

**Commission members present:**

Al Sikora (Village of Waterford) (Chairman)  
Chad Sampson (Racine County)  
Don Scott (Town of Vernon)  
Francis Stadler (Village of Big Bend)  
Ron Peterson (Village of Big Bend)  
Jim D'Antuono (Wisconsin DNR)  
Jeff Thornton (Southeastern Wisconsin Regional Planning Commission)  
Mary Pindel (Town of Waterford) (Co-Secretary/Treasurer)  
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

**Commission members absent:**

Shelley Tessmer (Town of Waterford)  
Alan Barrows (Waukesha County)  
Dean Falkner (Village of Mukwonago)  
Barb Holtz (Town of Mukwonago)  
Doug Koehler (City of Waukesha)  
Randy Craig (Town of Vernon)

**Also present:** Jim Ritchie of the WDNR, Dick Kosut, Gary Schultz and Don Barron of the WWMD, Mary Kossik and also Dan Treloar and John Roth of Kenosha County Planning & Development.

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** The minutes from the April 8, 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 March and April 2011 was reviewed. In summary at this time we have \$2,767.10 available for grant projects and -\$126.56 in over spent funds on non-grant expenses. Don Scott asked what happens at the end of the day when we do not have the \$126.56, do we owe it to someone. Jim Pindel stated that he thought that when ENUM-16 expires at the end of June all accounts go to zero including what is left of the \$2,767.10 and whatever exists positively or negatively in the non-grant funds. We were sort of caught between a rock and a hard place because we are required by statute to incur the expense of publishing the annual budget and notice of public hearing. Jim Ritchie said that when they close out the grant they can attach some documentation explaining that the funds were spent to comply with statutory requirements of the commission. Don Scott motioned to accept the Treasurers Report and Francis Stadler seconded the motion. The treasurer's report was approved.

### **Old Business**

- a) Phantom Woods Road Channel Enhancement (completed) – Barb Holtz Barb Holtz was not present, but because she indicated at the last meeting that she wanted to make a final report on this project after the plants had a chance to come up, we left this project on the agenda.
- b) Vernon Wildlife Area Streambank Stabilization Project (completed) - Brian Glenzinski was not present and Jim Ritchie stated that he had approved Brian's grant application paperwork and that a check was in process for the commission. So we need to send a check to the Friends of Vernon Marsh for the \$5800. This project can now be removed from future agendas.
- c) Vernon Wildlife Area Flowage Restoration Project (active) – Brian Glenzinski was not present and Jim D'Antuono was asked if Brian was aware of the fact that he needed to spend the \$20,000 we budgeted for this project by the end of June. Jim D'Antuono assured us that Brian was aware of this requirement.
- d) Kossik Stream Restoration Project (active) – Mary Kossik was present and reported that the project was completed and that she had sent documentation to Jim D'Antuono and Jim Pindel. Looking at the documentation provided by Mary we could see that twice she paid for rock and three times she paid for seed or seeding. Her total project cost was \$55,486.52 and the DNR paid her \$50,000 through a dam removal grant. We asked Mary if the rock and seed/seeding cost at least \$5,486.52 and she said that it did. We had budgeted \$6075.00 for rock and seed/seeding. In view of the above Ron Peterson motioned and Don Scott seconded the motion that we reimburse Mary the \$5,486.52 that was not covered by the dam removal grant. The motion carried unanimously. A check for that amount was issued to Mary during the meeting. Mary thanked the commission for its support of her project.
- e) Possible boat/canoe launch on Highway ES (pending) – Alan Barrows was not present but during the Treasurer's Report it was discussed that Alan was supposed to bring costs to this meeting for an erosion control measure at the present launch site in the range of about \$600. With Alan not present and our desire to utilize some of the \$2,767.10 of grant funds available in ENUM-16 for a worthy cause, Jeff Thornton made a motion to give the Secretary the authority to commit available funds on the erosion control measure at the boat launch after communication with Alan Barrows. The motion was seconded by Francis Stadler and carried unanimously.

### **New Business**

- a) The first order of business was the nomination and election of a Vice-Chairperson for the commission. Jim Pindel nominated Don Scott for the position; he accepted the nomination and was elected by unanimous vote. Jim Pindel asked

why it can't be added to our Standard Operating Procedures that when both the Chairperson and Vice-Chairperson are absent that the Secretary/Treasurer can't run the meeting. The consensus was that this would be okay.

- b) The second point of New Business was consideration of expansion of our jurisdiction south to the Illinois border. This is the reason Dan Treloar and John Roth of Kenosha County Planning and Development were invited to the meeting. Jim Pindel explained to them that as part of our discussions in evolving our new Implementation Plan concerned expanding our jurisdiction north to the source of the Fox River and south to the Illinois border. The consensus of the commission was that it made sense to expand south to the Illinois border to be contiguous with the Fox Waterways Agency of Illinois (FWA). The hope being that by butting up to them across state lines we might be able to apply for federal funding for major projects. Because the commission is a statutory commission, if we want to expand our jurisdiction we will need legislative action to change the Wisconsin statutes, which could take a lot of work and time. So we were checking for interest from Kenosha County before we started this endeavor. Jeff Thornton pointed out that the commission's jurisdiction runs from the north side of Waukesha to just south of the dam in Waterford. The Wisconsin statutes state that our makeup is a group of Municipalities along the river and the two counties, Waukesha and Racine, which encompass them. We could either add the counties and municipalities or to delegate the authority to this commission to add municipalities upon request to our jurisdiction. In either case this would require legislative action. Jeff pointed out that a list of the projects we have accomplished as well as a list of our initiatives and concerns can be found in the draft copy of the new Implementation Plan available on SEWRPC's website. When asked we told the Kenosha representatives that our grant funding has come through the Recreational Boating Authority (RBA). Summarizing our objectives, Jeff pointed out that we are concerned with dredging (although to this point no dredging has been accomplished), channel clearance, Waterford dam operations, streambank erosion protection, maintenance of shorelines, boating access and water safety regulations. Jeff pointed out that the primary funding for the commission was envisioned to be requests from the commission to the counties run through the normal county budget process. To date we have not requested funding from counties or municipalities. Jeff pointed this out so that our visitors would be aware of possible funding requests to Kenosha County if they become part of the commission. Francis Stadler asked if the FWA received any federal money and Jeff Thornton said that he believed that they were set up similar to us receiving money from the Illinois state legislature. Considering the fact that there are some Corps of Engineers dams along their stretch of the river it is possible that they might get some federal assistance. Dick Kosut pointed out that the FWA is able to access a \$60.00 user fee per boat and Don Baron pointed out that they charge a launching fee as well. In Wisconsin this is not allowed by the state constitution. When asked, Dan Treloar said that he had multiple projects that would fall within the scope of work we do. In the end it was left to Dan and John

- to consider if they want to be involved with the commission and then to contact us with their decision.
- c) The third item under new business was consideration of a “Position Statement” regarding the diversion of City of Waukesha’s water treatment plant treated wastewater away from the Fox River. Two versions of the position statement or resolution were distributed to the commission before the meeting for their review. Additionally the SEWRPC provided a modification or rewrite to the resolution, the more formal document, which had to be considered. Regarding whether we should send a more informal position statement or a more formal resolution, Chad Sampson said that in Racine County affairs a letter type statement is appropriate if it is being sent for example to a committee but the formal resolution type document is appropriate if it is to be considered by the county board. After some discussion it was decided that the less formal position statement written by Jim Pindel should be revised into a cover letter and reference the resolution as modified by SEWRPC. Jim D’Antuono stated that this was a very politically charged issue and he requested that the secretary produce the cover letter modified from the position statement and the revised resolution and email them to him. Jim D’Antuono would in turn forward these documents to Eric Evisburger who is the lead person in the WDNR regarding permitting this project. Because the WDNR is a member (ex-officio member) of this commission, and the fact that the position statement/resolution opposes the diversion, people could conclude that the WDNR is therefore opposed to the diversion. Jim D’Antuono felt it would be appropriate to get feedback from Eric Evisburger before we sent the documents to the City of Waukesha Water Utility, the Mayor and the WDNR.
- d) This last item of new business is the review of the 2012 SEWFRC budget to be submitted to Racine and Waukesha counties for consideration in their annual county budgets. Jim Pindel explained that the header on the budget was an attempt to explain to the counties why we were making this submission. According to Section 33.54 of the Wisconsin Statutes Racine and Waukesha counties “may appropriate money to the commission”. The budget itself was a rewrite of the 2011 modified by segregating Racine County projects from Waukesha County projects. Additionally the 2012 budget included a line item for the Highway ES boat launch erosion control measure and will be further modified to indicate that the Kossik Stream Restoration Project came in under budget. The budget also listed the non-funded grant projects individually for each county. A motion was made by Al Sikora and was seconded by Ron Peterson to accept the budget. Chad Sampson made a point of the fact that the budget had to be in by early June to be considered for Racine County’s 2012 budget. It was assumed that the same timetable applies to Waukesha County. For the record it should be noted that the SEWRPC and the WDNR did not take a position on the 2012 budget.

### **Reports and Updates**

- a) Update of SEWFRC Implementation Plan – Jeff Thornton said that he appreciated the comments made at our last commission meeting and the SEWRPC will continue to work on the updates to the plan. Upon completion of the updates SEWRPC will submit the finalized plan to the commission for approval.
  
- b) Waterford Dam Restoration – Chad Sampson Chad Sampson said that he spoke to Nathan one of the engineers in the Public Works department, who said there is a leak on the west side of the dam on the abutment next to the spillway. The leak is not especially large or small and is a few inches thick and is pouring out of the side of the dam. The county met with Tanya Meier who recommended that the dam be fixed. There will be a drawdown of the impoundment at a rate of 3 to 6 inches per day until the leak is stopped at which time a repair to the dam can be made. The drawdown will continue until no later than May 21<sup>st</sup>. The county already has a consulting firm in place to come up with a solution to fix the leak in the dam. The conservative timeline calls for all work to be accomplished before July 15<sup>th</sup> and they said that the work should complete well before then. Dick Kosut of the WWMD asked why we couldn't use 'water bags' to isolate this section of the dam in order to facilitate repair of the dam. Dick brought Gary Schultz an engineer who worked on a project to isolate a portion of the Fox River in Burlington some years back when they had a similar situation. It was also pointed out that Racine County and the WWMD sent out notices to advise people of the situation. Jim D'Antuono recapped the activities of the WDNR regarding the dam leak and said that the impoundment had drawdown approximately 5 inches in the first 48 hours and that the leak has not slowed down at all and their sense is that water is very deep there so it may take a while. The WDNR's position is to expedite the repair as quickly as possible with a solution that will be permanent and safe.

On an unrelated issue, Dick Kosut said that he heard from one of the property owners that the National Weather Service has installed sensors at the Rochester and Wind Lake dams and asked if anyone was aware of these installations and why don't we have a sensor at the Waterford dam and the Iron Bridge. No one was aware of these sensors and Jim D'Antuono made notes and indicated that he would look into this situation.

- c) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Thornton said that the news out of the agency is that their executive director Ingrid Danler has resigned and will be take a position with Association of State Floodplain Managers in Madison, Wisconsin. Our new contact will be Ron Barker who is presently the Operations Manager for the FWA. Ron attended one of our meetings in the last year. Jeff also said that the FWA is still very keen on working with us and our plan to possibly be contiguous with them would probably work to both organizations benefit.

- d) SEWFRC Website – Al Sikora said that everything that has been handed to him is up on the website. 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. Francis Stadler and Ron Peterson were surprised that the text was still missing and said they would pursue it.
- f) Waukesha County Farmland Preservation Plan – Barb Holtz was not present, so no report was made. Jim Pindel asked if this was a dead issue because it had been unfunded by the budget repair bill. Dan Treloar and Chad Sampson said that the farm preservation plans were still required to make available the other tax credits. The program that was unfunded was the PACE program and the conversion fees that fund that program but many of the others are still in place.
- g) Waukesha West By-pass Plan – Jim D’Antuono said that the plan was to complete the environment impact study by the end of the summer and that there are three alternates being considered. One alternate is dropping the project entirely and the other two are different routes; one being skirting the hillside and wetlands and put up the new road just east of the intersection of Sunset and Highway TT and the other alternative is run down St Paul Ave and county trunk X turn left on Sunset, improve Sunset into a four lane divided road and then head south more or less along the existing highway TT. It will be 3 to 5 years before any construction would commence. The cost will be in the neighborhood of \$50,000,000 for 4.7 miles of road.

**Correspondence** –

- a. 4/1/2011 Letter from Jim Pindel to Senator Mary Lazich requesting grant funding for the commission through the Recreational Boating Facilities Grant Program.
- b. 4/9/2011 Letter from the commission to the Clerk of the Town of Waukesha expressing our gratitude for the work Howard Garvens has provided to the commission since at least 2003.
- c. 4/14/2011 Email from Chad Sampson listing contacts for the Village of Rochester, the Town of Burlington, the City of Burlington and Kenosha County.
- d. 4/25/2011 Jim Pindel phone call to George Melcher’s secretary requesting that he or an appointed person attends our next commission meeting.
- e. 4/25/2011 Email to Senator Mary Lazich listing our thirteen unfunded projects in support of our request for grant funding in the next Wisconsin state budget.
- f. 4/27/2011 Email attachment from Barb Holtz from the JSOnline listing the various opposing issues regarding the use of Lake Michigan water by the City of Waukesha.
- g. 5/4/2011 Email from Ingrid Danler stating that she has resigned her position with the Fox Waterway Agency of Illinois and will move to a position with the Association of State Floodplain Managers in Madison, WI.

**Miscellaneous Issues** –

Jeff Thornton pointed out that Jim Pindel of the commission and Dick Kosut of the WWMD had accompanied the SEWRPC staff on the Waterford impoundment where they made 360 water and silt depth measurements. They surveyed the water levels on both sides of the Iron Bridge and recorded water levels at the Waterford dam every day. SEWRPC will next be quantifying the amount of sediment materials they would recommend be removed from the impoundment. This would be considered maintenance of this area of joint jurisdiction of the SEWFRC and the WWMD.

Dick Kosut asked Jim D'Antuono if the WDNR had removed the large tree that was present at the mouth of the Fox River on the north end of Conservancy Bay. As it turns out the WDNR did not do anything in this regard and no one knows what happened to the tree.

Jim Pindel noted that now that Howard Garvens has retired from the commission and no one was present from the Town of Waukesha, he will contact the Town and request someone be appointed to the commission. Don Scott added that the Town of Vernon now has a new Town Chairman and that he has notified him that there has been an open slot for the town on our commission for years. Don followed this up with an email to the Town Clerk and intends to attend the next town board meeting to bring it up personally. So we are hopeful of a new commissioner from the Town of Vernon.

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

**Meeting Closed** at 2:28 PM

**NEXT OFFICIAL MEETING WILL BE Friday, June 10, 2011  
at 1:00 PM.** (Meeting Location: Big Bend-Vernon Fire Station  
#3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)