

**Commission members present:**

Al Sikora (Village of Waterford) (Chairman)  
Don Scott (Town of Vernon) (Vice-Chairman)  
Randy Craig (Town of Vernon)  
Francis Stadler (Village of Big Bend)  
Chad Sampson (Racine County)  
Alan Barrows (Waukesha County)  
Dean Falkner (Village of Mukwonago)  
Barb Holtz (Town of Mukwonago)  
Jim D'Antuono (Wisconsin DNR)  
Tom Slawski (SEWRPC)  
Mary Pindel (Town of Waterford – Alternate)  
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

**Commission members absent:**

Ron Peterson (Village of Big Bend)  
Doug Koehler (City of Waukesha)  
Robert Bartholomew (Town of Vernon)  
Randy Meier (Town of Waterford)  
Shelley Tessmer (Town of Waterford)  
John Marek (Town of Waukesha)

**Also present:** Don Baron, Dick Kosut of the WWMD, and Jim Ritchie of the WDNR and Dan Treloar of Kenosha County.

At 1:06 PM 05/30/14 Before the official meeting started, Chairman Al Sikora announced to everyone present that this was the last meeting to be attended by Jim D'Antuono of the WDNR. Jim is retiring after 30 some years of service with the WDNR. Al and others thanked Jim for his support for the commission and all the insight and guidance he has provided to us. Jim Ritchie added that Jim D'Antuono as a manager in the WDNR has served as a counselor and touter to many who were starting their careers in the WDNR. Jim Ritchie pointed out that when he started in the WDNR 20 years ago Jim D'Antuono served as a mentor and helped him get started. All the commission and guests applauded Jim D'Antuono and wish him the best in his retirement.

After the opening comments, Chairman Al Sikora 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 April 25, 2014 meeting were reviewed. It was motioned by Francis Stadler and seconded by Dean Falkner that the minutes be approved. The minutes were approved unanimously.

**Treasurer Reports** – The Treasurer's Report for April 2014 was reviewed. In summary we started with \$104,717.78 in our money market account. We made payments of \$164.01 to Racine Journal Times, \$314.94 to Waukesha Freeman, \$210 to reimburse commissioners who attended the Fox River Summit and \$618 to Graef Engineering

toward the final payment for the GIS mapping survey. We received interest payment of \$17.18 leaving us with a final balance of \$103,428.03. It was motioned by Alan Barrows and seconded by Randy Craig that the Treasurers Reports be approved as amended. The report was approved unanimously.

### **Old Business**

- a) Fox River Partnership Summit – Tom Slawski stated that working with the UW-extension he has all the presentations posted as well as an attendees list and speaker biographies. Tom expects to get the paperwork finished to apply for the final reimbursement and close out this project this coming month. Tom said he was able to contact Natasha Kassulke of the WDNR concerning an article submission in the WDNR's magazine "Wisconsin Natural Resources". The magazine is published 6 times per year but they are already booked out until spring of 2015. So it may take a while before we can have an article covering the Summit in this particular magazine. She seemed to be interested in a 3 page 2100 word type of article. Tom is considering putting together a draft and sending some photos of project we have done and some pictures taken at the 2 Summits we have already finished.
- b) Shoreline erosion mapping and stabilization planning with invasive species mapping – Graef Engineering. Jim Pindel reported that we have received the final invoice from Graef and the project has come in about \$1000 under budget. Jim Pindel will have to generate the paperwork and submit it to Jim Ritchie to get our reimbursement and close out the project. Jim Pindel also said that Laurie Longtine had borrowed a hardcopy of the report at the Summit and had emailed him to see if she could get copies of 4 of the maps in the report. Jim said that he asked Graef what the cost would be for copies of 4 maps and has not heard back from them at this time. Jim then suggested that seeing we have 4 hardcopies and only contracted for 3 hardcopies that maybe we could turn the extra copy into a sacrificial copy that we can dissect and distribute to people who want just a portion of the report. It is quite possible that even 3 hardcopies is more than we will ever need considering the report is available on our website and we have 4 DVD copies as well. Barb Holtz motioned that we use one copy as a sacrificial copy and Don Scott seconded the motion. The motion carried unanimously. Jim gave the extra copy to Barb Holtz to give the 4 maps to Laurie Longtine. Another hardcopy of the report was borrowed to Francis Stadler to take home and study.

### **New Business**

- a) Wood Drive Erosion Control Project – Chad Sampson said that the project is out for bid. He has not received any hard copies of bids yet, but one contractor said he had some questions and would get them to Chad but he hasn't seen anything so far. Another issue that has come up recently is that they will be pouring concrete on the top sections of the roadway and so there will be no way for the residents

- who live down this road to access their properties during this time. So a temporary road may be required for this time period. This issue which should only require a couple days has to be taken up with the homeowners. Chad is still hopeful that the project can be completed by the end of June seeing the actual work should only take a day or two.
- b) Big Bend boat/canoe launch retaining wall – Francis Stadler said there was some confusion and that he thought that the extension of the project included the fence. Francis passed around a copy of the quote for the fence and necessary vegetation at the last meeting, which he thought was included in the original contract. The question came up if there was a fence before even though there wasn't one before; the fact that the retaining wall was made about 3 feet higher with a drop to a rock or concrete surface makes it reasonable. When Francis passed around a picture of the wood rail fence, Alan Barrows pointed out that the county does not consider a wood rail fence a safety barrier. Francis said that he would insist on some chain link or other additional fencing to keep small children from crawling through the fence. After some discussion Barb Holtz motioned that we provide 90% of the \$1,950 which amounts to \$1,755 contingent on the fact that the vegetation installed is native and non-invasive. The motion was seconded by Don Scott and passed unanimously. Francis ended by saying that the Village wanted to thank the commission for all the work we have paid for at this site. It is a beautiful and used facility. Francis pointed out that the Village has a box on site to collect a launching fee and Jim Ritchie pointed out that that fee has to be used for maintenance or operation of the launch.
- c) Consideration of expanding the Commission's jurisdiction south to the Illinois border Tom Slawski said that he and Jim Pindel attended the City of Burlington Common Counsel meeting on May 20, 2014. Tom made an abbreviated presentation, which was well received. The council asked many questions, but at the end of the day, they were very positive and eager for membership in the commission. It should be noted that they also indicated that they are in need of help in an amount larger than what we presently have available for everyone. Tom also pointed out that they were impressed not only by the dollars we provided but also by the time and effort put out in many cases by volunteers. Tom pointed out that for his own part he has never been involved with a group like ours which has the collaboration and networking to help each other out for the good of our common cause. When Tom mentioned that now we will go onto the three communities in Kenosha County, Dan Treloar of Kenosha County pointed out that he had just read a newspaper article that the Village of Spring Lake was considering unincorporating and thus becoming part of the Town of Salem. Dan said the Village is seriously considering the move because they think it will significantly reduce their property taxes. This of course would require us to get MoU's from just the two remaining municipalities.
- d) Consideration of how we operate with a larger membership base: Included in the agenda was the following statement "Presently State Statute states for

appointed commissioners “his or her term on the commission begins on the 3<sup>rd</sup> Tuesday in April of the year in which the commissioner is appointed and ends on the 3<sup>rd</sup> Tuesday in April in the 3<sup>rd</sup> year following the year in which the commissioner is appointed.” Consider changing to 2 year term coincident with the commissions fiscal year or as determined by the individual municipalities.” Chad Sampson pointed out that he thought that the 3<sup>rd</sup> Tuesday of April was probably chosen because County elections are typically held in early April, so then the newly elected officials could then make their appointments. Jim Pindel pointed out that in the Village of Big Bend they appoint people to positions on committees and organizations annually at their May meeting. Barb Holtz said that in the Village of Mukwonago, she is reappointed every year probably in May. Jim Pindel said that some of the letters or appointment state the person is appointed until further notice. After some discussion it was decided to ask the legislature to change the appointment language as suggested above. Jim Pindel passed around a document to the commissioners present that summarizes all the recommended changes we have agreed to, when we go to the legislature. The points were briefly reviewed and Jim said that as we go on he will keep this document updated, so that when it is time to approach the legislators we have a talking document to work with. It was motioned by Dean Falkner and seconded by Barb Holtz that we change the wording of the terms of appointment for commissioners as stated above, the motion passed unanimously.

- e) Possible request for grant funds for Mukwonago shoreline restoration: Alan Barrows said since our last meeting he has obtained a signed approved plan by the County and WE Energies. We had the site showing for contractors and have received sealed bids. At the site showing two changes came up which are now incorporated in the project. There is a tree on the highway right of way line which would have been killed by the work of the project. So the plan was changed to remove the tree. On the opposite end of the project, near the pedestrian walk way, there are two Village storm sewer outlets that are sticking out by the bridge. There is about 6 feet of erosion at this location so the plan was altered to include the addition of sufficient rock riprap to eliminate the erosion. An additional change occurred when the contactors noted that there are a number of guide wires to the WE Energies poles that would be in the way for their dump trucks. So the plan was altered to add an area that would be temporarily disturbed to give the dump trucks access to the work area. This would require restoration work when the project is completed. After opening the bids, it showed that the high bid was \$81,490 and low bid was \$54,615. The low bid came in from a company named Applied Ecological Services, who Alan has worked with before and considers a reputable company. This amount is about \$10,000 over our budget. Yesterday Alan sat down with WE Energies and reviewed the bids and working agreements to make sure we were all in agreement. Some effort was put into getting our contract forms and the legal forms of WE Energies to comply with each other. The next steps that remain include that we have not been able to apply for the WDNR permit and we need to get the signature in from Alex Seifert the individual land owner involved. We are very close on timing as long as we

comply with the general permit by the WDNR. There is also the concern with endangered species within the Mukwonago River and we may need to look for volunteers to pick the fresh water mussels out of the river on the shoreland side of the slit fence which will be placed in the river itself. There are also some fish spawning issues as well because of the time of the year. One of the major issues was the maintenance of the project after completion and that was resolved by adding a three year maintenance clause to the contract that was bid on. Dean Falkner pointed out that the original paperwork submitted to Alex Seifert was somewhat confusing, which has been cleared up and so not there should not be a problem getting Alex Seifert to sign. Dean Falkner motioned that we increase the budgeted amount for this project from the \$46,125 original estimate to the actual contracted figure of \$54,615, Barb Holtz seconded the motion and the motion passed unanimously. Alan pointed out that this project has made the work our commission does apparent to a lot of people within the County, local municipalities and local organizations. The end result will be a beautiful location for people to enjoy and recreate in. Jim D'Antuono said that all of us should appreciate all the time and work Alan Barrows put into this project to make sure it got done. He said that at the first meeting the involved parties over a year ago, it looked pretty bleak for trying to get it done. The whole commission acknowledged the work done and effort by Alan and Dean Falkner.

- f) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim D'Antuono said that he is aware of the fact that the Environmental Assessment (EA) and the Environmental Impact Statement (EIS) are being prepared by the Madison staff now that the application is complete. He said he has no idea when it will be ready and that there will still have to be at least one public hearing and information from that hearing will have to be included in the final documents. Jim D'Antuono said that neither he nor Jim Ritchie were privy to the details of where the process stood right now. Jim D'Antuono said that one of the factors complicating this issue is that Eric Ebersberger, who spoke to our group explaining the process, suffered a severe stroke and has been inactive for some time. Eric is the section chief of the group, so this has to have an effect on getting the documents in order. Once the EA and EIS are completed the City of Waukesha can apply to the Great Lakes Compact for the diversion. The vote for diversion must be unanimous. Jim Pindel asked if the EA or EIS had the ability to recommend to stop or prevent the diversion and Jim D'Antuono said that the documents we only a statement of the facts of the consequences of the diversion, they do not have the power to make or break the deal.

### Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois –Tom Slawski said that he had not heard anything from the agency and that he should probably make a trip down there to talk to them and see what is going on. Jim Pindel asked that if Tom goes down that he would like to accompany him.

- b) SEWFRC Website – Al Sikora said that there is nothing to report except that it is completely up to date. With the advent of this WE Energies project Al asked that Alan and Dean provide text and pictures during the whole project process so he can keep the website current.
  
- c) Highway 164 Construction update: - Don Baron of the WWMD said that he did get a response from the WDOT concerning the water build up on the east side of SHW 164 this last spring. The WDOT said they addressed the problem when it occurred and now it was up to the property owner to keep the culvert clear of debris and ice to prevent future flooding. Don said that he talked to Chad Sampson before the meeting and that Chad had not heard back from Kevin Malchine. Chad wants to approach Kevin about adding to the existing berm or extending the grass buffer or even planting a permanent cover like a hay crop in the field in question to reduce the sediment runoff from this area. Don pointed out that there are two owners to the ravine that runs from this area in question into Tichigan Lake. Chad said that he can contact the owner about what needs to be done to repair the ravine to help diminish the amount of sediment running into the lake.

Correspondence –

- a. 5/01/14 Email with attachment from Alan Barrows “Shoreline restoration Project Bid Announcement”
- b. 5/05/14 Email from Jim Ritchie with attached Grant Extension for ENUM -19.
- c. 5/06/14 Email from Jim Pindel to the Clerk of the Town of Vernon concerning the terms of appointed commissioners and a report on what happened at our April meeting concerning the Kaishian landfill.
- d. 5/29/14 Emails to Mary Lasich, David Craig, Scott Gunderson, Jim Ladwig and Dan Vrakas asking for funding for SEWFRC with attached 2015 budget

Miscellaneous Issues –

Alan Barrows brought up the fact that Waukesha County has a farm field not far from Bob Bartholomew’s farm that has about a 500 foot long gully so he is working on designs for a grass waterway to fix this situation. Alan said he will probably be coming to the commission for funding sometime this summer.

Don Barron of the WWMD said that one of their commissioners Andres Peekna who is on the Ecosystem restoration project (ESR) otherwise known as the dredging project has completed a field survey and calculation which shows that the impoundment is filling up with silt at a rate of 0.6 inches per year. At this rate in twenty years the silt will be 2 feet higher eliminating boating navigation throughout most of the impoundment. So the timeline is running on getting the dredging done.

Jim D’Antuono gave an update of the Kaishian landfill situation. Jim said that the WDNR amended the permit to allow him to finish phase 1 of the project and bring it up to grade and stabilize the site. After that time the Village of Big Bend and the WDNR

would review the progress and decide whether to issue permits for the next phase of the project. Jim said that Kaishian did not do what he was supposed to do. The site has been shut down and the Village has issued a stop work order. The WDNR is now in an enforcement mode. Jim said he does not know if the site will ever be opened up again. Jim D'Antuono did say that a lot of stabilization work had been completed before the shutdown. Chad Sampson asked if there was a Restoration Bond in place and Jim indicated that there was one. When asked Jim D'Antuono said that the WDNR had not issued a formal citation but Francis Stadler said that the Village had issued citations. Francis said that Kaishian is required to put in 3 more monitoring wells and the Village is watching the site closely.

Dean Falkner said that the Village of Mukwonago has well #7 ready and capable of working. They have not started it yet because there are some site issues and program issues that have to be resolved. It is possible that the well might be put into operation within the next month. Barb Holtz said that there were concerns that it might drain the Phantom lakes and even the river. Dean said that there were varying views on what would happen and so they will be monitoring to see if there are any effects when the well is put into operation. The well is capable of 700 GPM but will only be operated around 100 to 200 GPM. The well is 120 feet deep.

It was motioned by Francis Stadler and seconded by Chad Sampson that the meeting be closed and the motion carried unanimously.

**Meeting Closed** at 2:23 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday, June 27, 2014 at 1:00 PM.** (Meeting Location: Town of Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI 53103.)