

**Commission members present:**

Don Scott (Town of Vernon) (Vice-Chairman)  
Dean Falkner (Village of Mukwonago)  
Chad Sampson (Racine County)  
Doug Koehler (City of Waukesha)  
Robert Bartholomew (Town of Vernon)  
Barb Holtz (Town of Mukwonago)  
Randy Craig (Town of Vernon)  
Shelley Tessmer (Town of Waterford)  
Jim Ritchie (Wisconsin DNR)  
Tom Slawski (SEWRPC)  
Francis Stadler (Village of Big Bend)  
Randy Meier (Town of Waterford)  
Ken Miller (Town of Waukesha)  
Mary Pindel (Town of Waterford – Alternate)  
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

**Commission members absent:**

Ron Peterson (Village of Big Bend)  
Al Sikora (Village of Waterford) (Chairman)  
Alan Barrows (Waukesha County)

**Also present:** Don Barron of the WWMD

At 1:06PM, 4/24/15, Vice Chairman Don Scott called the Public Hearing to order.

The only order of business was the review of the Southeastern Wisconsin Fox River Commission Proposed Budget for 2016. The proposed budget was read for the record. Shelley Tessmer asked if the \$69,210 expense for the WWMD Eco-system Restoration Dredging Permit included the cost overrun we agreed to cover at our last meeting. Jim Pindel said that this figure was \$50,400 before we included the cost overrun of \$18,810 resulting in the now total of \$69,210. Chairman Don Scott then asked the non-commission members present (it turned out that this was only Don Barron of the WWMD) if they had any questions or comments. Don then asked the public a second and third time if anyone wanted to speak in favor or against the proposed budget. There were no comments from the Public concerning the budget. It was then motioned by Dean Falkner and seconded by Shelley Tessmer that the public meeting be closed and so the meeting was closed.

The Public Hearing was closed at 1:19 PM.

At 1:20 PM, Vice Chairman Don Scott called the SEWFRC meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Don Scott then asked for a motion concerning the Proposed 2016 Budget and Dean Falkner motioned to accept the budget as presented, the motion was seconded by Randy Meier. The motion carried unanimously.

**Minutes** The minutes from the March 27, 2015 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Dean Falkner. The minutes were approved unanimously.

**Treasurer Reports** – The Treasurer’s Report for March 2015 was reviewed. In summary we started the month with \$119,362.75 in our money market account. We had a payment of \$210 as a reimbursement to six of the commissioners who attended the SE Fox River Partnership Summit. We had a deposit of \$10,000 which was the allocation from Racine County for 2015. We received an interest payment of \$20.92 leaving us with a final balance of \$129,173.67 at the end of the month. It was noted during the review that the title for the \$10,000 deposit from Racine County was wrong listing the Vernon Farm Field. The undedicated grant funds left in ENUMs 18 and 19 amounts to \$44,495.40. It was motioned by Shelley Tessmer that the treasurer’s report with the required correction to the title for the Racine County deposit be accepted and it was seconded by Randy Meier. The motion carried unanimously.

### **Old Business**

- a) **Fox River Partnership Summit:** Tom Slawski said he has finalized the attendee list, we had a few walk ins at the last minute. Tom said that he would be working with the UW extension to get all the presentations posted. There has been a problem with a lack of memory on the UW website, so they had to remove all the presentations from last year to make room for the presentations for this year. Tom said he will have to talk to Al Sikora to see if we can host all the presentations on our website. Tom said he is still waiting for the final invoices and checks to clear so he can submit for reimbursement and close out the 2015 summit project. Although all the past presentations are not on the website right now, Tom has all of them. Dean Falkner said that there were some presentations that dealt with permeable pavers that he was interested in and Tom said in the short haul he will send them to Dean. Shelley Tessmer asked if the cost of the summit was still less than the cash advance we provided to him and Tom said that it was and that he would have to write a check from the Fox River Partnership to the commission for that amount. It turns out that the low attendance is responsible for the lower cost. Jim Pindel said that Tom had sent him the three presentations concerned with the 9-key elements watershed program and based on what had just been said, he asked if he could forward these presentations to all the commissioners. Tom said all the presenters said he could post and make the presentations public.
  
- b) **Mukwonago River shoreline restoration at WE Energies Site.** Alan Barrows was not present and Dean Falkner said that he was not sure what Alan had done since the last meeting.

- c) Big Bend Boat/canoe launch retaining wall fence & vegetation – Francis Stadler said that he had just visited the site and nothing has been done. So he will have to push it to get something done.
- d) Wood Drive Erosion Control Project – Chad Sampson said that Peter Bauman and Kevin Malchine got together to discuss the projects on the adjoining properties. After this Kevin called Chad to set up a meeting at Chad's office to discuss the projects. Chad said that he brought up the map of the properties on his computer and Kevin advised him that there is a 15" drainage tile that runs all the way from highway 164 past the home owners who are serviced by the road we want to fix up all the way down to where it goes into the Bauman property. Chad said he was not aware that this larger tile ran so far and the fix or replacement will increase the cost of the project. Chad said that they discussed leaving this area unplanted so that he would not have to worry about damaging crops. Kevin said he was not concerned with damaging some soybeans. This means that timing will not be an issue, so we have all summer to get the project done. On the Bauman property the land is very wet because the tile is broken and the output is causing a stream going downhill. A lot of details were ironed out and Chad is getting cost estimates and they are now tweaking the design based on the new information. Chad thought that he would have some costs ready for our next meeting and was happy that he had all summer to get the work done.
- e) Malchine Farm field Erosion Control – This project report was made in conjunction with the previous report in (d) above.
- f) Highway 164 Ravine repair Project: - Chad Sampson said that he received an interesting email from Don Barron of the WWMD regarding this area. The email included a photograph of a large plumb of slit that fanned out into Tichigan Lake. Because the conditions were right, it was still raining, Chad and Jon Grove went out to site to investigate. Chad there are seven different areas that contribute to the flow into this ravine. Three of the inflows are on the west side and four are on the east side of highway 164. On the west side water flows through the ditches from the north and south to the ravine. The water coming in from the south was mostly clear with a slight amount of sediment. The water coming in from the north was also mostly clear but just a little bit more sediment filled. Checking the water within the ravine itself it was not terribly bad but there was some added sediment from the ravine itself. Checking on the east side of highway 164, the water running in from the south was a little bit dirtier than what was seen on the west side but was not terrible. There was a significant amount of sediment coming from the farm field due east of the culvert. When they went up into the farm field they found a blown tile, about an 18" hole with brown water gushing out of it. Apparently the tile is broken somewhere further up the field allowing the slit and water mix into the tile. The 80' grass buffer is not adequate to address this flow of silted water. Chad said that the water coming down the ditch from the north was very brown. There is a residential home with grass that does not seem to be contributing to the problem. All the contaminated flow is coming from

a farm field north of the residence. This is not a stream situation but sheet flow from the field. Even though there is a little bit of grass the field is basically tiled right up to the edge of the ditch. These projects will be addressed once the existing projects are completed. Shelley Tessmer pointed out that there is also a problem at Beach Drive where water runs under highway 164 and creates a plume of sediment into Tichigan Lake on the other side of protrusion into the lake. Chad said that he observed the plume as well but he would address the problem at the ravine first.

- g) Waterford Impoundment ESR Project Dredging Permit: - WWMD. Don Barron said that the WWMD had a meeting last night at which they reviewed drawings of the layout of the piping to the dewatering site at Super Mix aggregate. Don said he sent copies to the Town, Village, County and State so they could review and hopefully approve the piping plan. Don said there was an alternate layout if the first and more favorable plan could not be implemented. Most of the piping is on right-a-ways with just a few individuals involved. If the piping plans do not work out they are looking at millions of dollars in trucking expense to get the sediment to the dewatering site. Don went on to say how the project has moved on from using a peninsula in Conservancy Bay to using farmland and now to using the Super Mix site with all the different options having different costs associated with them. The piping layout is still in negotiation with the different owners and once this is settled the WWMD can submit its permit application to the WDNR. Jim Pindel asked when the project would be completed and submitted for reimbursement so we can close out ENUM-18. Jim Ritchie clarified this issue saying that if the WWMD submits a request for a partial payment (cash advance) of greater than the amount needed to close out ENUM-18 we could close the EMUM out and cover the rest of the project under EMUM-19. Don was asked to request a cash advance at our next meeting that would exceed \$20,000 from the oldest invoices he has from Graef Engineering. We would need copies of the invoices and proof of payment. At that meeting we could vote on making the cash advance and then Jim Ritchie could close out ENUM-18. Chad Sampson said that the county highway department reviewed the piping layout and said that they did not require a permit from the county. The only comment that came out is that there is a lot of elevation change along the route and Don said they were aware of it and would have pumping stations along the way as required. At Don's request Chad said he would have someone make a formal communication of the County's statement regarding the piping route to the WWMD.
- h) Schuetze Playground Storm Water Abatement: - David Burch was not present and Doug Koehler said that they had not heard from David.

### **New Business**

- a) Potential New Project (within our area of jurisdiction) Tom Day of the Eagle Springs Lake Management District (ESLMD) was not present and made no

presentation. We will leave this item on the agenda for one more meeting and if nothing happens we will drop it.

- b) Consideration of expanding the Commission's jurisdiction south to the Illinois border Tom Slawski said that now that we have all the MoU's for the municipalities down to the Illinois border we should consider how to proceed. After some discussion it was decided that once the dust has settled from our budget request to our legislators, we will send a letter (most likely an email) to Senator Mary Lazich and Representative David Craig explaining what we want to do and asking them how we should proceed. We will ask them to try to involve the other legislators, like Robin Voss, who will now be within our expanded jurisdiction. The letter will also include an outline of the changes we think we need to include in the revised state statutes. Dean Falkner brought up the fact that we should advise the potential new municipalities of what we are doing, so they don't lose interest in us. It was decided that once the letters go out to Mary Lazich and David Craig we would forward the letters to them and ask for any input as to other things we need to change in the statutes. It is quite possible that with new people looking at the situation, new ideas could come up. Shelley Tessmer asked if anyone had been contacted by Scott Gunderson and no one had. Jim Pindel said that once we get to the point of sending the letters concerning the expansion to Mary Lazich and David Craig we should send a similar letter to Scott asking him to provide whatever support he can. We should do this with regard to the budget as well.
- c) Consideration of how we operate with a larger membership base: There were not new ideas in this regard and this topic was touched on in the previous item (b). We need to put together a contact list for all the new municipalities, so we can broadcast to them with appropriate communications. Tom Slawski pointed out that several of the new municipalities were anxious to get started on projects they already have identified.
- d) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan - The agenda included some talking point questions, the first being "How much of the Fox River watershed should be included?" We were not able to tie this answer down because we don't know if we can include areas which are not within our existing area of jurisdiction. Certainly it would be logical to include all of the Fox River from the Town of Lannon down to the Illinois border. Probably this is not feasible.

The second question is "Would the development of a plan be grant fundable?" Jim Ritchie said that after our last meeting he went back and talked to one of their Water Resource biologists who does a lot of the planning for the WDNR. She was very familiar with the 9-Key Element Plans and pointed him to the WDNR webpage where we have a lot of information about and how to do a 9-Key Elements Plan. Jim said if you go to the WDNR website ([www.dnr.wi.gov](http://www.dnr.wi.gov)) and search 9-Key Elements it will direct you to the appropriate webpage. She agreed with what Tom Slawski said at our last meeting that the Fox River watershed

would be too large for a single 9-Key Elements plan. The Fox River would have to be broken down into several smaller sub-watersheds. She also agreed that it would be an expensive venture. The plan has been set up by the EPA and is intended to deal with non-point source or runoff in a watershed. So the EPA sets the criteria for the 9-Key Elements plans. All this information is included on the WDNR's webpage that Jim referred to earlier. This webpage also lists other state and federal grants that are available to help with the development and implementation of a plan. Dean Falkner brought up the point that a \$100,000 plan was way too expensive and that there must be some other way that we could do something on our own. Chad Sampson said that we should not get too hung up on the \$100,000 figure. That is what it cost for the Root River but that plan encompassed a dozen municipalities and went to extreme detail. A more likely cost for developing a plan would be on the order of \$10,000 to \$20,000. Shelley Tessmer asked who funded the St. Croix River 9-Key Elements plan which included a very large watershed and Tom Slawski said that the WDNR paid for much of it. The discussion went on to say that we have a head start on developing a plan because some of our implementation plan could be used. Plus the GIS survey we had done by Graef Eng. included identifying 17 locations that needed erosion control measures and a cost estimate at each location. The survey also identified 18 locations that required dredging to maintain navigability.

The last question listed on the agenda was "Is there a smaller project that would be a good first step?" Jim Pindel asked if we should identify the Total Maximum Daily Loads (TMDLs) for our watershed and it was explained by Tom Slawski and Jim Ritchie that TMDLs are defined by the WDNR for municipalities. They are permit driven activity rather than a voluntary planning activity. When a municipality applies for a wastewater permit or a municipal stormwater permit the WDNR sets the TMDLs for the watershed. The municipality is then required to maintain the water quality of the watershed to be under these limits. When Dean used the term "MS4", Shelley asked what this acronym stood for and it was explained that it was a "Municipal Separate Storm Sewer System" abbreviated as MS4. The WDNR may tell a county or municipality that they must get a storm water discharge permit which requires certain management activities like cleaning up the storm water discharge from their municipality. It is during these permit activities that the TMDLs are defined. The TMDL will define how much phosphorus or how much suspended solids you are allowed to have as well as some other components in the water. With the topic of TMDLs completed, Jim Pindel suggested that possibly we should consider a small subsection of our jurisdiction to develop a 9-Key Element plan. He suggested that the Waterford impoundment might be a good candidate since it is a definable subsection and is most likely the first area within our jurisdiction that might apply for federal funding. The WWMD would have to apply to the WDNR, SEWRPC and our commission for funding and probably to the SEWRPC to do the actual plan development. As the discussion carried on Chad Sampson said that maybe the best way to go forward is to overlay a GIS map of our jurisdiction with a map of the 9 or so 'Hucks' in our jurisdiction and identify one that would be a good

starting point. A 'Huck' is an area of land. Between Chad and Tom Slawski they intend to bring in this overlay map to our next meeting.

### Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois –Tom Slawski said that he had nothing new to report.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie said that the report is the same as the last few months. The Environmental Impact Statement is in progress.
- c) Progress toward designation as a "National Water Trail" – Village of Waterford. Jim Pindel said that he received an email from Barbara Messick of the Village saying they had no new news to report and therefore they would not be attending our meeting this month.
- d) SEWFRC Website – Al Sikora was not present to make a report.

### Correspondence –

- a. 3/30/15 Email notice sent to all to mark your calendars for the 4/24/18 meeting.
- b. 4/10/15 Email correspondence between WWMD and Chad Sampson regarding slit runoff into Tichigan Lake.
- c. 4/15/15 Email correspondence with Michelle Scott concerning a schedule for SEWFRC meetings. (Should we consider the 4<sup>th</sup> Friday of each month?)  
Some discussion was given to this topic and it was the consensus of the commission to pick the next date at the end of each meeting as we have been doing. Jim Pindel will continue to send out a notice of the next meeting date right after each meeting.

### Miscellaneous Issues –

Dean Falkner said that he will be putting out a communication to all of us concerning green infrastructure. There is a lot of information already available and the Village of Mukwonago is looking to put something together for their website. They are looking to do this so they try to address the environment by doing more than just stormwater ponds. Dean is looking for any input anyone can give him.

It was motioned by Shelley Tessmer and seconded by Francis Stadler to close the meeting and the motion passed unanimously.

Meeting Closed at 2:42 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday, June 5, 2015 at 1:00 PM. (Meeting Location: Town of Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI 53103.)**