and seconded by Wayne Jensen to end the meeting and the motion carried unanimously.

Meeting Closed at 2:41 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
February 16, 2018 at 1:00 PM.** (Meeting Location: Town of
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,
WI 53103.)