

Commission members present:

Dean Falkner (Village of Mukwonago) (Chairman)
Katelyn Bratz (Town of Mukwonago)
Alan Barrows (Waukesha County)
Chad Sampson (Racine County)
Andy Buehler (Kenosha County)
Doug Koehler (City of Waukesha)
Robert Bartholomew (Town of Vernon)
Jim Schneider (Village of Waterford)
Francis Stadler (Village of Big Bend)
Jeff Lang (Town of Burlington)
Jim Bergles (City of Burlington)
Dale Buser standing in for Tom Slawski (SEWRPC)
Jim Ritchie (Wisconsin DNR)
Rachel Sabre standing in for Michelle Scott (Wisconsin DNR)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Wayne Jensen (Village of Rochester)
Andrew Lois (Town of Wheatland)
Ken Miller (Town of Waukesha)

Also present: Paul Kling of the WWMD, Rebecca Ewald of the Village of Waterford, Geoff Parrish of Graef and Michael Schwar of Stoney Point Hydrology.

At 1:08 PM, Chairman Dean Falkner called the SEWFRC meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the November 11, 2016 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Doug Koehler. The minutes were approved unanimously.

Treasurer Reports – Jim Pindel only reviewed the highlights of changes in the November and December treasurer's reports. We started the month of November with \$74,292.11. We received \$12.21 in interest bringing our Money Market account to a balance of \$74,304.32. The only change to the non-grant funds was that it listed the \$3000 we allocated to the AIS detection, prevention and outreach for Waukesha County and the \$300 we allocated to the AIS Summit. In the grant funds an overrun of \$105.53 was added to the Wood Drive erosion control project, the Malchine farm field erosion control project was brought down by \$6000 because of a federal grant Chad was able to obtain. Four new projects approved at our last meeting were added leaving us with available grant funds of \$6,194.47. Katelyn Bratz pointed out that the treasurer's report listed the Nature's Classroom project at \$29,965.00, but the actual project cost we agreed to was \$29,650. This additional \$315 makes the available grant funds equal to \$6,509.47. Reviewing the December 2016 treasurer's report showed that we paid \$30 to stop payment on a check that was lost in the mail, \$17,105.53 for the Wood Drive project and

\$24,000 for the Malchine farm field project. With \$11.42 in interest this leaves us with an ending balance of \$33,180.21 in our Money Market account. Jim Pindel pointed out that we are in the second half of our grant cycle, where we have to wait for a check back from the WDNR for larger payments since we have used up the entire \$100,000 cash advance we received against ENUM-20. It was motioned by Chad Sampson and seconded by Dave Brown that the treasurer's report as corrected be accepted. The motion carried unanimously.

Old Business

- a) Fox River Partnership Summit: Tom Slawski was not present but sent an email to Dean Falkner and Jim Pindel making a short report. Tom said that the registration for the Summit is up and running on line. Tom also said that Al Sikora of Waterford Design Technologies was kind enough to redesign and resurrect Tom's defunct website. Tom also pointed out he has gotten a speaker from the WDNR to address "Water Quality Changes". Jim Pindel added that he hoped this speaker would identify the matrix used to measure and monitor water quality. Alan Barrows added for the sake of the new members on the commission, that we will reimburse the registration fee for any commissioners and alternate commissioners who attend the summit. We said we thought that the preregistration fee was \$35.

- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that the restoration project at the WE Energies site is on track. There are 5 moving parts to the project and so they are going through the legal paperwork to get everyone signed up so that the project can get going as soon as the ground thaws out in spring. When the snow melts they will get diggers hotline on site to identify what utilities are present and where they are. Alan said that he intends to make a GIS map of the diggers hotline flags so that he has a record of where the utilities are. Alan said that the only ground work to be done is that the contractor wants to bring in a mini-excavator to place to 2 lowest courses of bags, which will be stone filled, to establish the base for the buildup of additional courses going back up the bank. The equipment that will be on site will be small and Alan expects the diggers hotline and work to start sometime in April 2017. Alan is planning a preconstruction meeting for all the different participants involved and everyone is welcome. The meeting will make everyone aware of all that will be going on and try to answer any questions that might come up. Alan said that he expects the project to be completed by the end of May and realizes that they have a deadline of June 30th to qualify for ENUM-20 funding. Jim Ritchie pointed out that we have not requested any extensions to ENUM-20 and could request and obtain an extension if needed. The letter of permission from WE Energies will have to be extended for another year so that the contractor can gain access to the property to do maintenance for the year after project completion. The contractor will install a drip irrigation line but will not install a pump. The irrigation line will be used if needed to water the native plantings. Dean Falkner pointed out that when a project like this one involves many entities like WE Energies, the Village of Mukwonago, Waukesha County, the WDNR and SEWFRC the additional paperwork and coordination takes a long time. This project has been in

the making since 2007.

- c) Wood Drive Erosion Control Project – Chad Sampson said that both the Wood Drive and Malchine farm field projects are completed now thanks to a warm November allowing the work to get done. The projects went along pretty well until they ran into some utilities they didn't expect. They also ran into a 5 foot diameter bolder that had to be dug out and relocated. Chad said that when the subdivision either Fowlers Bay or the one right next to Fowlers Bay put in a pond they broke into a drain tile that flows for over a mile crossing SHW 164 and eventually empties into a wetland. They found that the tiles uphill from the pond were in good shape, so they reconnected to the tile and installed new tile that went around the pond and some trees eliminating the runoff of silt filled water into the Fox River. There is now a grass swale that runs from SHW 164 all the way down to the Fox River. The private driveway that runs through there has been enhanced with 3 culvers and raised up so that the water cannot overrun it and wash it out like it used to do. The work is done, the contractor has been paid and if there are any problems with the drainage tiles discovered this coming summer the contractor will come back and fix the problems. Both landowners are extremely happy and we can take these projects off the agenda. Jim Pindel reminded Chad that we still need all the documentation called for on the cost share agreement, so we can close the project out and get reimbursed by the WDNR. Going over the items required on the Cost Share Agreement, Jim Pindel said that he didn't like the title "Construction and Planting Certification form" because for our purposes it is a sign off by the project sponsor that the project is completed to his/her satisfaction. Jim Pindel suggested changing the title to "Project Completion Acknowledgement" which was agreed to by all. In the past we just accepted the verbal statement by the project sponsor that the project was complete, this way we have a written sign off for our records that the project is complete.
- d) Malchine Farm field Erosion Control – This project was covered in the Wood Drive project above.
- e) ESR Project disposal sites environmental impact: Paul Kling referred to this project as phase 5 of the overall dredging permits application for the Waterford impoundment. For the sake of the new members on the commission Paul explained that the sediment from the impoundment will be pumped into the gravel pit on the Super Mix property and be used to reclaim some of the gravel pit area. The engineering design for the gravel pit area is ongoing and nearly ready for submission to the WDNR. Paul Kling asked Geoff Parish of Graef to explain exactly where we stand on getting the disposal site permit application turned in. Geoff said that the permit application will be submitted soon as a "low hazard exemption" permit seeing the material being deposited does not represent a significant threat to the environment. There are some metal and nutrients like ammonia and nitrogen which will not represent a significant threat to surface or ground water or the air. The application document is about ready for submittal to the WDNR and should be submitted before the next SEWFRC meeting. Jim

Pindel pointed out that this project is completely independent from the Dredging Permit Application project which was completed using ENUM-18 and ENUM-19 funds. So he has a new Cost Share Agreement to be signed by Paul Kling and Dean Falkner, which was executed right after the meeting.

At this point Geoff Parish brought up the fact that Graef has had discussions with the WDNR regarding whether the removal of phosphorus could be marketed or traded with entities such as water treatment plants to offset their discharge of phosphorus into the Fox River. Geoff said that the WDNR has established a ratio for crediting phosphorus dredged out of a river at about 1/3 of the volume removed and that amount can be used as a credit against the discharge from a water treatment plants. Geoff said that it gets a bit more complicated than that because you have to calculate how much of the dredged phosphorus eventually gets back into the river. So Geoff said that there is marketable value to the phosphorus that will be removed from the Waterford impoundment. Geoff was wondering if any of the waste water treatment plants were interested in paying something toward the dredging in the Waterford impoundment in exchange for phosphorus credits so that they could possibly fall into compliance without expensive additions to their treatment plants to get to compliance. Jim Pindel pointed out that we intended to leave this topic for miscellaneous issues at the end of the meeting, but since it has already come up, he pointed out that he forwarded the emails from Brian Schneider of Graef concerning this issue to all the commissioners as well as the attachment which listed the cost of \$5,800,000 for the Burlington treatment plant and \$6,400,000 for the required improvement to the Western Racine County Sewage Treatment plant for them to get to compliance. These estimates were made by James E. Kleinschmidt PE in 2013. Jim Bergles of the City of Burlington said that they do not have any agreement with the WDNR for trading phosphorus credits against their phosphorus discharge into the Fox River. Also the city does not have an established TMDL, so any contribution to the Waterford impoundment dredging would be money wasted since there is no vehicle for getting benefit for the phosphorus removal. To get some sort of agreement in place with the WDNR was estimated by Jim Bergles to take at least 2 years and the agreement would have to be in place before the phosphorus was dredged out. Dean Falkner said that the important thing here was that we communicated with the waste water treatment plants that this was an available option, so for now we have at least made them aware. It was asked if the WDNR required testing of the wells in the area around the Super Mix site before the disposal of the sediment started and Geoff Parish said that it had not been asked for.

- f) Schuetze Playground Storm Water Abatement: - Doug Koehler said that the work has been completed on the project. Doug said that the grading is completed and some if not all of the planting has been completed. It was pointed out that all of the work had to be completed by 12/31/16 to get EMUM-19 funding. Doug said that he did not know where they were on getting the documentation ready for submittal. Jim Pindel said that legally they have 6 months to get the paperwork in

to us, but the sooner the better. Doug said he told them that it had to be in by the end of last year. Doug said he will prod them again.

- g) Graefenauer Shoreline Restoration (Tree Removal): Alan Barrows said that the tree cutting has not happened yet. He said it should be done soon because the conditions are right, the ground is frozen. Alan said that he expects that the tree removal will be accomplished before our next meeting.
- h) Nature's Classroom groundwater protection - erosion control: Katelyn Bratz. Katelyn said that the entire project is complete. Katelyn then projected photos of the project site; we could see the condition of the project site before, during and after the completion of the project. Katelyn said that all the documentation was complete and has been emailed to Jim Pindel. The photos included a picture of the rain garden after they planted it, the south area after it was cleared and planted with native woodland plants, an area of the site where Nature's Classroom bought native plant plugs and planted them along the waterway and before and after photos of the east slope of the project, Katelyn said that the entire project area was 9.7 acres, some of which was cleared before our project started. Katelyn said we should be able to remove this item from the agenda, but Jim Pindel will not remove it until he passes the documentation to Jim Ritchie and Jim Ritchie informs him that the project can be closed out. Katelyn finished by telling us they were using a new technology consisting of a kit like and industrial black bag, which is used to cover the stump of cut buckthorn bushes/trees all the way to the ground, preventing any light from reaching the stump. The process is supposed to completely kill off the buckthorn and its roots.

New Business

- a) How do we handle interpretations of Wisconsin State Statutes regarding:
- 1, Can we expand our jurisdiction to include the Mukwonago watershed without the municipalities and counties.
 - 2, Can we include a municipality without its county
 - 3, How do we interpret "residents of the river county".
 - 4, Do we have to pay to publish our budget & public meeting notice?
 - 5, Are we bound by the Open Meetings Law?
 - 6, Should we hire an attorney?

Jim Ritchie said that after our last meeting he sent the request of information concerning this issue to their Bureau Director and attorney for answers and he has not heard from them so far. Jim Ritchie said that he will push for answers before our next meeting. Jim Ritchie said that in an initial discussion with their attorney he indicated that the state statutes would probably not be clear on some of these issues. Jeff Lang asked what we would be doing differently if we needed to comply with the open records statutes. Jim Ritchie indicated that he thought that our posting of our agenda on our website likely puts us in compliance. Jeff Lang

- said that he thought that the statute had recently been modified to allow this method of compliance. The consensus of the group was that we feel we are probably in compliance and Dean Falkner pointed out that he really hopes we are in compliance because the officers are responsible for making us compliant. Dean Falkner said that he had a discussion with Tom Slawski and Jim Ritchie which centered on the fact that our statute is so vague that we might be able to assume or include an area like the entire Mukwonago River without including all the municipalities along the way. Dean concluded by saying this might be a discussion for another meeting.
- b) Mukwonago Park Shoreline Restoration – Alan Barrows said he has not talked to Steve Brunner, but he did pass along the amount of money our commission allocated to his project. Steve said it was great and he will work with it. Alan said that they will order the native vegetation sod about 6 weeks before they need to install it.
- c) Village of Waterford East Shore river bank Restoration: - Rebecca Ewald. Rebecca said that there was nothing new to report on this project. Chad Sampson asked if any of the \$6000 he returned to the commission after getting the federal grant funds for the Malchine project would be diverted to the Village of Waterford project. Jim Pindel said that if he takes the \$6000 returned against the Malchine farm field project adds the \$300 for the AIS Summit that we moved to non-grant funds, add the \$315 we over allocated to the Nature's Classroom project and then subtract the \$105.53 overrun on the Wood Drive project we are left with \$6,509.47 still available in ENUM-20 grant funds. Jim Pindel asked the commission for any suggestions on how we should use this money. After minimal discussion Chad Sampson motioned that we evenly split the available funds between the Village of Waterford East Bank Restoration and the Waukesha County Mukwonago Park Shoreline Restoration. The motion was seconded by Dave Brown and the motion passed unanimously.
- At this point Dean Falkner brought up the fact that he has firsthand experience on the amount of erosion at the East bank site and other areas of the Fox River. He said it was an amazing amount of about 2000 tons per day of suspended solids that is erosion that is put into the Fox River at high erosion event times. The usual suspended solids run about 10 mg/ liter but at the Village of Waterford project area the suspended solids were measured at 40 mg/liter. Considering a normal flow of 175 cubic feet per second times the amount of suspended solids this comes down to a large quantity of material going down the river, which must affect the municipalities downstream. Dean said that the 2 locations where they measured/estimated the 2000 tons per day were where the Fox River crossed CTY L and CTH I. To illustrate how much material this is, Dave Brown said that a quad-axle truck can carry 24 tons of material, so we can imagine how many truckloads of dirt we would need to haul this material away. Dean Falkner said that the magnitude of these values help to show how much an adaptive management program and/or a 9-Key Elements Plan is needed for the Fox River. Dean said he will bring the data to our next meeting which will show how much

- we need to apply for funding for either or both of these plans to fix up the river. Jim Pindel said that it was unfortunate that Tom Slawski was absent, because some graphic depicting these large amounts of material entering and running down the river would be of great interest to the people who attend the Fox River Summit.
- d) Aquatic Invasive Species (AIS) Summit: Kathy Aron. Jim Pindel said that he left this item on the agenda only because he wanted us to move the \$300 from grant to non-grant funds so that Kathy Aron did not have to process all the documentation required by our cost share agreement for just \$300. He also said that it would save Jim Ritchie and himself from having to process it. Alan Barrows motioned that we move this project to non-grant funds and the motion was seconded by Bob Bartholomew. The motion carried unanimously.
- e) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that he already covered this topic earlier during the discussion of the Village of Waterford East Bank Stabilization Project.
- f) Gauges: Why do we want more? What kind of gauges? When do we want them? Who will pay for the hardware, installation and maintenance? Tom Slawski was not present and Jim Pindel said that since our last meeting he received an email from Paul Kling of the WWMD stating that he was interested in getting a gauge installed north of the Waterford impoundment so they could document the effects of the impending Waukesha diversion. Jim Pindel said that he passed this request onto Tom Slawski who agreed that this was a good idea and said he would prepare something for this meeting. At this point Dale Buser who is standing in for Tom Slawski representing the SEWRPC spoke up saying he had some information on this topic. Dale said that NOA has a stage gauge in the Waterford impoundment located just north of the Waterford dam. He passed around a map that showed the location of the gauge. This gauge is continuously monitored by NOA and this might be an option for measuring the change in flow due to the diversion. It would be possible to develop a rating curve for the spillway and so this could be a good measure seeing a federal agency is already continuously measuring the water level at this point. Dale also passed out some “Surface Water Data Viewer Maps” that show abandoned USGS gauging sites and Dale said it would be cheaper to reestablish any of these sites than starting a new from scratch. Dale said many of these locations already have rating curves developed, which would be less work than starting with a new location. Dale pointed out that there is a lot of data being collected and hidden away by different organizations, such as lake management districts who want to correlate water level with shoreline erosion. During some discussion of just what we want to measure to get the best results of change due to the diversion, Dale Buser said that putting the gauge as close to the diversion point as possible would give the best data. Dean Falkner asked in rating curve had been developed at the gauge on the Waterford impoundment and Dale said probably not and probably not for the one just

downstream in Rochester.

- g) Consideration of expanding our jurisdiction west to include Eagle Spring Lake: Dean Falkner stated that we already covered this topic and that we will hope for some answers at our next meeting.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Tom Slawski
Tom Slawski was not present, but Jim Pindel reported earlier that he received an email from Tom in which he said that Joe Keller the Executive Director of the Fox Waterway Agency (FWA) hosted and participated in the latest Fox River Water Trail meeting. At that meeting Joe told Tom that the FWA has had many struggles over the last year including their main office getting flooded. Also they are dealing with funding issues since the state of Illinois has still not passed a budget. Tom said that Joe is looking forward the Fox River Summit for a chance to catch up with some of our members on ways that we might be able to collaborate on future projects.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie said that the only thing he has is that the City has applied for a Safe Drinking Water Loan Program funding for what should be an expensive project to run pipes from Oak Creek to Waukesha and back again to the Root River. This is a low interest program available from the state which has to be in place long before construction starts.
- c) Progress toward designation as a “National Water Trail” – Village of Waterford. Rebecca Ewald said that they have started to move the meeting locations around and the last one was held at the Fox Waterway Agency of Illinois. Right now they are starting to apply for grant funding to develop a website and promotional materials.
- d) SEWFRC Website – Al Sikora was not present and so no report was made.

At this time Dale Buser of SEWRPC said that he brought with him a Scope of Services for the 2017 lower Fox River Survey that SEWRPC proposed to our commission. Dale provided 5 paper copies of the Scope of Supply and Jim Pindel said he would scan the document and email forward it to all the commissioners. Dean Falkner said that we would review the Scope of Supply and discuss it at our next meeting. Jim Pindel said that all of the work had to be accomplished by 6/30/17 to be eligible for ENUM-20 grant funds. Dale said this was probably not possible because SEWRPC felt that late summer or early fall would be the best time to do the survey when the water levels would probably be lower than before the end of June. Jim Ritchie pointed out that we could apply for a 6 month extension of ENUM-20 which would allow for this survey to be completed within an allowable time frame.

Correspondence –

- a) 11/14/16 Email from Jim Pindel confirming the exact amounts we have allocated to Waukesha County, Village of Waterford and SEWRPC to use all of ENUM-20
- b) 11/14/16 Mark your calendars notification for today's meeting
- c) 11/28/16 Emails between Jim Ritchie, Jim Pindel and Rebecca Ewald concluding in message to Rebecca that Cost Share Agreement will define what she must do to get funds.
- d) 12/01/16 Email with letter attachment from Jim Pindel with letter of support for the AIS detection and outreach for Waukesha County
- e) 12/05/16 Email correspondence between Jim Ritchie and the Village of Waterford Engineer informing him that there is no special WDNR paperwork required only the SEWFRC Cost Share Agreement.
- f) Email from Jim Pindel with attached letter to Racine County Executive stating how the 2016 allocation was spent in Racine County

Miscellaneous Issues –

There were no miscellaneous issues except for the discussion on the possible impact on downstream water treatment plants due to the removal of 1,000,000 lbs. of phosphorus from the Waterford impoundment when the dredging is completed. This discussion occurred earlier in the meeting and is list above.

Jim Schneider introduced himself as the Village of Waterford's commissioner replacing Al Sikora. Jim said he is a trustee of the Village and has been involved with the Drainage District regarding the drawdown of the Fox River in the Village and other issues. Jim said that there was a bill before the legislature last year intended to limit the power of drainage districts. It was assembly bill AB63. It did not pass because there were too many northern districts that felt there were issues they could not work with. This bill has been reworked a couple of times and will be before the legislature probably this coming session. There was a public information meeting concerning this bill this last Wednesday and Jim was in attendance. There were 55 people in attendance from the Corps of Engineers, the WDNR and others. Jim said that one of the issues that will not be changed is that the local farmers will appoint the drainage district board. Another issue in this legislation is annexation; the district cannot annex a municipality without the municipality's permission. One of the main issues is that the drainage districts want the ability to do drawdowns without going through the permitting process with the WDNR. The last issue that was discussed is assessment. Right now the drainage districts have the right to access municipalities and individual as they see fit. Jim said that the WDNR will not permit the drainage district from drawing down the Fox River in the Village of Waterford anymore.

Chad Sampson said that our champion for getting state grant funds in the past has been Senator Mary Lazich, who is now retired. Chad asked if anyone had any ideas of how we should contact in the state legislature to be our champion. Jim Pindel said that he

emailed a letter to Senator Mary Lazich before she retired asking her who she thought might champion our cause and had no response. The feeling of the group was Senator David Craig would be the logical choice, seeing that he is replacing Senator Mary Lazich. Jeff Lang said that now we have the new member municipalities in Racine and Kenosha counties, we should reach out to the legislators representing these new municipalities asking for their support. Rebecca Ewald made the suggestion that we make a resolution sent to all our member municipalities requesting them to send their own resolutions to the legislators requesting funding for the commission. This was the legislators would see requests for funding from multiple sources. This would put on record the request for funding from all the municipalities. It was the consensus of those present that we will follow this action plan. Jim Schneider said that some of the legislators told him that they get very little requests or communication from their constituents, so the more we can get our request for funding in front of them the better our chances. Jim Schneider also said that we should ask members of the boards of the member municipalities to personally request funding for our commission.

When choosing a location for the next commission meeting, the City of Burlington offered to host the next meeting and the Village of Waterford offered to host the following meeting.

It was motioned by Jeff Lang to close the meeting and seconded by Bob Bartholomew to end the meeting and the motion carried unanimously.

Meeting Closed at 2:30 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
February 17, 2017 at 1:00 PM.** (Meeting Location: Town of
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,
WI 53103.)