

Commission members present:

Al Sikora (Village of Waterford) (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)
Dean Falkner (Village of Mukwonago)
Barb Holtz (Town of Mukwonago)
Jim D'Antuono (Wisconsin DNR)
Mary Pindel (Town of Waterford) (Co-Secretary/Treasurer)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Shelley Tessmer (Town of Waterford)
Howard Garvens (Town of Waukesha) (Vice-Chairman)
Doug Koehler (City of Waukesha)
Randy Craig (Town of Vernon)
Jeff Thornton (Southeastern Wisconsin Regional Planning Commission)

Also present: Jim Ritchie of the WDNR, Dick Kosut of the WWMD and Angie Van Scyoc from the Town of Waukesha.

At 1:06 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 January 28, 2011 meeting were reviewed. It was motioned by Chad Sampson and seconded by Francis Stadler that the minutes be approved as submitted. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for January and February 2011 was reviewed. In summary at this time we have \$2,767.10 available for grant projects and - \$170.92 in over spent funds on non-grant expenses. Don Scott motioned to accept the Treasurers Report and Alan Barrows seconded the motion. The treasurer's report was approved.

Old Business

- a) **Phantom Woods Road Channel Enhancement (completed)** – Barb Holtz Barb stated that this is the first spring since the planting and so she would have more to report to us at the next meeting after she has a chance to review the condition of the site. And so Barb requested that we leave this project on the agenda for at least one more meeting. Alan Barrows said that he had recently visited the site and that it appears to have survived the winter well.

- b) Vernon Wildlife Area Streambank Stabilization Project (completed) - Brian Glenzinski was present and said that he had completed the paperwork on the project, which he turned over to the commission. Brian said that they had put the project out for bids and all the bids came in way over budget, probably because of the logistics of getting the equipment out on site through a wetland. So he completed the project utilizing DNR staff and equipment, charging rental fees for equipment and labor to the project. As such the project was still over budget and the commission is still responsible for the \$5,800 we committed to the project. Brian said that the Friends of the Vernon Marsh would appreciate any help we could provide to offset the cost overrun of the project. All the uncommitted money we have would not cover the whole overrun. This brings up the point that by the end of June we need to spend the small amount of money we have left on some worth while endeavor. Brian also said that the rock spillway at the bottom of the streambank is stable and how the planting takes shape is still to be determined. It did vegetate quite well last fall with just their temporary seeding. Brian will take pictures as the plant life proceeds and provide them to us.
- c) Vernon Wildlife Area Flowage Restoration Project (active) –Brian Glenzinski said that the Vernon project was bundled in with the Rainbow Springs property when he put in for the federal grant. This has complicated issues because of the golf course on the Rainbow Springs property. Some people want the golf course to be maintained and others including the DNR want the land to be turned back into its natural (pre-golf course) condition. If the federal government allows the golf course acreage to be replaced with other acreage or the course is restored to original condition then all the funds in the grant can be used. There is \$95,000 of Wisconsin Duck Stamp money and our \$20,000 of SEWFRC money committed to the Vernon project. The design of the project, being paid for by Ducks Unlimited, is nearing completion and a small section of the project which is a rock spillway will be carved out so that they can use our \$20,000 before ENUM-16 runs out at the end of June. Barb Holtz noted that the county board and Town of Mukwonago planning commission have voted unanimously to support restoration of the golf course back to its original natural condition. Alan Barrows asked if any county permits would be required and Brian said that as soon as he has the completed design from Ducks Unlimited he will approach the county on the issue of required permits.
- d) Kossik Stream Restoration Project (active) – Jim D’Antuono said that he has not talked to Mary Kossik recently and asked Alan Barrows if Mary was selling her property and Alan wasn’t sure but said there was not a for sale sign on her land. Alan also said he passed by there recently and observed a lot of spring runoff coming down the hill and passing under Edgewood Road. Jim D’Antuono suggested that we send a communication to Mary Kossik advising her that our funding runs out at the end of June and so anything she want to do with the money we budgeted for her needs to be spent by that time. Jim Pindel will take care of this communication.

- e) Possible boat/canoe launch on Highway ES (pending) – Alan Barrows said that he had no changes regarding this potential project. However he pointed out that it would require about \$600 worth of stone to fill the gully where the soil presently runs out into the Fox River. Alan thought that this small project might fit well within the small amount of funds we have available. Alan said that he had talked to the Public Works Department and they would get their land agent folks to contact the owner of the lower portion of the gully to get permission to install the rock. Barb Holtz asked what kind of stone would be used. And when Alan said it would probably be 8-10” limestone, Jim D’Antuono stated that white rock was not the preference of the DNR because people object to the unnatural white rock formations. Alan was asked to investigate other possible aesthetically softer erosion control possibilities (even field stone instead of lime stone) and bring that information and costs to our next meeting so we can bring it to a vote as a small new project to be completed before ENUM-16 runs out.

New Business

- a) The main issue under New Business was a review of the items listed under “emerging issues of concern” in the new implementation plan. The full commission present was asked to comment on or object to any topic that they did not feel that the commission would or could address during the next 10 years under our new implementation plan.

The first group of issues concerned our consistency with other regional level plans regarding water quality, water supply, natural areas and critical species habitat protection / management plans. Regarding water quality management plans the commission was asked if it would support the management plans for Pewaukee Lake, the Waterford impoundment, Eagle Spring Lake and the Phantom Lakes. After brief discussion it was agreed to support these plans.

Regarding the regional water supply plan the commission agreed to discuss and later in the meeting consider a Position Statement or Letter to be sent to the city of Waukesha concerning the diversion of water from the Fox River because of the possibility of Waukesha using Lake Michigan water which it must return to the Great Lakes. The commission also agreed to support efforts to increase awareness and aid in eradication of nonnative and invasive species.

The commission agreed to continue its relationship/partnership with other governmental units including the WWMD, Town of Waterford Sanitary District, Racine County Farm Drainage District and the IL Fox Waterway Agency.

The commission agreed that there was interest in expanding the commission’s boundaries south to the Illinois border specifically because it might lead to additional income to support environmental/recreational projects from federal grants and programs. It was understood that the downside of this expansion was the work required to get legislative changes to the statutes that define our makeup

and operation and well as getting the cooperation of the involved municipalities to participate in our work.

Under the topic of standard operating practices the idea of limiting prepayments or early payments to municipalities or others administrating a project it was proposed that we limit these prepayments to 50% of the project cost. A motion to this effect was made by Dean Falkner and seconded by Barb Holtz. The motion passed unanimously.

On the topic of expanding the commissions jurisdiction south to the Illinois boulder a vote was called for to settle this issue. After some discussion and in light of the legislative work and man hours required by the commission, it was decided to ask a representative from Kenosha County to attend next month's meeting to see how receptive the County itself and the communities in Kenosha County would be to our mission and goals. Especially we would be interested in seeing if their municipalities would be willing to participate on our commission. Chad Sampson said he would advise Jim Pindel of the name and contact information for a representative from Kenosha County to invite to our next meeting.

The question came up as to whether we should send a "Position Statement" to the city of Waukesha regarding our stance on diverting the discharge from their water purification plant to Lake Michigan instead of the Fox River. It was generally agreed that we were more concerned that the volume of water discharged into the Fox River was not changed than whether some or all of their discharge was redirected to Lake Michigan. In the end it was decided that Jim Pindel would formulate a position statement, distribute it before our May meeting, so that we could review it and decide what if anything to send to the city of Waukesha. Angie Van Scyoc of the Town of Waukesha asked whether the commission would take a position concerning the City of Waukesha's shallow aquifer wells near the Vernon Marsh with regard to the well's potential impact to resident's drinking water wells. Alan Barrows pointed out that our concerns as a commission and as put forth in our implementation plan have mostly been the recreation, navigation and enjoyment concerns for the river. Thus the reduction of base flow from the City of Waukesha's wastewater treatment plant is well within the charge of the commission; specifically with regard to the plans for when/how the return to Lake Michigan is structured. As far as the impact of City shallow wells on residential drinking water wells this seems to be outside of the expertise and jurisdiction of the commission.

Considering that a decision has to be made on whether the commission should submit a budget request to Waukesha and Racine counties, it was decided that Jim Pindel would prepare a 2012 budget before our May meeting with projects segmented along county lines. After any required adjustments this budget would be submitted to the counties and the appropriate commissioners would present our proposal.

Jim Pindel made the following motion that we add language to the FRC Implementation Plan. In parallel to the funding mechanism currently described in the

implementation plan, which amounts to requesting funding from Waukesha and Racine counties on an annual basis to coincide with their annual budget cycle, we also list a letter of request for funding in the Wisconsin state budget. This letter would be sent to the appropriate legislators on a biannual basis, to coincide with the state of Wisconsin's budget cycle. The motion was seconded by Dean Falkner and was passed unanimously.

Reports and Updates

- a) Update of SEWFRC Implementation Plan – Jeff Thornton was not present and this topic had already been discussed in detail.
- b) Waterford Dam Restoration – Chad Sampson Chad Sampson said he had nothing new to report.
- c) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Thornton was not present and so no report was made.
- d) SEWFRC Website – Al Sikora said that everything that has been handed to him is up on the website including a link (to SEWRPC.org) to our preliminary version of the Implementation Plan. Al said that he has photos of the Big Bend boat/canoe launch but still needs text. This is the only open issue concerning the website.
- f) Waukesha County Farmland Preservation Plan – Barb Holtz said that the Budget Repair Bill eliminates all funding for this program. Alan Barrows said that the county has submitted its Farmland Preservation Plan to the Department of Agriculture. The Department of Agriculture reviewed it and sent them comments. The Plan went through a revision and was resubmitted he believed yesterday and so the process is underway. Alan said that Barb was right in that some funding like the PACE program and the conversion fee was eliminated by the Budget Repair Bill. The conversion fee was a charge for converting from preservation zoning to something else to help fund the program. There are some challenges but the county is trying to preserve some areas for agricultural purposes.
- g) Waukesha West By-pass Plan – Howard Garvens was not present. Angie Van Scyoc asked what the commission's interest is in the by-pass issue. Al Sikora told her it was generally the wetlands issue. Angie asked if the commission had issued a position statement on this issue and Al told her we had not. Angie said right now is the time. Jim D'Antuono said that the county DOT has the lead on the project and that it has come down to two alternative routes and will be spending the rest of this year preparing an environmental impact statement to document the environmental issues associated with the project alternatives. The statement will include the impact on the wetlands and streams in the area. Alan Barrows stated that one of the alternatives has shifted its route more south and west to infringe less on the environmental corridor making it possibly more agreeable to the DNR. Angie Van

Scyoc said that in any case the project would affect areas that had never been affected before.

Correspondence –

- a. 2/12/2011 Email from Jim Pindel to Scott Gunderson requesting a meeting to discuss the condition and future of the Fox River Commission especially with regard to funding.
- b. 2/28/2011 US Mail from Jim Pindel to Scott Gunderson with same contents as the email above.
- c. 3/1/2011 through 3/3/2011 Emails from Dean Falkner and Jeff Thornton concerning the possibility of utilizing “effluent trading” funding to fund commission projects. Dean stated that with the recent action concerning phosphorous removal and storm water limits there will not be as much trading. Jim D’Antuono said that the changes regarding phosphorous removal would put Wisconsin in line with other states requirements.
- d. 3/7/2011 Email from Jeff Thornton advising he made a presentation regarding our Implementation plan to the IL Fox Waterway Agency. Attached was a letter from Ingrid Danler of the IL Fox Waterway Agency encouraging us to move forward with the plan. Al Sikora pointed out that there is a link on our website to Jeff Thornton’s Power Point presentation.
- e. 4/01/11 Letter and email to Senator Mary Lasich requesting grant funding for the commission in the upcoming state budget.

Miscellaneous Issues –

Barb Holtz asked that the commission produce a Position Statement concerning the Rainbow Springs Golf course. The position of the commission would be to support restoring the golf course land to its original natural condition. It was decided that Barb should generate the statement and send it to Al Sikora for approval and upon approval forward it to the appropriate people.

Angie Van Scyoc stated that Howard Garvens will be honored at an Annual Meeting next Tuesday night and that it would be appropriate for the commission to send a letter to the Town of Waukesha Clerk expressing our gratitude for Howard’s work on the commission. This service to the community will be mentioned along with Howard’s other contributions.

A motion to adjourn the meeting was made by Don Scott and seconded by Alan Barrows, the motion carried.

Meeting Closed at 2:30 PM

NEXT OFFICIAL MEETING WILL BE Friday, May 13, 2011 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

