

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Howard Garvens (Town of Waukesha) (Vice-Chairman)
Chad Sampson (Racine County)
Alan Barrows (Waukesha County)
Don Scott (Town of Vernon)
Francis Stadler (Village of Big Bend)
Ron Peterson (Village of Big Bend)
Doug Koehler (City of Waukesha)
Dean Falkner (Village of Mukwonago)
Randy Craig (Town of Vernon)
Jim D'Antuono (Wisconsin DNR)
Jeff Thornton (Southeastern Wisconsin Regional Planning Commission)
Mary Pindel (Town of Waterford) (Co-Secretary/Treasurer)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Shelley Tessmer (Town of Waterford)
Barb Holtz (Town of Mukwonago)

Also present: Jim Ritchie of the WDNR.

At 1:07 PM, 1/28/11, Chairman Al Sikora called the Commission Meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes from the December 7, 2010 meeting were reviewed. It was motioned by Alan Barrows and seconded by Ron Peterson that the minutes be approved as submitted. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for December 2010 was reviewed. Francis Stadler asked why the charge for publishing our notice of public hearing and proposed 2011 budget cost almost twice as much in the Racine Journal Times as it did in the Waukesha Freeman. It was pointed out that the ad printed in each newspaper was identical and that was just the difference in what the papers charge. Howard Garvens motioned to accept the Treasurers Report and Dean Falkner seconded the motion. The treasurer's report was approved.

Old Business

- a) Phantom Woods Road Channel Enhancement (completed) – Barb Holtz Jim Pindel stated that just prior to this meeting Jim Ritchie told him that he had processed the paperwork for this project and that we should expect a check from the DNR in the next week.

- b) Vernon Wildlife Area Streambank Stabilization Project (completed) – Jim Ritchie stated that he is working with Brian Glenzinski on processing the required forms and documentation for the reimbursement.
- c) Vernon Wildlife Area Flowage Restoration Project (active) – Brian Glenzinski was not present and no report was made.
- d) Kossik Stream Restoration Project (active) – Jim D’Antuono said that Mary was probably just waiting for spring to come. Alan Barrows said that he had talked to Mary and that she was in the process of trying to sell her property.
- e) Possible boat/canoe launch on Highway ES (pending) – Alan Barrows said that he had been in contact with one of the Highway Operations Managers, named Peter, the intent is to get the gully fixed which is on county property. Peter supports the project and Alan is trying to get him to take over as the project manager. Alan went on to say that Peter has someone in his department who works with private land owners and he will be in contact with the person who owns the land at the end of the launch area adjacent to the river, to see if he can work out gully repair through this private land. Alan said he would work out a design to see how much stone is needed to do the gully repair and then get in touch with Jim D’Antuono to see what permits might be needed.

New Business

- a) There was no New Business on the Agenda. However Jim Pindel used this occasion to advise the commission that he is a member of the WWMD’s Eco-System Restoration (ESR) project. The intent of this project is the dredge navigational channels within the Waterford impoundment and the dredge access channels for the riparian owners to be able to get to the navigational channels. Jim also notified the commission that he was appointed by Bob Langmesser to the Fox River Flood Control committee, which is looking into the flooding problems that have been occurring to the properties just north of the iron bridge.
- b) Dean Falkner addressed the commission and wanted us to consider the concept of Effluent Trading. Various regulations have been passed, some of them with funding and it would seem possible that we could get some of these funds; if we were to show that by, for example, shoreline restoration we prevent and/or eliminate phosphates from running into the river we could qualify for these funds. Eliminating the entrance of phosphates into the river would be much more cost effective than trying to filter them out afterwards. Storm water control is another area where the prevention of contaminants might make us eligible for funding. Spending money on projects that protect the environment is better spent than on consultants and engineering studies.

Reports and Updates

- a) Update of SEWFRC Implementation Plan – Jeff Thornton delivered a Power Point presentation outlining the scope and details of the draft copy of the Implementation Plan. Copies of the draft Implementation Plan had been US mailed to all commissioners the week before and the draft is also available on SEWRPC's website. Under the title of "Introduction and Background" Jeff pointed out that what we are charged with doing is making plans, implementing programs and projects. In so doing, form subcommittees concentrating on a particular topic and even adapt rules of various types. Possibly making recommendations to municipalities and or counties about ordinance development. There are specific issues that we are required to address like identification of areas for selective dredging, clearing channels of debris, development of water use plan, formation of and support for an operating plan for the Waterford dam including a winter drawdown, protection of streambank from erosion, maintenance of shorelines and navigable waters, provide adequate public access and implementation of water safety regulations. Under the title of "Accomplishments and Status Report", Jeff pointed out that the big projects of the Barstow impoundment restoration and the Waterford impoundment dredging have not been accomplished. Before we can implement these projects we must take care of the causes of the sedimentation of these impoundments. The only minor progress made in this regard was the Grand Drive Channel Enhancement Feasibility Study. Regarding the operating plan for the Waterford dam the only progress in that regard is the installation of a staff gauge in the Village of Big Bend which is presently under consideration. The area of streambank erosion control has been a major function of what this commission has addressed over the years. It is important to note that our work in this regard is by no means finished and new sites of concern will continue to come up. The area of shoreline stabilization is another area that the commission has addressed a lot over the past years. We have discussed some of the issues concerning storm water management, water access and water safety and even though we have accomplished a number of things in this area there is more work to be done. There is a history of several well abandonment projects which potentially protect the ground water system. The listing of our accomplishments in the implementation plan is intended to show people what we have done and why it is important to have a Fox River Commission. Concerning "Emerging Issues of Concern", Jeff pointed out that the last three years of record rainfall and record flood conditions has resulted in more tree falls and debris jams along the river. Although the debris in the river does provide habitat for fish and other inhabitants of the river, it also poses a risk to infrastructure such as the railroad bridge Jeff showed in a slide with much debris piled up against it. In the case of a new flood or storm water condition the debris could possibly cause the bridge to fail. There are still informational needs and regulatory needs that need to be addressed. During the SEWRPC's survey of the river they noted considerable shoreline erosion on the outside bends of the river. They also observed several stands of Phragmites which is something we possibly need to get a handle on. The flood

flow of the last few years has put some of the channel markers at risk, which can only be addressed by silt removal. In terms of the implementation plan there are issues that the statutes say we must consider like selective dredging and clearance of debris jams. We must support erosion control, keeping the soil on the lands surface is the first line of defense of keeping it out of our waterway and impoundments. We can continue to provide our support to the municipalities when it comes to making decisions concerning erosion control and making ordinances. We need to maintain the navigation channel; there are a number of areas that are identified on a map in the implementation plan that show areas that need dredging. Selective dredging of the waterway is something that the WWMD is currently pursuing for the Waterford impoundment. The requirement for this dredging project is in the WWMD's management plan and our implementation plan. There are still some eroding areas and stream banks that need to be stabilized. One of the things that goes along with formulating an operational plan for the Waterford dam is an understanding of the hydrology and hydraulics of the Fox River waterway. The last hydrological study done on this system was done back in the 1970's. Many things have changed in the last 40 years like the transition from farmland to residential subdivisions resulting in a major increase in impervious surfaces. The water that used to sink into the farmlands going into the ground water system now runs off as surface water resulting in quick runoff for shorter durations. Staff gauges located in Big Bend and the Town of Vernon would help quantify the flow of water down the river system. We recommend vegetative means of shoreline stabilization because it also provides habitat for organisms and fish. Other new issues of concern are the expansion of the jurisdictional boundaries of the commission and alternate means of funding the commissions work. The boundaries and make up of the commission are defined in the state statutes and any change in this regard would require state legislative action. The implementation plan lists in detail all the municipalities to the south and north that might be included in the commission if we should chose to expand our range. Regarding funding of our commission, if we do not get grant funding directly from the state legislature in the form of another ENUM, we should probably revert to the funding means prescribed in the state statutes that formed us. Namely we need to change our budget cycle to one that aligns itself with the county budget cycle rather than the calendar year. How receptive the counties would be to our request for funding is unclear, but they would be required by state law to at least consider us. One suggestion Jeff made was that the commission could administer grants aiding municipalities, river organizations and the counties in getting funding for the things that we are commissioned to do. The implementation plan includes requirements for a projects acceptance, like specific details of the project itself, a formal presentation, an identified project manager, a timeline, status reports and proper documentation. The plan also lists concepts to be considered in prioritizing projects. Regarding the implementation strategy, Jeff said that removing the debris jams would enhance the usability of the waterway, even if we could only provide a coordinating role. We want to maintain the shoreline tree falls as habitat for the fish and other organisms. We must continue to eliminate shoreline erosion so that we can commence on

dredging of navigational channels that will not immediately silt in. The staff gauges in Vernon and Big Bend need to be implemented in short order as low cost projects that will assist the Waterford dam operation control. Another concept that needs to be considered is to treat the waterway as a cascade of impoundments. Water comes down from the Barstow impoundment into the Fox River and then half way down the stream it is joined by the Mukwonago River which has two impoundments, at Eagle Springs and Lower Phantom Lake which provides opportunities to control the flow of water down the rest of the waterway. Jeff concluded by being personally supportive of the commission and the work it has done and the potential for work it can do as outlined in the implementation plan. Pointing out that we must be aware of emerging issues, Jeff brought up the fact that the City of Waukesha is considering utilization of Lake Michigan water instead of the local wells that they use today. The requirement of returning the same amount of water taken from the Great Lakes back to the Great Lakes could severely affect the water flow in the Fox River especially during low flow conditions. Chairman Al Sikora thanked Jeff and the SEWRPC for the work that went into this comprehensive approach to our plan. After some discussion it was decided to form a subcommittee to study the implementation plan in detail and the come back to the full commission with points that should be reviewed and voted upon before acceptance and approval of the entire implementation plan. The members of the subcommittee are Chad Sampson, Alan Barrows, Dean Fulkner, Don Scott, Jeff Thornton and Jim Pindel. A meeting of this subcommittee was scheduled for Tuesday 3/8/11 at 1:00 PM here at the fire station. Any other commissioners who have comment or suggestions should email Jeff Thornton with their commentary before the subcommittee meeting on 3/8/11.

- b) Waterford Dam Restoration – Chad Sampson Chad Sampson stated that the drawdown had been scheduled to start on 8/21/11 with the minimum level achieved on 9/4/11, the closing of the gates on 9/18/11 and normal water level achieved on 10/1/11. After some discussion with concerned groups and municipalities, Jeff Katz the Racine County Engineer advised Chad that they are in the process of looking at different ways to accomplish the work without a drawdown. Chad said he would try to keep the commission advised of the status of the drawdown or non-drawdown.
- c) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Thornton said that at last report the FWA was operating on their normal winter operating schedule. The impoundments are drawdown waiting for the spring rush of water.
- d) SEWFRC Website – Al Sikora said that the Big Bend Boat/Canoe is still not on the website. He did receive photos from Francis Stadler and has emailed Jamie Soneberg for text and has not received any response. Ron Peterson said he would contact Jamie to see what could be done. Al said even a US mail letter providing a description would be acceptable.

f) Waukesha County Farmland Preservation Plan – Barb Holtz was not present and no report was made.

g) Waukesha West By-pass Plan – Howard Garvens said that they had a meeting last night at the Town of Waukesha with the engineering firm and the county concerning this project, in which three alternate plans for the by-pass were presented. The biggest concern was where they would go within the town of Waukesha. A decision will be made next week and there will be a public meeting on the project on 2/10/11 from 4:00 PM to 8:00 PM at Waukesha West High School. More information will be available at that time.

Correspondence –

- a. 12/10/10 Email from Mary Kossik with an attached copy of the check she received from the WDNR for the dam removal grant.
- b. 12/17/10 Email from Jeff Thornton to Jim Ritchie and Jim D’Antuono requesting exact costs for all completed projects.
- c. 12/28/10 Email from Jeff Thornton requesting a list of SEWFRC operating procedures to be included in an appendix to the new Implementation Plan.
- d. 12/29/10 Email response from Jim Pindel to Jeff Thornton listing some items that could be included as standard operating procedures. These include a sequence and requirements for applying for grant funding, the required documentation for closing out a project.
- e. 12/29/10 Email response from Jeff Thornton concerning the above and expressing a difference of opinion regarding what constitutes a quorum, 9 commissioners or 9 voting commissioners.

Miscellaneous Issues – Next Meeting Date(s) Possibly set for additional future dates.

Chad Sampson pointed out that at the last commission meeting he was requested to put together copies of the manual that Racine and Kenosha counties put together for their environmental tour last September 15th. Instead of emailing the document which would have probably been too large for many people’s firewalls, Chad brought a printout of the document and distributed them to all the commissioners present.

Jim Ritchie advised the commission that he had been promoted to the position vacated by his past supervisor Tom Blotz. Jim said he would stay with the commission until the end of June when ENUM-16 expires. At that time he expected his replacement to take over his duties with our commission.

Jim D’Antuono said that Norm Aplanalp a past president of the WWMD had sent a letter to the new Secretary of the Southeast Region of the DNR, stating his support for the Eco-System Restoration (ESR) project being worked on by the present WWMD and his looking forward to working with the DNR in the future. In that regard, Jim D’Antuono asked if anyone from the commission had talked with Scott Gunderson about the commission, our funding and our projects. Jim Pindel pointed out that Jeff Thornton

had emailed Scott Gunderson providing a copy of the draft of our implementation plan as well as looking forward to a meeting with him. It is intended that Jeff Thornton, Al Sikora and Jim Pindel meet with Scott and promote our cause and funding.

Alan Barrows notified the commission that on February 16, 2011 there will be a training session concerning fill our permits and grant applications.

Al Sikora advised the commission that he has joined the Waterford Main Street Program; he is on the committee and board. This is related to the SEWFRC by the fact that it tries to boost the recreational business of the community, which in the Villages case involved the water activities on the Fox River. The program is for technical assistance and training in the revitalization of the downtown area of communities. There have been about 20 programs completed in the state with Pewaukee being one of them. The Village of Waterford is competing with five other communities for one of the programs available.

A motion to adjourn the meeting was made by Randy Craig and seconded by Ron Peterson, the motion carried.

Meeting Closed at 2:45 PM

**NEXT OFFICIAL MEETING WILL BE Friday, April 8, 2011
at 1:00 PM.** (Meeting Location: Big Bend-Vernon Fire Station
#3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)