

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)
Alan Barrows (Waukesha County)
Barb Holtz (Town of Mukwonago)
Randy Craig (Town of Vernon)
Robert Bartholomew (Town of Vernon)
Randy Meier (Town of Waterford)
Francis Stadler (Village of Big Bend)
Dean Falkner (Village of Mukwonago)
Jeff Thornton (SEWRPC)
Jim D'Antuono (Wisconsin DNR)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Ron Peterson (Village of Big Bend)
Shelley Tessmer (Town of Waterford)
Any representative from the Town of Waukesha

Also present: Don Baron, Paul Kling of the WWMD, Brian Cushion of Racine County, Tom Slawski of the Fox River Partnership, Laurie Longtine of the Town of Waukesha and Brian Schneider, Geof Parish of Graef Engineering.

At 1:05 PM, 4/19/2013, 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 March 15, 2013 meeting were reviewed. It was motioned by Randy Meier and seconded by Randy Craig that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for March 2013 was reviewed. In summary we started with \$105,920.21 in our money market account and made \$17.99 in interest resulting in a final amount of \$105,938.20. It was motioned by Bob Bartholomew and seconded by Dean Falkner that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) **Hintz Wetland Restoration Project** – Alan Barrows made a PowerPoint Presentation after stating that in 2002 Waukesha County applied to our commission for grant funds for this project with the stipulation that the county maintains the property for the next ten years. Alan then reminded the

commission that a couple meetings back he brought a document (Satisfaction of Cost Share Agreement) to the meeting for us to sign releasing Waukesha County from this obligation since it had in fact expired. Rather than execute the document at that time Alan proposed to do a presentation on the project and have the document signed at that time and so Alan made this presentation today. The presentation started with the map of the commission's area of jurisdiction with a red star indicating the location of this project. The Hintz property is located in Waukesha County's Fox River Greenway parks program. Alan then showed an aerial photo of the property from 2000 and a picture from 2002 from ground level showing the straight line ditches on the property. Alan then presented part of the plan that showed the change to a more natural channel meander rather than the existing straight line ditches. After going through the bidding process the county had a contractor come in and fill in the straight line ditches and create the meandering streambanks. Alan provided photos of the construction showing the use of long reach hoes and bulldozers that were used to establish the more natural environment. Alan then showed a photo of the property in 2005 with the meandering stream and natural vegetation. Since then the county has spent a lot of effort replacing the reed canary grass with native species. Alan then presented a memo summarizing the work that has been done by the Parks department over the years since 2005. This report was also used as a condition for the EPA monies that were also part of this project. Alan then showed a map of the area and indicated the adjacent properties owned by the county and the Nature Conservancy. This land and some other park lands have been opened up to public hunting. The old gate was replaced by a newer gate moved further back from Edgewood road to provide some limited parking for hunters and other recreaters. Alan showed the documents that attached the maintenance requirement to the property and the document he wanted signed to release the county from this expired obligation. This document was signed after the meeting and notarized by Chad Sampson a notary public. The signed document will be recorded on the property. Barb Holtz asked if the county does any burning on the property and Alan said they didn't but there were many burning opportunities on county lands. There was a short discussion about the fact that these maintenance agreements and release documents being attached to the property itself was a good business practice that we should consider on all future project when applicable. Alan pointed out that a recorded agreement goes with the property title so if the ownership changes the agreement still stands. Randy Craig asked how many acres were involved and Alan guessed that it was about 60 acres initially. Through additional purchases the county land in this area has grown to about 500 acres.

- b) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner was not present to make a report and we were aware of the fact that no work was being done until later in summer when things dry out a little more.

c) Fox River Partnership Summit – Tom Slawski passed out copies of the Official Declaration as amended at the summit. Tom stated by all accounts it was considered a successful summit by participants from both sides of the Wisconsin – Illinois border. There were a total of 145 attendees and the next summit is being planned for March 22, 2014 to be held in Illinois. All the presentations from the summit are available on the Southeastern Fox River Partnership website. Tom said that Dr. Priscolli the keynote speaker had a good time and enjoyed meeting with people from the Midwest. Tom said he was working out the final details of the financials and would be submitting the final documentation for completing the project in the future. There is potential for collaborative projects between Wisconsin and Illinois and Tom will keep us apprised as things develop. Al Sikora asked for an electronic copy of the Declaration so that he could post it on our website.

d) Ecosystem Restoration Project (ESR) -Sediment Sampling: –WWMD Don Baron in collaboration with Brian Schneider of Graef also present said that all the sediment samples had been analyzed and that Graef would produce the draft copy of the final report by next Tuesday 4/23/13. As soon as the WWMD accepts the final draft of the report, Graef will submit their final invoice and the project can be closed out.

Don then asked if he could report on the HWY 164 activities that we presently going on because of the resurfacing/rebuilding project going on. Don said he has been in contact with the project manager and has supplied him with the engineering plans from Crispell-Snyder and pictures of how the stormwater runoff project looked before they started their construction along HWY 164. The project manager informed Don that the contractor doing the work in that area of HWY 164 is the same contractor that the WWMD used to do the work in the first place. This contractor will take care of putting everything back the way it was before the roadwork project.

New Business

a) Shoreline erosion mapping and stabilization planning study proposed by Graef Engineering: Geof Parish of Graef provided a handout of the proposal for the study to the commissioners and made a brief presentation. The intent of the study is to map areas of significant erosion along the main stem of the Fox River within the boundaries of the commission. This would involve an initial desktop evaluation of the topology, plan views, GPS and all available data. Then there would be a meeting to evaluate the findings with the commission. This would be followed with a field survey documenting areas of erosion obtaining GPS coordinates for these locations followed by a prioritization based on the severity of the erosion conditions. The goal would be to generate a list of potential projects identifying where we can do the most good to prevent overall erosion into the river. During the survey Graef would itemize potential areas for wetland and shoreline restoration reducing sediment and nutrient

inputs into the system. Francis Stadler asked what the cost of the study would be and Jim Pindel responded by referencing the email from Geof that has been forwarded to all the commissioners which estimated the costs as follows:

1. The paper study \$2,000
2. Field Reconnaissance \$9,000-\$11,000
3. Creation of GIS map \$2,000
4. Detailed report with recommendations and priorities \$4,000-\$6,000
5. Wetlands Study \$4,000
6. Possible creation of Wetlands mitigation bank \$8,000

At this point the commission reviewed the Project Acceptance Criteria grading system that we had adopted this last year and the study passed the requirements of having at least 28 award points with having 48 points and passed the other required criteria of meeting the objectives of the FRC and having a good likelihood of meeting its objectives. During discussion regarding each of the points in the Acceptance Criteria, Alan Barrows expressed concern about the reference to the wetlands mitigation bank saying that he didn't see a connection between such a bank and the commission. Geof said that the purpose was to identify areas that could be used in a mitigation bank and that there was a shortage of banks in southeastern Wisconsin. Identifying potential wetland areas would provide an opportunity for someone to fulfill this need. Jim Pindel said that he thought that we could keep track of wetlands that needed restoration and then if someone did some construction that eliminated some wetland in our jurisdiction that person could restore some of the wetland we kept track of in exchange for the wetland they eliminated. Alan Barrows said that it was much more complicated than that and involves the Army Corps of Engineers and the WDNR. Geof explained that there are basically three ways to do wetland mitigation the first one is when an entity impacts a wetland they can pay a set fee to the WDNR and then the WDNR will address the wetland mitigation, which is called onsite mitigation. The second way is for the entity that affects the wetland restores wetlands on their own property and the third way is the wetlands mitigation bank which is owned and operated by a third party. This third party restores wetlands and then sells credits. It was pretty much agreed that the commission would not be the best banker for this type work. It was also agreed that having an inventory of wetlands that had been drained or degraded would be helpful for future consideration. As it turned out in order to keep our 2014 budget from going negative, Jim Pindel said that he had eliminated the wetlands study and mitigation bank from our budget and now it appears that was appropriate. Don Scott expressed concern that this was just a study developing a list of potential projects and not accomplishing any real work to aid the Fox River. Don went on to say that the study could potentially identify a large number of projects that we would not have the resources to ever complete. Alan

Barrows added that all the information on wetland locations and wetlands that need restoration is already known and public information. During these discussions we made Graef aware of the fact that besides areas of erosion we were also concerned with locations of invasive vegetative species and so these would have to be included in the GIS maps as well. We would in the future identify the different invasive species we were interested in. It was motioned by Randy Meier and seconded by Barb Holt, with the condition that the study includes vegetative invasive species. The motion carried unanimously except for Don Scott who opposed for the reasons stated earlier, that he felt this was too great of a portion of our budget to not get any physical work done.

- b) Waterford Impoundment Public outreach and Education Project – WWMD Don Baron provided a handout to the commission outlining the reasons for having the public outreach meeting, who will be participating and the details of when, where and cost of the outreach. Don said that the public needs to understand the dredging process and dredged material management. As recommended by the WWMD's PR/Marketing committee they are extending their hand to the public and other stakeholders involved. The first meeting will be held on June 15, 2013 at Evergreen Elementary School from 9:00 to 11:00 AM. There will be different stations manned by participating organizations. Some of the station participants will be the Chamber of Commerce, Graef Engineering, the WDNR, SEWRPC, Racine County, WWMD, and Fox River CAUSE. Don pointed out that the Graef Engineering proposal to the WWMD for organizing the meeting, providing an aerial exhibit, a dredging process story board, economic benefits analysis and assistance at the initial meeting was attached to the handout. The total price of the work by Graef to the WWMD is \$9400, for which they are applying for a 90% grant from the commission. The purpose of this outreach is to keep the public informed and there will be a special website set up for this project that the public can access for up to date information, just like they did for the Waterford dam repair project in 2011. Jim Pindel reported that he had sent this proposal from Graef Engineering to the WWMD to Jim Ritchie of the WDNR asking if this was a grant eligible project. Jim Ritchie responded by email saying that we have funded other public outreach educational projects like the Fox River Summit and that navigational dredging meets the goals of both the WWMD and the SEWFRC and so this is a grant eligible project. Jeff Thornton said that we have supported educational programs in the past but usually at a flat rate rather than on a cost share basis. Jeff then asked Don if they would accept a cash donation rather than a cost share. Jeff suggested a \$5000 contribution from the commission rather than a 90% cost share. Don said that he would have to take it up with the WWMD board. At this point we reviewed the Project Acceptance Criteria and the outreach project passed the requirements of having at least 28 award points by having 48 points and passed the other

required criteria of meeting the objectives of the FRC and having a good likelihood of meeting its objectives. It was motioned by Chad Sampson that we support the outreach program with a \$5,000 donation and the motion was seconded by Dean Falkner. The motion passed unanimously.

- c) Big Bend boat/canoe launch repair/restoration – Francis Stadler passed out copies of a proposal and contract from a company named Extreme Exteriors. This document outlined the work that needed to be done to replace the old wooden retaining wall with a stone Versa Loc retaining wall. The proposal included \$775 for lawn restoration coming to a total cost of \$9,767.00 which is slightly higher than the original estimate of \$9,000. Attached to the proposal were pictures of the existing installation and detail cut sheets of the Versa Loc retaining wall. Francis walked around a picture of a different already installed Versa Loc retaining wall to show what they expect the final structure to look like. At this point we reviewed the Project Acceptance Criteria and the retaining wall restoration passed the requirements of having at least 28 award points by having 40 points and passed the other required criteria of meeting the objectives of the FRC and having a good likelihood of meeting its objectives. Barb Holtz expressed concern with some apparent erosion to the north of the retaining wall and pointed out that installation of some sort of vegetative buffer instead of replacing the grass just behind the retaining wall would be in order. It was the consensus of the commission that there are better vegetation options than grass behind the retaining wall. Al Sikora stated that the motion to approve this project would stipulate native species plantings or a vegetative buffer instead of lawn restoration. Jeff Thornton said that he could send a recommended plant list to the Village. It was motioned by Bob Bartholomew to accept this project at a 90% cost share with a vegetative buffer instead of lawn and the motion was seconded by Randy Craig. The motion passed unanimously.
- d) Consideration of expanding the Commission’s jurisdiction south to the Illinois border This item was accidentally passed over during the meeting.
- e) Possible request for grant funds for Mukwonago shoreline restoration: Dean Falkner said that he did not have a formal application completed for this project. Alan Barrows said that he was asked to put together an action plan for this project. So he started by putting together a sequence of what needed to be done to get the project going and funded. Step #1 is identifying the project sponsor and we are stuck in step #1, we don’t have anyone who wants to step forward to take control. Alan said he was directed to get the list of complaints from WE Energies regarding the original design and the list wasn’t that long and all the items have been addressed in the revised design. When Alan sent the revised design over to WE Energies asking them if they would sponsor the project and provide

the 10% cost share, he was told no. Alan said that his take on it is that WE Energies has no interest in seeing this project done. Dean agreed with Alan on this point. Dean said that he was checking with the village of Mukwonago to see if they would take on the project as far as bidding it and overseeing it with someone else providing the funding for the construction. Dean felt that this had a good chance of happening as long as the WE Energies Foundation would pay for the construction. Jim D'Antuono added that since we made the changes to the design based on meetings with WE Energies last summer, what is the procedure now to apply for their Foundation's funding. How do we get into that queue? Jim questioned whether anyone at the foundation even knew about this project. Jim suggested that the village write a letter to Julie Simmons at WE Energies asking what is the process and what must we do to apply for foundation funding for this project. If the foundation needs a 501c3 organization as the recipient of the funding possibly we could use the Friends of the Mukwonago River or Southeastern Fox River Partnership in that role.

- f) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Pindel pointed out that Eric Ebersberger made a presentation at our last meeting and it was clear from that presentation that his environmental impact statement could not be completed by this time. Jim also mentioned that Barb Holtz had sent him an email with an attachment concerning the Canadian government's concerns over this diversion which he had forwarded to all the commissioners. When asked by Francis Stadler, Jeff Thornton said that the National Wildlife Federation in Michigan recommended against the diversion. Laurie Longtine of the town of Waukesha then spoke saying that she has been working on the Great Lakes Compact and its implementation plan for a long time. She said they had a town meeting last night and their inclusion in the water service area is a point of contention on the board. The city has not included the entire town in the service area and some of the board members want all of it included and others do not. Presently more portions of the town are excluded than included. There was to be a vote on this issue at last night's board meeting but the board was contacted just before the meeting by the water utility wanting to broker a meeting among all the concerned parties this coming week to work out a deal. Most likely this issue will be voted on at the last town board meeting of the month next Thursday night. Laurie said that the city is far from having a complete application for the diversion and has still not provided information that the WDNR has sought. Jim Pindel asked if the town had assigned a commissioner to the FRC and Laurie said that that would probably be her. She said she has asked to be on the commission and is on the agenda for next week. Then Jim said what we need is a letter of appointment from their chairman or board.

- g) Review preliminary 2014 SEWFRC Budget Jim Pindel referred to the “2014 Budget for Counties Rough Draft for 4/19/13” spreadsheet he provided for all commissioners. In summary the balance forward into 2013 was \$29,635.48 after adding all real and estimated income and subtracting all real and estimated expenses, the net available from non-grant funds come to \$29,993.12. Looking at the grant funds taking the \$200,000 we received in ENUM-18 and subtracting the \$196,725 in actual and estimated grant funded projects, we have a total of \$3,275 available grant funds going into 2014. This figure is without any new state grant enumeration in the state’s 2013-2014 budget. This spreadsheet has to be updated with the change from \$8100 to \$5000 for the Waterford Impoundment public outreach and to 90% of \$9,767 instead of the original estimate of \$9000 for the Big Bend boat launch retaining wall. Next the Proposed 2014 Budget formatted as it will be published was reviewed realizing that the numbers will be slightly modified because of the two changes in the Waterford Impoundment outreach and the Big Bend retaining wall. During the discussion Jim Pindel said that he thought that we would have been \$66,000 short in our budget to do all the projects we wanted to do. As it turns out the Fish Habitat and Walleye stocking project Jim thought we would be doing for Benjamin Heussner will not be done. Having contacted Jim Ritchie of the WDNR to review the eligibility of this project, Jim Pindel found out from Jim Ritchie that this project was not grant eligible. During the discussion with Jim Ritchie earlier this day, Jim Pindel found out that our funding no longer comes down through the Recreational Boating Authority from the gasoline tax for gas used in marine equipment. At the next FRC meeting Jim will clarify how our funding is derived. It was motioned by Randy Craig and seconded by Dean Falkner that the 2014 proposed budget be accepted with the changes noted. The motion passed unanimously.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker was not present and Jeff Thornton said that over the last week the FWA efforts have been to prepare for the eminent flood conditions.
- b) SEWFRC Website – Al Sikora left the meeting just before this point, so no report was made.

Correspondence –

- a. 3/21/13 Email from Barb Holtz with attachment about Canada questioning City of Waukesha’s request for Lake Michigan water
- b. 3/23/13 Email from Barb Holtz with attached video showing how to identify Phragmites

- c. 3/28/13 Email from Tom Slawski asking for final \$1250 payment for the Fox River Summit. Responded with what is needed to close out the project
- d. 3/31/13 Email response from Jim Ritchie stating that the Waterford Impoundment Public outreach and Education Project would be grant eligible.
- e. 4/4/13 Email from Geof Parish of Graef Engineering clarifying the length of Fox River in our jurisdiction in Racine and Waukesha counties
- f. 4/3/13 Email from Geof Parish with breakdown of costs for erosion study
- g. 4/8/13 Email with attachments from Jim Pindel with letters of support for two environmental projects for the City of Waukesha
- h. 4/8/13 Email from Dean Falkner with attachment of MRI meeting notes showing he is trying to get projects going for our commission.
- i. 4/15/13 Email from Jim Ritchie stating that the Fish Habitat / Walleye stocking project is not grant eligible.
- j. 4/17/13 Emails between Jim Ritchie, Alan Barrows, Benjamin Heussner and Jim Pindel confirming that a sponsors cost share can come from in-kind work contributions.

Miscellaneous Issues –

Jim Pindel asked the commission exactly who should be contacted when you see blooms of silt flowing into the Fox River. Chad Sampson and Alan Barrows said that they should be contacted for their respective counties. Also Jim D'Antuono said that you can simply call the WDNR's tip line which is an 800 number shown on the back of all WDNR hunting and fishing regulations. Jim D'Antuono suggested that this information should be added to our website, so that others will know what to do.

Jim Pindel also asked the commission if we should take up Jim D'Antuono's offer at a previous meeting to have the USGS make a presentation at one of our meetings about what it would take and cost to add flow/depth gauges along the Fox River, which certainly would be desirable now under the flood conditions we are experiencing. Jeff Thornton added that the USGS was looking for participation in their Water Smart program and these gauges would fit the bill. It was decided that Jeff Thornton would contact the USGS and try to arrange a presentation.

Chad Sampson said that before the meeting he received a call from a person who said they saw a lava flow of mud coming down into one of the bays on the Fox River. Chad and Brian from Racine County stopped at the site on their way to the meeting and did see a significant farm field problem. Chad said we should add a new project to our list titled Wood Drive Cropland erosion control project. Chad said he will be contacting the farmer and may at some time come to us for funding.

Alan Barrows motioned to end the meeting and the motion was seconded by Bob Bartholomew the motion passed unanimously.

Meeting Closed at 3:37 PM

THE NEXT OFFICIAL MEETING AND PUBLIC HEARING
WILL BE Friday, May 17, 2013 at 1:00 PM. (Meeting
Location: Big Bend-Vernon Fire Station #3, W233 S7475
Woodland Lane, Big Bend, WI 53103.)