

**Commission members present:**

Dean Falkner (Village of Mukwonago) (Chairman)  
Barb Holtz (Town of Mukwonago) (Vice-Chairperson)  
Leif Hauge (Waukesha County)  
Chad Sampson (Racine County)  
Doug Koehler (City of Waukesha)  
Lee Manthey (Town of Vernon)  
Jim Schneider (Village of Waterford)  
Francis Stadler (Village of Big Bend)  
Jeff Lang (Town of Burlington)  
Jim Bergles (City of Burlington)  
Wayne Jensen (Village of Rochester)  
Tom Slawski (SEWRPC)  
Jim Ritchie (Wisconsin DNR)  
Rachel Sabre (Wisconsin DNR)  
Shelley Tessmer (Town of Waterford) (Alt) (Secretary/Treasurer)

**Commission members absent:**

Jim Pindel (Town of Waterford) (Secretary/Treasurer)  
Ken Miller (Town of Waukesha)  
Andrew Lois (Town of Wheatland)  
Andy Buehler (Kenosha County)

**Also present:** Katelyn Bratz Town of Mukwonago (Alt/V.P.) and Dan Treloar Kenosha County.

At 1:10 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 February 17, 2017 meeting were approved. It was motioned by Jeff Lang that the minutes be approved and the motion was seconded by Jim Schneider. The minutes were approved unanimously.

**Treasurer Reports** – Shelley Tessmer reviewed the highlights of changes in the February 2017 treasurer's reports. We started the month of February with \$33,185.85. We received \$5.09 in interest bringing our Money Market account to a balance of \$33,190.94. The only change to the non-grant funds was the payments for the AIS Summit, but the check amounts of \$300.00 and \$3,000 are being allocated from the non-grant fund. The \$5.09 in interest resulting in the net non-grant funds available being \$22,453.17. It was motioned by Dean Falkner and seconded by Jeff Lang that the treasurer's report be accepted. The motion carried unanimously.

**Old Business**

- a) **Fox River Partnership Summit:** Tom Slawski pointed out that attendance was the highest so far with over 170 people attending. He received positive feedback

from everyone, except for one issue of there not being enough parking. Next year he will address this issue by placing signs for people to know where they can go to park in the overflow lot. He is in the process of working on a newsletter to provide a way for the attendees to contact the presenters as well as make people aware of the topics were discussed. Once everything clears he will get the necessary paperwork to Jim Pindel for reimbursement. He is in the process of gathering all of the paper work for Jim Ritchey in order to receive reimbursement. Next year's Summit will be held on March 23, 2018, and he is working expanding the program and getting different presenters for next year. Jeff Lang asked Tom if he would be sending out the power point presentation to everyone on the SEWFRC. Tom said currently, the power point presentation is posted on their website **foxriversummit.org** for anyone to view it. Jeff would like Tom to send out an email to everyone. The Fox River Partnership has already sent out an email to many individuals with the Summit presentation. To prevent individuals from receiving too many emails they are looking to try constant contact list. People can receive information as well as unsubscribe to the information. The Commissioners would like a link on their website for people to view the Summit Presentation. There was discussion on the presenter Nick Baker who was from the UW Extension and gave valuable information on cover crops use and their effectiveness and he identified a farmer watershed group in Southeastern WI and Northern IL as well as how to work with farmers. It might be a good idea to have him come to a meeting and present for us. Dean noted the fact that farmers do care, and it is just a matter of working with one another for the same goal. There was a brief comment on waste water management which highlighted the importance of farmers working together with municipalities for adaptive management methods.

- b) Mukwonago River shoreline restoration at WE Energies Site. Dean informed the Commission everything has been signed. Leif reported for Alan Barrows that since our last meeting the Letter, Contracts and all paperwork have been signed by all the different organizations that are involved in the project. Alan will be holding the preconstruction meetings in last week in April or first week in May and the project will be complete by the end of June.
- c) Wood Drive Erosion Control Project – Chad Sampson said the project is complete and he submitted all of the paperwork to Jim Pindel. He will keep an eye on the project this spring to make sure the grass is growing.
- d) Malchine Farm Field Erosion Control –This project along with the Wood Drive project above is complete at this time. Chad is getting the paperwork into Jim Ritchey. Shelley Tessmer commented on an issue that is reoccurring near the Malchine farm project. She noticed shoulder of highway 164 has about a four-foot-long patch that is breaking up and slightly sinking the site is 50 feet before the pipe that is sticking out of the ditch of highway 164. She asked him to have Gail from the DOT look into it.

- e) ESR Project disposal sites environmental impact: No one from the WWMD was present.
- f) Schuetze Playground Storm Water Abatement: - Doug Koehler said they are working with the parks department staff and assembling all paperwork to be sent in and they are waiting for reimbursement.
- g) Graefenauer Shoreline Restoration (Tree Removal): Leif reported for Alan Barrows stating the tree removal which is phase 3 of the project work is done. However, there was an overpayment for phase 1 made to the contractor, and they will have adjusted the invoice of phase 3 to account for that overpayment. Currently, they have not received an invoice for payment from the contractor.
- h) Nature's Classroom groundwater protection - erosion control: Katelyn Bratz reported the work is complete and all of the paper work has been submitted to Jim Ritchey. Jim Ritchey commented that he has the paperwork and we can go ahead and make final payment. Commission will send a check for reimbursement for this project.
- i) 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?** Jim Ritchey commented he discussed the issue with an attorney who oversees several of our water programs. These are all questions in regards to the statute which is chapter 33. The questions stem from the revision of the statute, and the statutes were not specific on most of these questions. When that happens then it is subjected to attorney's interpretations of the statute. Can we amend the boundaries and extend our map without having agreements, and it is interpretation that it is not the intent of the statute to not have an MOU from a municipality in order for it to be included in this organization? It is possible to include another municipality but you would have to have an agreement such as a MOU and a representative present. We could not fund a project in a new town unless it was part of the Commission and had a representative within this organization.
    2. **Can we include a municipality without its county?** Jim Ritchey consulted with the WI DNR attorney and found that we can include a municipality without its county because it states in chapter 33.56 paragraph 5, allows the commission to expand to other municipalities.
    3. **How do we interpret "residents of the river county"?** Jim Ritchey consulted with the WI DNR attorney and found that resident is stated as someone who is actually living in the county. Therefore, to be a representative for this organization you need to be a resident within the county you are representing.

**4. Do we have to pay to publish our budget & public meeting notice?** Jim Ritchey did not receive definitive answers for this. There are other attorneys that work on these items. There is suggestion under the guidelines for public meeting laws states the budget of an organization must publish their budget in a newspaper of record, but did find if meeting minutes' needs to be publish. Jeff Lang pointed out the intent of that is directed for a municipality, but since we are not a municipality we should not have to pay for each municipality our budget and minutes. Jim replied it is specific for our budget to be published in the county newspaper, but is not sure if the minute's need to be published. Jim Bergles said the waste management district and other organizations do publish their minutes, but we are not a taxing authority, therefore we may not need to publish our minutes. Jim will try to get more clarification on this item.

**5. Are we bound by the Open Meetings Law?** Jim Ritchey commented that he thinks it would be better if the municipalities' attorneys would clarify this for the Commission. He stated he looked at the WI Open Meeting Laws and felt this organization falls under municipality status but was not absolutely sure if the commission is required to publishing meeting minute and agendas. He only found that it specifically states the SEWFRC needs to publish our budget in the newspaper of record for each county. Jim stated that you do not have to publish your exact agenda. Jeff Lang mentioned that there was a ruling that the internet is considered a public posting. He felt we are already doing one of the three public postings and we could designate the other two. Jim informed the members that he found the commission is required to meet at least quarterly, and currently we exceed that requirement. We may consider in the future reducing the amount of meetings to reduce the amount we spend on publishing our information. The publishing cost is paid by the non-grant funds. Francis Stadler suggested a portion of the funds from each county like Racine County could be taken out, and allocated to the cost of their publishing. Chad Sampson noted he would have to check and see if this is something the funds could be used for.

**6. Should we hire an attorney?** After a discussion between the commissioners, it was decided we would hold off on hiring an attorney until Jim Ritchey would again contact the attorneys at the WI DNR for further clarification on whether or not we have to follow open meeting policies of publishing our meeting minutes. Since our organization does not have taxing authority, does not levy funds, and only disperse funds, it was suggested we may not be required to publish our meeting minutes. Jeff Lang commented our organization operates by receiving funds from other organizations with taxing authority that have allocated funds to us by approval from their budget meeting. Due to the budget meeting minutes of other organizations that allocate funds to us, our organization may not be required to follow all of the guidelines within the open meeting laws. Jim Ritchey informed us that he looked at another commission in Madison, WI and found they did publish their meeting minutes and follow the guidelines of the open meeting laws. They are a state-wide organization and have their minutes published in one newspaper of record. The additional expense of hiring an attorney may be needed,

but it is an expense the commissioners want to avoid. They rather pursue other options to have their questions answered.

Jim Ritchie said he will again contact the WDNR's lawyer and get our questions answered. We should hear further clarification at our April meeting.

- b) Mukwonago Park Shoreline Restoration – Leif Hauge reported they held their first meeting to start the project and handed Shelley Tessmer a copy of the cost share agreement. The project will be done by the end of June.
- c) Village of Waterford East Shore river bank Restoration: - Rebecca Ewald. Rebecca Ewald was not present. Jim Schneider reported that they are working on developing the design of the parking lot to expand them and they are looking to start working on this portion of the project in April. The portion of this project that addresses restoration and erosion control will begin in October. The parking portion of this project is priority since next year they are going to redo the section of highway 20 that starts at the Shell Gas Station, goes past First Street, and ends at Milwaukee Avenue. Within this project there is a volunteer group that wants to clean up the island that is in the river.
- d) SEWRPC Survey for Waterford Dam to the Illinois Border – Dean reported he spoke with Jim Ritchie and it could be extended to meet the deadline. Dean asked Tom how much work does SEWRPC have because the one thing that would be beneficial along with the survey is to do a 9 key Element study. However, Dean is not aware of what SEWRPC resources are. What resources does SEWRPC have at this point to complete this task as well as what ability does it have to take on more studies? Tom replied with a one year extension of ENUM 20 SEWRPC would have the resources to complete the survey, but the scope of the project was one the first item we needed to identify, and we did not set a deadline for the study to start. Dean asked the question does the commission want to view the survey contract before we sign it? Jeff Lang wanted clarification that the Erosion and Invasive Species Study means the SEWRPC Survey Study, and the answer was yes. Tom commented on that items will be in the survey and he explained the survey will contain new information such as potential load sources throughout the watershed, incorporating up stream sites and in context to the downstream sites and reprioritizing the sites. Kenosha County has more infrastructure sites in jeopardy such as roads way sites that are parallel to the river. These sites are a new dynamic to the priority site list. The cost of the survey is \$27,000 dollars. It was motioned by Francis Stadler that the commission signs the survey contract with SEWRPC without it viewing the contract at the next meeting, and the motion was seconded by Jeff Lang. The motion was approved unanimously.
- e) Aquatic Invasive Species (AIS) Summit: Kathy Aron. Tom Slawski commented that he was in contact with Kathy and she is working on coordinating workshops to share information for AIS with starry stone wart being a noteworthy topic for

this summit. Some of the information Tom shared was on what applicators are doing in regards to monitoring for a completed project. The recent monitoring consists of finding how many plants have infested new areas. Some other information they are gathering is how many new plants are present, how many bulbils are present in the sediment from winter. They found one bulbous can produce 5 to 7 plants. Unfortunately, they are finding thousands to millions of these bulbous in the sediment. Meaning once you have this species it reproduces quickly making getting rid of it extremely difficult. They were hoping by managing the area they could reduce the amount of infestation. Their monitoring shows their management effort is not effective at reducing the population. It is most effective to keep it out of the water. The best solution is not to acquire it.

- f) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that since we expanding our jurisdiction, this organization may want to consider looking into doing the 9 Key Element Study. SEWRPC has done quite a bit of work for us already, and will be working on the miles of river going all the way down to the Illinois boarder. In terms of the 9 Element Plan, that would be a new initiative. Dean was wondering if SEWRPC would have the staff to work on a 9 Key Element Plan? Tom replied it is possible task for SEWRPC to do, but he would need better clarification on what parts of the watershed would be included in the plan since the challenge of this plan stems from the huge watershed to be studied. Tom stated that the county representatives may be working on updating their Land Resource Management Plans and believes there may be some symmetry when we are looking at loads and load reduction goals. SEWRPC could potentially partner with the counties for this information, and we could work with one county at a time on this plan. Especially since the area of this study consist of thirty-one HUC 12 size areas which is enormous. Dean commented that he was thinking of only including three HUC 12 areas to begin the 9 Key Element Plan. Tom informed the commission that they are working on a 9 Key Element Plan in Oak Creek’s watershed and the scope of the plan is much smaller, maybe a third of the size of what this scope would be, and the plan’s cost is roughly \$300,000 dollars. The 9 Key Element Plan is being funded through the Great Lakes grant, and this watershed does not qualify for that funding resource. Dean commented that earlier conversations in regards to the three HUC 12 areas, the 9 Key Element Plans were estimated to cost roughly \$40,000 each, since many of the sites that are impaired have been identified within other studies. It is a matter of obtaining the funds to fix those impairments by doing a 9 Key Element Plan. Jeff Lang wanted to know what is a HUC 12. Rachel Saber defined the term as the Federal standard number for measuring a watershed and they use a Hydrological Unit number or HUC # for each watershed. The number indicates how large the watershed is, therefore the larger the number the smaller the watershed. The Fox River itself is a HUC 8, and within that HUC 8 watershed there are five HUC 10s, and within those HUC 10s there are normally five HUC 12s. The plan includes all of the tributary streams that come into the watershed or Main River to give you all the information

necessary to actually know what is going on in terms of loads coming in and where they are coming from. She studied the Pewaukee, and Sussex watersheds. In 2014, 2015 she studied the Pebble Creek watershed and the upper Fox River and expanded her study to include a few more HUC 12 watersheds as well as the tributaries throughout the area. There is quite a bit of data that is available, and suggest the best way to start is with the areas that have already been assessed and work from there. Last year she has worked her way down the HUC to Honey Creek and Sugar Creek which are in Walworth County. Tom commented that one of the tools the WI DNR can use is their Surface Water Data Viewer which is their interactive tool that is online. The WI DNR has load data on this that shows you the calculated loads by sub basin throughout the watershed, and as we look at the upper and lower Fox River surveys we can incorporate this data and compare the erosion sites up stream and look at our new erosion sites down stream in order to identify overall where the loads are coming from throughout the entire survey areas of the Fox River. Looking at this data will give us a comprehensive idea of how the land based loads and stream bank erosion loads effects the watershed. Tom suggested a 9 Element plan would help further identify load issues, and also suggested targeted cost share for an area in a county in their watershed. Shelley Tessmer asked how did Oak Creek obtain the funds for their \$300,000 9 Key Element Plan? Did they apply for a grant? Tom replied it was grant money from a combination of sources, but most of the funding for this plan came from the Great Lakes Initiative Grant. Unfortunately, the Fox River does not qualify for it, since our river is not a tributary to Lake Michigan. She also asked if there was a specific grant the SEWFRC could apply for in order to receive a grant to pay for a 9 Key Element Plan. Tom replied SEWRPC partnered with the municipalities, and they were the ones that applied for the grants to begin the project. Dean commented that it was his understanding if we were going to do a limited area, the 9 Key Element Plan would cost \$40,000. The areas Dean has in mind are the two or three identified HUCs as opposed to doing a 9 Key Element Plan on the whole surveyed area of the Fox River. These identified HUC areas already have large amounts of data such as phosphorus and sediment loads, due to the current monitoring that has been done on the Fox River within these HUCs. He again points out due to monitoring done this past year on the Fox River, the data shows there is a whole lot of erosion and sediment movement that is headed down to the impoundment. We have already defined those areas through the GRAEF study, and it is his understanding that there is more information out there in relation to this watershed. With the smaller area to be studied, and by collecting the different data or putting the pieces of the puzzle together for a comprehensive 9 Key Element Plan we could afford a \$40,000 plan. If we could leverage the money out of 319-D for the 9 Key Element Plan, we would be able to pull our resources and tackling many projects. If we could leverage both Federal and State money we could get a lot more accomplished. Most of the monitoring shows the Fox River is meeting criteria; however the data coming from Waukesha going to Mukwonago shows higher values.

- g) 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 said he does not have an update on the gauges. Shelley Tessmer asked Tom a question in regards to what kind of gauge the commission was pursuing, since there was a presenter at the Fox River Summit that discussed using an automatic gauge for his data. She wanted to know how much is an automatic gauge? Jim Schneider commented that the cost of having a gauge is not the device itself, but to maintain it can cost up to \$10,000 to \$40,000 dollars a year. Jim Ritchey commented that there is a grant available to purchase the gauge, but not the cost of operating, maintaining or paying for the collected samples to be tested. Dean asked Jim Bergles if he is doing anything with the flow metering in Rochester? Jim Bergles replied the Jefferson Street Bridge will be rebuilt next year; therefore the flow meter and depth gauge will be upgraded next year. In regards to who maintains it, Jim replied we maintain it, and they have a contract with the USGS. There have been no major repairs to the equipment, only had to replace an air cylinder once or twice a year. Jim Bergles gave an approximate cost for the gauge to be \$1,200 dollars. The data from the gauge can be read by logging into a website on line, and is obtained by cellular communication. Jim did not know the cost of collecting the cellular information. Jeff Lang commented that the cost of the Burlington gauge is roughly \$20,000 per year. Jim Bergles commented that the gauge is located on the Waterford Dam. Chad Sampson was not sure as to the cost of the gauge by the Waterford Dam. Jim Schneider replied that they contact out for this service, and they report to the Racine County Drainage District. Dean was wondering if Tom Slawski would be able to calibrate out the unit in order to be able to come up with a flow rate. Since the stage is already measured and we have communication, you would not need much more data to mathematically do a conversion to CFS. Dean is considering the future impact of the Waukesha diversion plan, and would be nice to have the flow monitoring information before that takes place in order to see what the effect to the flow from that change will be. Currently we have looked at loading in different places, and we really cannot calculate a decent load at Waterford even though we have the load information and the concentration of items. Unfortunately, we do not know the flow because all we have to use is stage information, and we would like to know if SEWRPC could look into that conversion information for us.
- h) Consideration of expanding our jurisdiction west to include Eagle Spring Lake: Dean Falkner stated Jim Ritchey answered this question earlier in the meeting, and we could extend our jurisdiction as long as the township petitioned to be a part of the commission, and the commission agrees with their participation.

### **Reports and Updates**

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Tom Slawski Tom Slawski said that he had nothing new to report other than they had three representatives attended the Fox River Summit. Jeff Lang volunteered to attend future meetings on behalf of the commission.

- b) **(This item was not discussed at the meeting)** Dan Treloar pointed out that if the display board listed the Town of Salem and the Village of Silver Lake, they no longer exist and have combined themselves into the Village of Salem Lakes. Jim Pindel asked Dan Treloar to send him contact information on the newly formed Village of Salem Lakes, so he could contact them and ask them to appoint a commissioner for our commission.
  
- c) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie does not have a new update to report on.
  
- d) Progress toward designation as a “National Water Trail” – Village of Waterford. Rebecca Ewald was not present. Jim Schneider said that Rebecca is holding on going meetings, and feels they are roughly a year or so away from the whole process coming together. Shelley Tessmer commented that Rebeca wanted to make us aware that there will be a Paddle Sport Company located behind the village hall, where they will be renting kayaks, double kayaks and canoes starting in May. Information for this is located on their website. The students from Waterford High School will be building the shed to store all of her equipment. Look on the Village website for information. Jeff Lang commented if anyone is interested in kayaking the Millerd E. Fillmore Memorial Canoe race is coming up in spring held by the Burlington High School. Jeff Lang will let us know the date.
  
- e) SEWFRC Website – Al Sikora was not present. Dean commented that he would like Al to put a reference link for the Fox River Summit power point presentation on our website.

**Correspondence** – Dean had everyone read the correspondence information listed in the minutes.

- a) Leif Hauge handed Shelley Tessmer the Cost Share Agreement for the Mukwonago Park Shoreline Restoration

**Miscellaneous Issues** –

Jeff Lang commented in regards to the Resolutions the Town of Burlington passed legislation asking to fund the commission. Jeff Lang recommends, since we have not heard back from Senator Lazich, that we might have another champion for us we should encourage and reaching out to Samantha Kerkman, who represents Kenosha County as well as suggested inviting her to our next meeting. Jeff suggested sending their resolutions to her as well as their local representatives. He informed us that she sits on the budget committee, and if she is not able to help us she may recommend someone else. Jim Schneider commented that he feels David Craig is in support of the commission. Chad Sampson mentioned that the Joint Finance Committee is going around the state and to listen to a two-minute summary from organizations in need of funding from the state’s budget. They are going to be at State Fair Park on April 5, 2017. Chad suggested that it

would be a good idea for the commission to have a representative to go down there and give them our two-minute summary of why they should support our organization. Does the committee take prepared statements? Chad replied yes, many people bring a prepared statement to this meeting.

Jim Schneider commented that the WI DNR issued a permit for the temporary draw down of the impoundment above the dam to kill the invasive species. They are going to take the water down five feet. The draw down will start on October 1<sup>st</sup>, 2017 and the water needs to be back up by March 1, 2018. They are hoping to have a cold winter in order to freeze the sediment up to twelve inches, which should kill the invasive species.

In conjunction to the above draw down, the Racine County Drainage has a proposal to the WI DNR to do a draw down the Rochester Dam remove the water in the Wind Lake canal. This would allow them to do one year of mechanical dredging on the remaining six or seven miles of the canal. From Wind Lake to the Fox River there is only twelve inches of pitch, and the county has not dredged it in 50 years.

It was motioned by Jim Bergles to close the meeting and seconded by Chad Sampson to end the meeting and the motion carried unanimously.

**Meeting Closed** at 2:40PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,  
April 21, 2017 at 1:00 PM. (Meeting Location: Burlington  
Public Works, 2200 S. Pine Street, Burlington WI 53105)**