

**Commission members present:**

Dean Falkner (Village of Mukwonago) (Chairman)  
Katelyn Bratz (Town of Mukwonago)  
Alan Barrows (Waukesha County)  
Chad Sampson (Racine County)  
Doug Koehler (City of Waukesha)  
Bob Bartholomew (Town of Vernon)  
Jim Schneider (Village of Waterford)  
Jeff Lang (Town of Burlington)  
Jim Bergles (City of Burlington)  
Ken Miller (Town of Waukesha)  
Andy Buehler (Kenosha County)  
Tom Slawski (SEWRPC)  
Jim Ritchie (Wisconsin DNR)  
Rachel Sabre (Wisconsin DNR)  
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

**Commission members absent:**

Francis Stadler (Village of Big Bend)  
Wayne Jensen (Village of Rochester)  
Andrew Lois (Town of Wheatland)

**Also present:** Don Baron, Paul Kling of the WWMD, Shannon Haydin, Fay Amerson of Walworth County Land use and Resources and Jayne Jenks of Waukesha County.

At 1:07 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 March 24, 2017 meeting were approved. It was motioned by Jim Schneider that the minutes be approved and the motion was seconded by Doug Koehler. The minutes were approved unanimously.

**Treasurer Reports** – Jim Pindel reviewed the highlights of March 2017 treasurer's reports. We started the month of March with \$33,190.94. We made a payment of \$300 to pay for the AIS Summit and deposited the \$10,000 Racine County allocation and received \$6.29 in interest bringing our Money Market account to a balance of \$42,897.23. The only change to the non-grant funds was the payments for the AIS Summit was marked as paid not just allocated. The \$10,000 Racine County allocation plus the \$5.09 in interest resulting in the net non-grant funds available being \$32,459.46. It was motioned by Jeff Lang and seconded by Jim Schneider that the treasurer's report be accepted. The motion carried unanimously.

**Old Business**

- a) **Fox River Partnership Summit:** Tom Slawski said for the 2017 Summit that all the checks have cleared and he provided the paperwork to apply for reimbursement. Tom provided a copy to Jim Ritchie and after the meeting

- provided a copy to Jim Pindel for the SEWFRC records. The Summit went a little over budget by \$241.46 and Tom said that the Fox River Partnership had the funds to cover the overage. Jim Pindel asked Tom if he wanted to increase the budget for the 2018 Summit and Tom said that he will work with the \$5500 we have provided this year for next year. Tom pointed out that tomorrow is Earth Day and passed around flyers for the Waukesha Green Team and the Friends of Vernon Marsh who are looking for volunteers tomorrow to help with cleanup projects. Tom pointed out that these activities were mentioned at the 2017 Summit and if anyone wanted to help, please do so.
- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that they have a preconstruction meeting set for May 2<sup>nd</sup> at the Village of Mukwonago Hall. The contractor will be there as well as Dean and Alan and representatives of WE Energies. This will be a kickoff of the project at least from an organizational viewpoint. Then the contractor can mobilize whenever he is ready and the project will move forward.
  - c) Wood Drive Erosion Control Project – Project complete and off of agenda.
  - d) Malchine Farm Field Erosion Control – Project complete and off of agenda.
  - e) ESR Project disposal sites environmental impact: Don Baron of the WWMD they are still waiting for the low hazard permit to be approved. Don said the WDNR said they will get an answer to the WWMD next week, after which the WWMD can sign a contract with Super Mix for the largest of the disposal sites. Jim Pindel asked if the WDNR had a time limit on when they had to respond and Don said that the WDNR required additional verification of the locations of the private water wells near site #2. Don said he personally measured the well locations. Chad Sampson reported that he had been contacted by the WDNR concerning some of the wells and also about the design of the retentions system in the disposal sites. Don Baron said that once they get the low hazard permit, they can get Graef working on the redesign of the disposal sites to meet the new requirements as specified in the permit. Chad added that for the Super Mix site the final reclamation plan that was submitted to the county had to be reworked to be in compliance.
  - f) Schuetze Playground Storm Water Abatement: - Doug Koehler said he spoke to Dave Bursh who now works for the Friends of the Waukesha Parks and he had collected all the labor and material costs and we should see these numbers and the request for reimbursement come through next week. Jim Pindel reminded everyone that we have a deadline of 6/30/17 for the closure of all paperwork regarding ENUM-19.
  - g) Graefenauer Shoreline Restoration (Tree Removal): Alan Barrows said that all the work was completed and he had the final invoice for phase 3 with him. The invoice included a credit for the over-payment on phase 1 and Alan gave the

- invoice to Jim Pindel who needs to issue a check to EC3 for the work that they have done. This will close this project out.
- h) Nature's Classroom groundwater protection - erosion control: Project complete and off of agenda.
  - i) Mukwonago Park Shoreline Restoration – Alan Barrows said that they are planning a preconstruction meeting for this project. He said that he did not have a date for when the project will start and there is an administrative step required because the County Board has to sign off on the project. Alan said that all of the work is expected to be completed by the end of June this year. Alan added that Katelyn Bratz said that Nature's Classroom students were interested in volunteering to do some work on this project.
  - j) Village of Waterford East Shore river bank Restoration: - Jim Schneider said that the overall projects got started last week with work on the infrastructure of streets and sewers. The next step will be to fix up the parking lot near the fire stations. The actual shoreline restoration is not expected to be done until late summer. Dean Falkner said that they had done some water quality sampling above and below the dam recently and the water quality was much worse below the dam, where this restoration will occur.
  - k) SEWRPC Survey for Waterford Dam to the Illinois Border –Tom Slawski said that an agreement was signed between SEWRPC and SEWFRC, so now that the project is official SEWRPC is starting to schedule work. Dean Falkner offered his help on a volunteer basis with the project and said that he now is back in charge of the Village of Mukwonago lab and so would be able and willing to test the waters that flow into the Fox River from all the different tributaries along the way. This might identify problems, contamination, at its source coming into the Fox River.  
On what turned out to be a slightly different topic, Jim Pindel said that he talked to Shelley Tessmer this morning and that she volunteered to take water samples to give to Dean. Dean explained that these samples would be from an area along STH 164 near Beach Road where the pavement on STH 164 is sinking and there is evidence of erosion and silt flowing down into Tichigan Lake.

### New Business

- a) How do we handle interpretations of Wisconsin State Statutes regarding: In all of these cases, Jim Pindel read his interpretation of the meeting minutes and what had been agreed to in the past. In all cases the interpretation listed after each item below was verified by the commissioners present.  
**1, Expansion of the Commission:** From the 3/24/17 meeting minutes, we can expand our membership to include additional River Municipalities. The municipality must request membership and provide a MoU stating their desire for

membership and support for our goals and objectives as stated in our SEWFRC Implementation Plan: 2011 – 2020. Upon receipt of the MoU the commission will vote to accept or deny membership of the municipality. Upon acceptance the new municipality will appoint a commissioner and preferably an alternate commissioner to the SEWFRC. Apparently we can include a municipality without including the County in which it resides.

**2, How do we interpret “residents of the river county”:** Residency is defined as actually living in the county.

**3, Do we have to pay to publish our budget & public meeting notice?**

Reviewing the 3/24/17 meeting minutes it appears that the discussion got off topic questioning if we had to publish our meeting minutes. The conclusion was that we do not have to publish our meeting minutes. Regarding paying for the publication of our “Budget and Public Meeting Notice” required by state statute, this item was not resolved. Since we have always paid for the publications in the past, we will continue to pay for them unless we are advised that we do not have to pay for them.

**4, Are we bound by the Open Meetings Law?** The consensus was that we need to publish our agenda ahead of time and our minutes after they are approved. We believe that we are in compliance by posting our agendas and minutes on our website.

**5, Should we hire an attorney?** The decision was made to hold off on hiring an attorney and see what further information or clarifications Jim Ritchie might provide.

- b) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that he has been in discussions with Tom Slawski regarding how to get started. Dean said that we need a budget to fund the development and a request from a governmental group to get started. Tom Slawski said that in order to develop a budget you first have to define the work that needs to be done and that can be a large effort. So in short you have to know what has to be done before you can say how much it will cost. Tom said that he has recently been involved in the submission of two 9-key element plans and pointed out that one of the most difficult parts is that you have to show how you will accomplish each step of the plan. Tom said it might be good at this time to share the details and intricacies of these two plans with the commission, so that we all understand the complexity of what we are getting into. Tom went on to say that one of the most challenging items is putting together an integrated team of individuals, agencies, municipalities and counties who will be responsible to accomplish each item within the 9-key elements plan. Tom really wanted us to understand what a large commitment it would be for the commission to undertake the 9-key elements plan. It is not only developing the plan but continually checking that things are being accomplished and modifying the plan and constituent parts as necessary forever. Dean said that his efforts have been concentrated from the Mukwonago Park down to the Waterford impoundment because a 9-key element plan would then open the dredging project in the Waterford impoundment to federal 319D funding. After some discussion it was

agreed that 319D funds can in fact be used for dredging. Dean said that it makes sense to attach the soil erosion and streambank restorations which caused the sediment in the Waterford impoundment in the first place. Tom Slawski added that no one has accounted for what is coming off the landscape all along the way into the river. Tom said that when you consider the volume of water coming down the river and how much sediment is in it, shoreline erosion can only account for a small portion of the overall sediment load in the river. Tom said that the agricultural runoff and urban runoff can be calculated. Tom Slawski warned us that if our intent is to develop the 9-key elements plan to get 3129D funding for the Waterford impoundment dredging, the scope of the 9-key plan gets very large because there are about 25 HUC-12 units that feed into the river system above the impoundment that would all have to be included. Tom suggested that maybe it is time to bring Andrew Craig of the WDNR back to help us formulate exactly what we can and should do. At this point Dean suggested that he and some others get into the details of what to do and how to accomplish it and the thought of forming a subcommittee came up and it is likely Dean will look for volunteers for the subcommittee in the future.

- c) 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 has not had a chance to look into the gauges topic. Dean asked Tom if there was anyone he could talk to, to get information on how to calibrate for example the gauge at the Waterford dam to determine flow from the water height gauge. Jim Pindel pointed out that Leif from the SEWRPC who stood in for Tom a few meetings back seemed pretty knowledgeable in this regard. Tom then said he had some contacts at USGS who also could be of assistance. Dean said having a flow meter to track the flow of the river before and after the possible Waukesha diversion could be very helpful.
- d) Consideration of expanding our jurisdiction west to include Eagle Spring Lake: Dean Falkner said that a blank MoU was provided by Tom Slawski to Tom Day for his use in preparing a MoU by whichever municipality is involved and he doesn't know where things have gone since then. Jim Pindel cautioned the group that if and when Tom Day shows up with a MoU and requests membership in the commission, we need to be prepared to vote on acceptance or rejection.
- e) Request for funding for Road Salt Workshop: Jayne Jenks Jayne started out by passing out her proposal, which detailed the project description, it needs and a cost breakdown. Jayne is requesting that we fund the consultant fee for the two consultants who run the workshop. The consultants developed the workshop while working in Minnesota. Minnesota has a certification program and this consultant company developed it for them. The workshop is 5 hours in length and is being co-sponsored by Waukesha, Walworth, Kenosha and Racine counties. Jayne is looking for the commission to fund the cost of the consultants to do the workshop at a cost of \$3000, the balance of the costs would be shared equally by the participating counties. Jayne pointed out that on page 56 of our

Implementation Plan it states the chlorides are an emerging issue of concern. Chlorides are specifically mentioned in the Pewaukee and Mukwonago River protection plans. Jayne pointed out that there is no method or plan to remove chlorides from ground water or surface waters and so the best plan of action is to prevent them by managing its use. The workshop teaches the attending DPW's about how to control and minimize the distribution of road salt to save money and the environment. At this point Jayne passed out copies of a report "Pewaukee River at Capitol Drive Chloride Monitoring Data Summary". On the back side of the report were graphs which showed that the Pewaukee River regularly exceeds the chloride standards limit. Another feature Jayne pointed out about what is done in the workshop is a maintenance practices survey where they check off what practice they already do or expect to implement after learning about it in the workshop. There was considerable discussion about the over application of salt by contactors and supermarkets on parking lots and this seemed to be an issue that needed to be addressed. The Project Acceptance Criteria was reviewed by the commission and this application received 50 out of a possible 55 points and met all the requirements of the criteria. It was motioned by Jeff Lang and seconded by Alan Barrows that we fund this workshop from ENUM-20 grant funds. The motion passed unanimously. The tentative date for the workshop is October 24, 2017 and possibly at the Veterans Terrace in Burlington.

- f) Review of the Preliminary draft of the 2017-2018 SEWFRC Budget: Jim Pindel provided copies of his worksheet (spreadsheet) used to organize all the actual and estimated income and expenses for the 2017-2018 fiscal year. Jim explained that since there is no way to know what the carry over balance will be in July, he tracks from January 1, 2017 to June 30, 2018. The actual and estimated non-grant income came to \$32,631.07. In a similar manner the actual and estimated non-grant expenses were listed and came to \$15,397.01. Looking at grant income, we are still working on both ENUM-19 and ENUM-20 which gives us an income of \$400,000. The total of the grant expenses (completed and active projects) came to \$385,186.89. The total grant and non-grant income came to \$432,631.07 and the total grant and non-grant expenses came to \$432,631.07, giving us a balanced budget. There is a future project reserve balance of \$32,047.17 which are grant and non-grant funds still available for projects and operating expenses. Jim Pindel also provided a draft copy of the 2017-2018 budget, as it would be published in the newspapers of record for Kenosha, Racine and Waukesha counties. The last item in the published budget is Anticipated Potential Grant Fund Projects by county. The total for the three counties came to \$2,765,000, with \$2,000,000 of that sum being assigned to assist with the dredging costs for the Waterford impoundment. That being said, it still shows that there are \$765,000 needed for named projects in the three counties. Jim Pindel said that he felt this number was deceptively low. Jim asked the commissioners to provide the name, location and cost estimate for all the other projects they have on their radars, so we can show the counties and our state legislators just how much work we still need to accomplish. The larger this number is the more inadequate the \$200,000 grant we have been getting the last two state budget cycles appears to be. Tom Slawski

pointed out that the 2018 Fox River Summit was not included and asked that we add it in at \$5,500. It was motioned by Jim Schneider that the proposed budget be accepted and the motion was seconded by Chad Sampson. The motion carried unanimously.

### **Reports and Updates**

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Lang said that at our last meeting he had agreed to be our representative to the FWA. As it turned out their last board meeting was 2 days before our last FRC meeting. Jeff said their next meeting will be next week and he intends to attend.
- b) 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. Jim Pindel said that he heard on last night's news that a group for over 100 organizations or municipalities challenged the diversion in court and they lost out.
- c) Progress toward designation as a "National Water Trail" – Village of Waterford. Dean Falkner asked if everyone received the email forwarded by Jim Pindel to all commissioners regarding the Water Trail. The email was a request by the Village of Waterford initiated by Barbara Messick asking organizations, municipalities and anyone else to send letters of support or resolutions supporting the National Water Trail initiative.
- d) SEWFRC Website – Al Sikora was not present. Jim Pindel asked Alan Barrows if he did the work he said he would do at the February 2017 meeting. Alan said he had to change the map of our boundaries from the original one to the present one which extends all the way to the Illinois border. It was suggested that the membership list needed to be updated. Chad Sampson said that the before and after photos of the Machine Farm Field and Wood Drive projects have not been posted.

### **Correspondence** –

- 3/13/17 Email from Jim Pindel sending Resolution 01 – 2017 to all municipality and County members.
- 3/16/17 Email from Rebecca Ewald with attached Village Resolution 820 and Senator David Craig's response.
- 3/21/17 Email from Jayne Jenks requesting to be on agenda to seek funding for Road Salt Workshop.
- 4/5/17 Emails between Tom Slawski and Jim Ritchie concluding with the fact that ENUM-20 can be extended to 6/30/18 and therefore SEWRPC can do the lower Fox River survey submitting the final report by 6/30/18.
- 4/20/17 Forward of an email from Barbara Messick with attached sample resolutions and letters of support for the National Water Trail initiative.

**Miscellaneous Issues** –

Jim Schneider pointed out that the WWMD has a meeting next Thursday night 4/27/17 at which there will be a vote regarding the drawdown of the Waterford impoundment, even though this is a hot and very contested issue, there was very little discussion on the matter. Jim Schneider asked if we should rework the resolution we made a year ago on this matter and Jim Pindel said that the resolution as stated last year still stands. Dean Falkner said that the WWMD's website has a great deal of information regarding the drawdown available to everyone. Dean also expressed some concern about how the drawdown would affect the water sampling downstream of the impoundment. When the question of exactly when the drawdown would occur, Don Baron said that it would go from mid-September to mid-March. Jim Schneider said that in the stretch of the Fox River that was drawdown so the drainage district could work on the Wind Lake channel, it has taken 2 years for some game fish to start being caught in this stretch of river. It is still not back to the fishery it used to be. Dean Falkner asked Jim Bergles if they would be sampling water through October. Jim Bergles said that last year they sampled throughout the winter where that had ice free open water. Jim said a decision on sampling this winter has not yet been made.

Jim Schneider said that he talked to Representative Chuck Wichgers last week about funding for our commission. Jim said Representative Wichgers said he would try to help us. Jim Schneider told the commission that it was important for all of us to make as much contact as possible with our legislators to encourage them to get us more funding.

It was motioned by Jim Schneider to close the meeting and seconded by Bob Bartholomew to end the meeting and the motion carried unanimously.

**Meeting Closed** at 2:43PM

**THE Public Hearing and NEXT OFFICIAL MEETING WILL BE Friday, May 19, 2017 at 1:00 PM. (Meeting Location: Town of Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI 53103.)**