

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Don Scott (Town of Vernon) (Vice-Chairman)
Doug Koehler (City of Waukesha)
Chad Sampson (Racine County)
Francis Stadler (Village of Big Bend)
Alan Barrows (Waukesha County)
Barb Holtz (Town of Mukwonago)
Randy Craig (Town of Vernon)
Dean Falkner (Village of Mukwonago)
Jeff Thornton (SEWRPC)
Jim Ritchie standing in for Jim D'Antuono (Wisconsin DNR)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Randy Meier (Town of Waterford)
Robert Bartholomew (Town of Vernon)
Ron Peterson (Village of Big Bend)
Shelley Tessmer (Town of Waterford)
Any representative from the Town of Waukesha

Also present: Tom Slawski of the Southeast Fox River Partnership, Ron Barker of the Fox Waterway Agency of Illinois, Paul Kling of the WWMD and Brian Cushion of Racine County.

At 1:02 PM, 2/15/2013, Chairman Al Sikora called the meeting to order.

The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the January 11, 2013 meeting were reviewed. It was motioned by Doug Koehler and seconded by Francis Stadler that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for January 2013 was reviewed. In summary we started with \$109,635.48 in our money market account, we made one payment of \$3,750 to the SE Fox River Partnership and made \$18.48 in interest resulting in a final amount of \$105,903.96. It was motioned by Barb Holtz and seconded by Alan Barrows that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) **Mukwonago River Restoration within Rainbow Springs** – Benjamin Heussner was not present to make a report. Jim Pindel reported that he had received an email from Benjamin stating that he could not make the meeting and no work has gone on since the presentation he made to the commission a couple of meetings ago. Most likely construction will have to wait for the weather to improve and the ground to thaw out. Benjamin went on to say that he would

US mail the paperwork for a partial payment to the Kettle Moraine Natural History Association to Jim Pindel. Jim had responded to his email by replying with his mailing address. Not knowing what the amount of the partial payment would be, we agreed that if there was no urgency to get the payment, we would wait until our March meeting to vote on making this payment. However if the need for the payment was urgent, then if the amount was less than 50% of the \$50,000 we have allotted to this project and the paperwork included invoices or some documentation on what costs have been incurred then Jim Pindel would forward the documentation to Jim Ritchie and if they both agreed the paperwork was in order, we would send a check immediately.

- b) Fox River Partnership Summit – Tom Slawski was present and said that they had 1000 copies of the brochure printed out. Tom made the brochures available to all present. Tom then said there was a press release made and distributed printed copies to all commissioners. The question of reimbursing commissioners their advance registration fee of \$35.00 if they attend the summit was listed on the agenda. Jim Pindel motioned that we reimburse the registration fee for commissioners who attend and the motion was seconded by Barb Holtz. The motion carried unanimously. Tom made a point of the fact that it was important to get the attendance up for this event and the final head count must be in by March 11, 2013. To point out the importance of this Summit, Tom said that in discussion with Chuck Dunning of the U.S. Geological Survey (USGS), he made him aware of a program called “WaterSMART”. This is a new program in which they are now performing pilot projects like “The Colorado River Basin Focus- Area Study”. Tom passed out color copies of a brochure which explained the WaterSMART program and used the Colorado project as an example of what they can and want to do. It may be a stretch of the imagination, but with their interest in our Summit it could be possible our river system/watershed could be another pilot project. Importantly for us this federal group is assigned to develop a science to accurately forecast the availability of water for future economic, energy production and environmental uses. This emphasized how important it is to get a large attendance at the Summit so that the USGS sees how committed we are to our river system and that enough government agencies, municipalities and regional organizations are concerned and committed. This could leverage more money to obtain more gauges, more data analysis and a framework for us to determine what are sustainable flows for ecology and recreation and how do they mix with the needs of the communities involved. A success that the Summit has already created is that we have been noticed at the state and federal level which should increase our chances of gaining their assistance and financial aid. Alan Barrows pointed out that he has heard that FEMA has begun a study of the Fox River in Wisconsin and Illinois and has had at least preliminary meetings and he thought that we should at least make them aware of our summit. Ron Baker added that FEMA had started their study about five months ago in the lower Fox River in Illinois and are now

moving the study north up the river. The study seems to be concerned with flood potential and a response plan so that all the communities along the river can qualify for emergency funding that might be necessary. Ron said there is another meeting of this group next month and he will be sure to pass out our Summit brochures at that time. At the last meeting there were over 40 communities represented. Tom added that National Public Radio has been made aware of the Summit and he is hoping they will cover the Summit and he asked if anyone had contacts or access to the media that they make them aware of the event. Jim Pindel added that the WDRN monthly resource magazine sometimes covers events like ours and it might be a good idea to contact their editor to check for interest. Tom went on to say that he was considering having a folder that would be handed out as attendees entered that would highlight/summarize each of the participating organizations such as us, as well as the speaker biographies. He asked if we could provide pamphlet for this folder. Alan Barrows suggested that we use the project tour pamphlet that was produced some years back because it looked good and highlighted some of our projects. Alan also volunteered that they have some good panel display boards if we wanted to put up some boundary maps and other pictures which could be used to make a display for the commission. Barb Holtz pointed out that she had looked for a way to register electronically on line and could not find it. Al Sikora volunteered that he could help with setting up a PayPal account for future events. It takes some time to set up but it is all free. Tom mentioned that even though there are only ten people registered at this time, it is a good mix of consultants, scientists and municipalities.

- c) Ecosystem Restoration Project(ESR) -Sediment Sampling: –WWMD Jim Pindel stated that a meeting had been held between the ESR Sub-committee and Graef Engineering at which time we were advised that additional sediment samples were required at three locations. Last week Tuesday (2/6/13) he and two associates of Graef Engineering obtained those samples. There were four samples taken at two of the locations and ten samples taken at the third location. The additional samples will cause some slight cost overrun, which Jim said we could probably afford to pay 90% of it. The additional samples will cause some delay in the completion of this project because the samples will have to be analyzed by a lab and then after that it will take Graef Engineering some time to generate the final report concluding our involvement in this much larger dredging project. This is not to say that we might not be involved again in some other portion of this large WWMD project.

Paul Kling added that besides the ESR project there are two other major projects going on within the WWMD. The first being maintenance of the weeds (aquatic plants) both native and invasive. They have increased their budget for both chemical treatment and weed harvesting. They had done some weed harvesting on a trial basis last fall or late summer in Buena Lake with encouraging results. Paul said that the second major effort involves going to the state for some grant money to incorporate a ‘clean boats, clean

waters' initiative. This will involve boat inspections most likely at the public launch near the Waterford library. They have identified an intern to do the work on this project. Paul also said that with the aid of Dr. Thornton of SEWRPC they are in the process of updating their Lake Management Plan specifically with regard to aquatic plant control and invasive species. It is expected that the revised Lake Management Plan will be ready this spring. Paul also said that the WWMD board has discussed the consequences of the diversion of discharge from the City of Waukesha wastewater treatment plant away from the Fox River and would support any actions by the SEWFRC regarding this proposal. John Bostrom a business owner within the City of Waukesha is in the process of putting together information on this possible diversion for the WWMD board. Paul pointed out that if this diversion occurred it would make the dredging of the impoundment that much more necessary.

New Business

- a) Big Bend boat/canoe launch repair/restoration – Francis Stadler Francis asked that this project be tabled until next meeting. He had not had a chance to meet with the person who had the necessary information he needed to make Big Bends presentation. Francis also pointed out that nothing can be done until spring.

- b) Consideration of expanding the Commission's jurisdiction south to the Illinois border Al Sikora reported that Jeff Thornton, Jim Pindel and himself had met with the Town of Burlington the night before at a town board meeting. A representative of the City of Burlington namely Craig Workman the Director of Public Works was also present. Jeff made our presentation and the board appeared to be interested in getting involved with the commission. Board members and others in attendance asked good and insightful questions. One question that came up from a board member was whether we were aware of and what we were doing about the possible diversion of City of Waukesha water treatment plant discharge away from the Fox River. We advised that we have gone on record as opposed to the diversion. Al went on to say that they had on their agenda the approval of the MoU to join the commission, but the decision was tabled until their next meeting to give them a chance to think about it and see what the City of Burlington was going to do. They said that it made no sense for them to not go the same way on this issue. Our time with the board lasted over an hour because of the interest and questions. Jeff pointed out the approval was tabled without prejudice and that the board member who moved to table the measure spoke in favor of acceptance. Jeff also pointed out that someone from the county drainage commission was present, who wanted to know how the commission interacted with other watersheds. He was particularly interested in the Root River watershed where he had more experience. He and others were interested in what the powers of the commission were. Jeff explained that we were a unique entity, did not have taxing authority but had traditionally been able to funnel grant funds to municipalities, river organizations and individuals. Chad

Sampson volunteered to contact the drainage district person and further advise him of what we do and answer any additional questions. Jim Pindel mentioned that one of the board members asked if we had contacted the state legislators of the expansion area to advise them of our plans and explain ourselves to them. We advised that we had not, but with this idea being brought before our commission, Jim said he would put together a letter and/or email to introduce ourselves. Jim asked that someone let him know who the appropriate legislators are. Continuing this thought process, Jim said he would also put together a communication to Senator Mary Lizich and Representative David Craig advising them of what we are doing and why. This communication would also include a request for increased funding for the commission in the next state budget. Jim said he would email draft copies of the communications to all the commissioners for additions and corrections before they are sent out. Al pointed out that we only have three more municipalities all in Kenosha County to contact before we reach the Illinois border and move onto the next phase to the expansion initiative. Al Sikora asked Jim Ritchie as the WDNR representative present, what his thoughts were on our being able to get even greater funding after we expand our territorial boundaries. Jim said that he could not answer with any certitude, but seemed positive because the commission has demonstrated successful projects over the years and had been generally funded by the legislature to the tune of \$200K to \$250K per bi-annual state budget except for the one 2009-2010 budget cycle.

- c) Possible request for grant funds for Mukwonago shoreline restoration: Dean Falkner said that he needed to talk to Alan Barrows about whether he had received the information from WE Energies about what the changes to the project were. Alan said that he had received the email from Dean but hadn't been able to act on it yet. Dean said he would follow up on this project. Dean went on to say that he needed assistance or guidance regarding an area he has for storm water runoff which is similar in scope to the recently completed Mill Creek gully erosion repair project. Dean thought that with the reduction in the Mukwonago shoreline restoration project, he might be able to get both of these projects done for the initial budgeted amount dedicated to the shoreline restoration. Dean also pointed out that he will be putting in a building for a generator near to junction of the Mukwonago and Fox rivers. This building project will facilitate the proper equipment generally in the vicinity of the WE Energies location so that he might be able to minimize some of the costs. Dean was looking for help in organizing the projects so that this one time mobilization of equipment could be used to gain more bang for his buck.

At this time Jim Pindel said that later in the agenda under miscellaneous issues he intended to bring up the fact that he needs more and as many projects as people are aware of for inclusion in the 2014 commission budget. The potential projects just mentioned by Dean fall into this category. And so Jim requested all present to put together a list of potential projects for 2014 – 2015 so he can put some substance in the proposed budget for review at our next meeting. Jim asked that everyone email him with project names, probable execution dates, a sponsor and cost estimates. Alan Barrows mentioned that there was a section of the Fox River

in the City of Waukesha with apparent erosion that needed attending to that should qualify as a future project. He is looking for someone internally to champion this project. Barb Holtz asked if we shouldn't get more involved in projects to attack the invasive species in our water shed. She pointed out that they are seeing more and more phragmites along the Mukwonago River. Barb said she thought it might be time for our commission to get involved. Jim Pindel stated that the WWMD has done much in this regard in the Waterford impoundment but not funded by us. Jim suggested that the Friends of the Mukwonago River sponsor this project and then we fund it. Regarding the budget the plan is to bring a preliminary budget for discussion to the March meeting, vote on it at the April meeting, have a public hearing and formal approval in May and then pass it on to the counties.

At this point Alan Barrows brought up another point of new business. He said that twelve years ago the commission worked on a project with Waukesha County called the Hintz Wetland Restoration. Originally the project was budgeted at \$27,000 but came in under budget at \$11,425. As part of the agreement Waukesha County was responsible for maintaining the property for the next ten years. They recorded the cost share agreement on the property title. This time period has passed since the project was completed twelve years ago. Alan has provided a document "Satisfaction of Cost Share Agreement" which he would like to see executed. This document has to be notarized. Alan would like to make a presentation on this project during one of the next two meetings, the one in which the WDNR is not making a presentation on the Environmental Impact Statement with regards to the City of Waukesha water treatment plant discharge diversion away from the Fox River. Alan pointed out that the Nature Conservancy has purchased the land along side of this site and the county has purchased other adjacent lands. The larger area has been opened up to public hunting. Alan said there are two components to his presentation, the first to get the county off the hook to further maintenance and the second is to use this project as a template to show how we could record our cost share agreements on properties to insure that the requirement of maintenance when included stays with the property. Of course the satisfaction of the maintenance requirement would have to be the final point of closure.

At this point the topic of discussion changed when Dean Falkner brought up the fact that the water quality base standards for phosphorus content in waste water treatment plant discharge is very rigorously controlled. It is very expensive to take care of the phosphorus at the treatment plant, but this brings up the issue of addressing non-point source pollution. This would mean addressing runoff from farm fields into the Fox River. Dean is in the process of preparing the upcoming permit for the Village of Mukwonago and would like to address non-point source pollution by utilizing grass strips or something else along that line. Dean said he is aware of an area requiring some work along the Fox River near where the Mukwonago River flows into it where work needs to be done. Dean asked that anyone who could identify exactly where this property was and possibly what needed to be done, would notify him. The Village is determined to address this issue.

At this point the topic of discussion changed again when Don Scott asked about the proposed new water treatment plant in the Village of Big Bend. Francis Stadler said that all he knew about it was that the water going out would be much cleaner than that going in. He also said that it was being designed to remove some particular contaminant and it would be one of the first in the state to address this contaminant. Don Scott asked about the water volume discharged into the Fox and Francis said that he did not know at this time. The plant will be located near the Village Park. Dean Falkner pointed out that there could be possible cooperation between the Villages of Big Bend and Mukwonago, seeing that the Village of Mukwonago already has trained staff for monitoring and operating a waste water treatment plant and Big Bend was new to the game. The inlet line to the new plant will run along highway 164 down to the Village Park with laterals for future connection at each intersecting street.

At this point Alan Barrows motioned that we accept the "Satisfaction of Cost Share Agreement" form that he passed around for the commissioner's review as well as agree to sign off on the completion of cost share agreement for the Hintz Wetland Restoration project. The motion was seconded by Don Scott and passed unanimously.

- d) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Francis Stadler started the discussion by asking if it was true that the state of Michigan would not agree to the use of Lake Michigan water for the City of Waukesha. Jeff Thornton pointed out that historically Michigan has not agreed to the diversion of Great Lakes water away from the Great Lakes Basin. Jeff went on to say that at this point we do not know Michigan's take on this issue and that he didn't think that Waukesha has submitted its application to the counsel of governors. Jim Pindel pointed out that at our last meeting Mike Hahn was present and handed out a letter dated 7/29/2011 from Kenneth Yunker the Executive Director of SEWRPC to Ms. Kay McConnel the Water Supply Specialist of the WDNR summarizing the SEWRPC's position on the diversion. Jim questioned some of the points in the letter. The letter states in conditions of high flow in the receiving stream (Root River) and low flow conditions in the Fox River return flow management could divert treated wastewater to the Fox River. Jim questioned whether this was a possible condition that the Root River would be in high flow when the Fox was in low flow since they are both subject to the same weather conditions. Later in the meeting Ron Barker of the FWA pointed out that in Illinois they do experience these sort of conditions, there are times when the Des Plains River is very high and the Fox River is in low flow conditions even though they do flow relatively close to each other. Jim stood corrected. The letter also cites the "economic and environmental benefits attendant to the discontinuation of the use of household water softening devices" and "long-term sustainability of the deep aquifer for use by other municipalities and industries in the region", which he felt were political points that had nothing to do with the environmental impact on the Fox River.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker said that he was looking forward to Jeff Thornton making a presentation to his Board of Directors on 2/28/2013. The meeting will be at 7:00PM at the FWA offices on Fox Lake, Illinois. Ron said he was pleased to see that our wetlands were filled with ice instead of water and was hoping for a gradual melt to bring back some of the 19 inches of water that their lake/river level was down last year. After the discussion referred to earlier, where Ron explained that the water levels in the Des Plaines River and Fox River even though close in proximity can be very different. Jeff Thornton pointed out that to the best of his knowledge the City of Waukesha had not adapted any provisions for diverting water back into the Fox River only for returning all water to Lake Michigan. Ron then made the comment that he couldn't see any chance that people along the receiving stream would not object strongly to having additional flow added to their stream under already flood conditions. There would probably be claims for payment of flood insurance and even payment for flood damages caused by the additional flow. Ron also stated that they are continuing with their winter dredging projects and have been hampered in their shoreline stabilization projects by the wide variations in temperature. One day the ground is frozen and the next day all mud.

- b) SEWFRC Website – Al Sikora said that he had nothing to report except that the website is pretty much up to date. He asked that if anyone noticed anything missing that they notify him. Al also said he would add the new information for the Fox River Summit.

Correspondence –

- a. 1/31/13 Draft MoU's for City & Town of Burlington from Jeff Thornton forwarded by Al Sikora to the City & Town.
- b. 1/31/13 SE Fox River Summit brochure distributed to all Commissioners
- c. 1/31/13 Email from Jim Pindel to Eric Ebersberger reminding him that we had not heard from him as anticipated.
- d. 2/4/13 Email from Town of Waterford with letters of appointment for 3 years for Mary Pindel and Shelley Tessmer.
- e. 2/6/13 Email from Eric Ebersberger requesting next SEWFRC meeting date after February and asking for notes on Carroll University presentation. Responded with unapproved excerpt from meeting minutes.
- f. 2/11/13 Email from Dean Falkner stating he could not attend our meeting (though he did arrive a little late) saying that he would contact Alan Barrows concerning the WE Energies property project.
- g. 2/11/13 Email from Benjamin Heussner stating that he could not attend the meeting and that he would US mail the documentation for a partial payment to the Kettle Moraine Natural History Association for the Rainbow Springs project.

Miscellaneous Issues –

All miscellaneous issues were discussed previously.

Francis Stadler motioned to end the meeting and the motion was seconded by Chad Sampson the motion passed unanimously.

Meeting Closed at 2:30 PM

THE NEXT OFFICIAL MEETING AND WILL BE Friday, March 15, 2013 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)