

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Barb Holtz (Town of Mukwonago) (Vice-Chairperson)
Robert Bartholomew (Town of Vernon)
Chad Sampson (Racine County)
Shelley Tessmer (Town of Waterford)
Dean Falkner (Village of Mukwonago)
Alan Barrows (Waukesha County)
Francis Stadler (Village of Big Bend)
Randy Meier (Town of Waterford)
Tom Slawski (SEWRPC)
Michelle Scott (Wisconsin DNR)
Jim Ritchie (Wisconsin DNR)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

John Soneberg (Village of Big Bend)
Doug Koehler (City of Waukesha)
Ken Miller (Town of Waukesha)
Mary Pindel (Town of Waterford – Alternate)

Also present: Paul Kling, Dick Kosut of the WWMD, Katelyn Bratz of Natures Classroom, Dave Brown of the Village of Mukwonago, Steve Brunner of Waukesha County, Jeff Lang of the Town of Burlington, Wayne Jensen of the Village of Rochester and Dan Treloar of Kenosha County.

At 1:07 PM, Chairman Al Sikora called the SEWFRC meeting to order.
The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

During Roll call, the commissioners were asked if they have been appointed to the new expanded commission which will start meeting at the July FRC meeting. Chad Sampson said he would be the commissioner with Jon Grove as the alternate, Alan Barrows said he would be commissioner, Barb Holtz said she would be the commissioner and Katelyn Bratz would be the alternate, Bob Bartholomew said that by default he would be the commissioner, Jim Pindel said he sent an email to Tom Hincz (Town of Waterford Chairman) requesting that he be made the commissioner for the Town, Shelley Tessmer said that she would talk to Tom Hincz asking to be the alternate, Francis Stadler said that he would be the commissioner and John Soneberg would be his alternate, Dean Falkner said he would be the commissioner and Dave Brown the alternate, Al Sikora said for the time being he would be the commissioner, but that the Village was looking into someone to replace him, Tom Slawski said he would be the commissioner and Michelle Scott said she would be commissioner, but she was considering having Rachel Sabre replace her. Dan Treloar said he would be commissioner for Kenosha County with Clement Abongwa as the alternate, Jeff Lang would be the commissioner for the Town of Burlington and Wayne Jensen would be commissioner for the Village of Rochester.

Minutes The minutes from the April 29, 2016 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Randy Meier. The minutes were approved unanimously.

Treasurer Reports – The Treasurer’s Reports for April and May were reviewed. In April there was one payment covering the reimbursement for the 7 commissioners who attended the Summit. There was the \$100,000 deposit of the cash advance from the WDNR against ENUM-20. In May there were no deposits, a payment to EC3 of \$14,750 for work done on the Graefenauer shoreline restoration, three payments to the three county newspapers to publish the notice of the Public Hearing and 2016-2017 budget, leaving us with \$167,547.82 in our money market account and \$32,436.76 in non-grant funds. Looking at the grant funds, Chad Sampson made a motion that we should assign \$3,000 of the 2016 Racine County allocation to revision 3 of the WWMD’s dredging permit application, which was seconded by Dean Falkner and was passed unanimously. At this point in time we have only \$124,602.29 available in unassigned grant funds. Bob Bartholomew motioned that the treasurer’s reports be accepted and the motion was seconded by Shelley Tessmer. The motion carried unanimously.

Old Business

- a) **Fox River Partnership Summit:** Tom Slawski said that he brought all the documentation to close out this project with him and that he would give the originals to Jim Ritchie and send electronic copies to Jim Pindel for our FRC records. The final cost of the Summit was \$4,216.25 which is under the \$5500 we budgeted for the Summit. Since we made a cash advance of \$2,750 we still owe the Fox River Partnership the balance of \$1,466.25. This project coming in under budget gives us an additional about \$1000 in grant funds available.

- b) **Mukwonago River shoreline restoration at WE Energies Site.** Alan Barrows said that since our last meeting the project had to be redesigned. Alan pointed out that back in 2007; Steve Brunner (who was present and now works for Waukesha County) engineered this project as a consultant to the Village of Mukwonago. The original design utilized biologs along the shoreline with soil bags arranged above them. Sometime ago WE Energies requested that this arrangement be changed to just have the shoreline graded to a 3:1 slope, which required a lot of excavation and ground to be removed from the site at considerable expense. The new design will use rock bags along the shoreline to prevent erosion instead of the coconut biologs with soil bags above the and with the 3:1 sloped bank above that. Alan said he sent the new design to WE Energies who approved it. Alan then sent the new design to the contractor Applied Ecological Services and the revised bid came back at \$65,145.05 which is roughly a \$10,000 increase. Alan asked that we accept this cost increase to finally get this project finished. It was motioned by Dean Falkner and seconded by Shelley Tessmer that we accept this new project cost. The motion passed unanimously. Alan said that he now would have to go back and get it re-permitted by the WDNR and work out some other details. Jim Pindel asked when the project would be completed. Alan said that he was not

- sure and that the contractor indicated that the project would take 1 to 2 weeks to complete. Then Jim Pindel referred to a spreadsheet he had sent to Alan and Jim Ritchie just after our last commission meeting. The spreadsheet showed that without this project being completed we would have a \$14,682.29 shortfall of reaching the \$200,000 grant total for ENUM-19 which has to be completed by 6/30/16. After some discussion, Jeff Lang suggested that we consider spending grant funds on the purchase of materials for this project before the June 30th deadline, even though the construction would not be completed. Jim Ritchie clarified the point that only the expenditure has to be completed by June 30th not necessarily delivery of the materials. Alan pointed out that the contract for this project will be between WE Energies and Applied Ecological Services. So they will have to initiate the purchase of the materials.
- c) Wood Drive Erosion Control Project – Chad Sampson said that this project is on Harry Bauman’s property, which lye’s adjacent to the Malchine property. Chad said he had to send the information regarding both of these projects to the Cultural Resources group in the state government and there were some hits on the Malchine property. With this being the case they were forced to hire an archeologist to do a survey or study at the site and then send his findings to the state historical society. Chad said they sent a request to do this work to 6 different firms of which 3 responded and the low bidder came in at \$650. Kevin Malchine agreed to pay this expense and the archeologist came out the following Tuesday and did his survey. He found some curt which is what the Indians used to make arrowheads and spears out of as well as flakings (chips of curt that fall off in the process of making arrowheads or spears). He did not find anything more than that, but because he found this evidence he had to report it to the historical society. This last Wednesday they heard from the archeologist that he had sent his report to the state historical society and now they have 30 days to respond. Based on this Chad emailed both the archeologist and the contact at the historical society Chip Brown that we need to speed up this process, because he has a contractor lined up to start this week and the project needs to be completed by the end of June. Based on this new delay when the contractor was ready to start last Tuesday, Chad sent him to another project he was selected for by the county, so he could keep him working; this is a 2 to 3 week project. This makes it very unlikely that these projects will be completed by the end of June. When Chad hears back from Chip Brown he will know if and exactly what has to be changed to go ahead with the work.
- d) Malchine Farm field Erosion Control – This project report was made in conjunction with the previous report in (d) above.
- e) Waterford Impoundment ESR Project Dredging Permit: - Paul Kling of the WWMD said the good news was that they submitted the permit application to the WDNR on 5/9/16 thinking that it was totally complete. On May 24 the WDNR came back with a list of questions which were for the most part minor issues that were easily handled. Graef the engineering firm used by the WWMD made some

drawing changes and made some clarifications as needed. In order to expedite matters the WWMD got hold of Elaine Johnson of the WDNR and received a letter back in which she referred to Michelle Scott of the WDNR who is on our commission. Michelle Scott said she and Elaine had a conference call with Barbara Baron of the WWMD yesterday. Michelle said that there is some information that is missing that is required before the WDNR can go to public hearing. This information has to do with groundwater impacts that might be an issue as well as a final calculation regarding the wetland impacts including temporary and permanent. Barbara Baron asked if the WDNR could guarantee that the public hearing would happen before the end of June and Michelle Scott said that without the data needed from Graef Eng. they could not schedule the public hearing. Michelle also pointed out that they have to post a public notice of the hearing 10 days prior to the hearing itself which they cannot do until they review the data they are waiting for from Graef. Michelle said she has seen emails going back and forth between Barbara Baron, Graef and Elaine regarding this issue, but they have not received the required data from Graef. Paul Kling said that they were not sure of what they had to do to meet the clean water standards and so will have to come up with a narrative of what they would do if they did not meet these standards. Paul said that Graef has provided them with a new proposal for the work needed to clean up the loose ends in the permit application as well as the narrative regarding possible clean water issues and anything else that comes up from now to the end of June. Paul said that the cost for the additional work would be \$10,000 and he was requesting us to cover a 90% cost share or \$9000 towards this last work to complete the permit application. It was motioned by Shelley Tessmer that we accept this addition to the project and the motion was seconded by Randy Meier. The motion carried unanimously. Chad Sampson indicated that we should use \$2,000 of the Racine County allocation toward this addition to the project and it was agreed to do so. It was motioned by Shelley Tessmer and seconded by Barb Holtz that we use \$2000 of the Racine County allocation for this addition and the motion passed unanimously. Paul Kling thanked the commission for our time and financial support now and over the years for this dredging project. Dean Falkner asked when this additional work would be completed and Paul Kling said they understood that the commission would only cover work performed before June 30th. Jim Pindel added that at times it seems as if many small details seem to keep coming up almost to the point of nit picking, but if you consider that once the WDNR permits this project they are responsible for defending it in all aspects. It is really their due diligence to uncover all possible problems, get out all the details and make sure that they haven't created a major problem for themselves.

- f) Schuetze Playground Storm Water Abatement: - Alan Barrows said he talked to David Bursh this morning and that he said he would email him a status report, but he had not received anything yet. Alan pointed out that David said that he wanted the project to be completed before the 4th of July when Frame Park is heavily used.

g) Graefenauer Shoreline Restoration: Alan Barrows said that Tom Graefenauer has a pier that he leaves in all year around. Alan then showed photos that he took from the pier of the shoreline. The first photo showed the shoreline before the project started last August. The second photo taken in winter showed the shoreline after the invasive species, buckthorn and honeysuckle were removed. The next photo taken April 21 showed the shoreline just before the 500' of biologs were installed. The next photo taken on May 12th shows the biologs installed. The final photo taken yesterday shows the biologs at the toe of the shoreline with 8' of erosion mat above that and plant plugs planted in the entire riparian zone and you could see the green of the vegetation taking hold. Alan said that the project is completed and that a large quantity of native species came up on their own and unfortunately some buckthorn as well. Jim Pindel asked if something was being done to control the buckthorn. Alan said that Tom Graefenauer has contracted the contractor to do maintenance for the next couple years. Alan showed one more photo that showed how well the sunlight was able to now reach the ground plants. Barb Holtz asked if they intended to use burning in the future and Alan said that the property is set up well for burning. Alan then said that the contractor has suggested the removal of 3 trees and asked if the commission would cover this new need to completely upgrade this location. Barb Holtz asked what kind of trees were involved and Alan said one was a Norway Maple which is an invasive species and the other three were pine trees that were planted too close together, blocking the sunshine from getting to the ground. It was motioned by Shelley Tessmer and seconded by Barb Holtz that we cover the 90% cost share for the tree removal. The motion passed unanimously.

h) Nature's Classroom groundwater protection * erosion control: Katelyn Bratz.
* Fill out Project Acceptance Criteria chart for this project!
Jim Pindel pointed out that we neglected to review the project acceptance criteria before we voted and accepted this project. We then reviewed the criteria resulting in a possible 48 out of 55 points for the project and its meeting the required criteria of meeting our objectives and having a likelihood of successful completion. Therefore the project is acceptable and the scoresheet will be kept in the project folder. Barb Holtz asked if they had provided a map that showed that the entire project was completely on their property. Jim Pindel pointed out that this requirement was added to the Cost Share Agreement and so would be required before we could reimburse them for the project costs. Jim Pindel prepared a Cost Share Agreement, which he asked Al Sikora to sign and then gave it to Katelyn to sign. He said he would keep the original and email a scanned copy to Katelyn.

New Business

a) Mukwonago Park Shoreline Restoration – Alan Barrows, Steve Brunner: Alan Barrows started by saying that this is the project he wanted to introduce at our last meeting, but had some technical issues. On the same body of water as the

Graefenauer project is a parcel of land owned by Waukesha County. They are looking for funding for shoreline restoration on this land. Even though Alan is making the presentation, Steve Brunner a landscape designer for the county will be the point of contact for this project. Alan's presentation started with an aerial view that showed where the Graefenauer project was and where the new project was located. This property is generally used as a swimming beach. There is a lot more sand than needed for the beach and so it is very accommodating for geese. The geese make a mess and leave a lot of droppings, which causes them to close the beach because of E.coli and other bacterial concerns. They are looking at changing the grass mowed area to native prairie and squeezing the beach down to a smaller area. The swim area is not used as much now and so there are no life guards and it is a swim at your own risk area. Alan showed a photo of how the shoreline is sluffing in and the grass is mowed right up to the edge. Alan then showed a slide he borrowed from Tom Slawski that showed a riparian border should be 75' deep to reap all the benefits of a riparian buffer. Alan showed a slide that showed that the beach had to be closed 9 times from mid-May to mid-August due to bacterial problems. Steve Brunner pointed out that the E.coli was the trigger to get this project going, but the bacteria has caused increases in algae blooms and weeds in the lake. Mukwonago Park is about 900 acres and the outlet of the ponds on the property drain into the Mukwonago River. Steve said that the plan is to reduce the mowed grass areas and reduce the size of the sandy beach to make it less attractive to the geese and replace it with prairie mat. Prairie mat is pre-grown prairie like sod that you roll out to quickly establish the finished desired prairie. Installing the mat reduces labor costs and alleviates the need for constant care during the growing phase of seeded prairie and can be installed almost any time of year. There are other environmental issues at this location including Black Swallow Wart an invasive species that is found almost exclusively that this location. Coconut fiber biolog along the shoreline with prairie sod behind it would produce almost instantaneous riparian buffer along the shoreline. Steve said that they hoped to complete this project this year at an estimated cost of \$88,000. Steve said they would be looking for any help the commission could provide toward funding this project. Barb Holtz asked how much of an area this project encompassed and Steve said about 2 acres. Dan Treloar asked what kind of success they had with the prairie sod at the Nagawicka location. Alan Barrows said that the sod was installed in 3 phases. The first installation was done in late November of 14 rolls; it rained that weekend and then froze locking the sod in place. The next year they installed 56 rolls in earlier fall and that survived as well. If they had encountered a drought they would have had to water it and probably would have pumped water from the lake. Alan concluded that they have had great success. Dan Treloar asked if there was any guarantee and Steve Brunner said there was none. Jim Pindel pointed out that he didn't know that we could afford an \$88,000 project when we only have about \$120,000 in undedicated grant funds and we expect to hear some needs and requests from the new commissioner members. Alan Barrows distributed Project Acceptance Criteria sheets and asked that we at least review this project for acceptability. After the review the project scored 35 out of a possible 55 points

which exceeds the minimum of 28 points and met the requirement of meeting alignment with our implementation plan and probability of successful completion. Therefore this is a grant worthy project and we asked Alan and Steve to go back and see if there are other funding possibilities and if it could be done in phases or could be paired down to something less expensive. This project will remain on the agenda for consideration at our next meeting.

b) Consideration of expanding the Commission's jurisdiction south to the Illinois border

*Agenda items for the July Meeting:

Election of Officers

Where should we hold our meetings

Should we set a fixed date schedule e.g. First Friday of the month

Any suggestions concerning our meeting process.

Jim Pindel said that the election of officers for the new commission was an important point and would give the new members a chance to more fully participate. He pointed out that Al Sikora has already stated he would like to step down as chairman because of his business workload. Jim Pindel said that for his part he would be happy to accept the office of chairman or vice chairman but would very much want to give up the position of secretary. His other obligations and personal situation is making it hard to fulfill this job. Jim did say that he would agree to fulfill the duties of treasurer, seeing he is familiar with the details of what is required to process the grants, monthly treasurer's reports and the annual budget. Jim did say that if no one stepped forward he would continue in the roll of secretary for one year to keep the commission going. Regarding setting a fixed day of the month, for example the first Friday of the month, as our meeting date instead of deciding at every meeting when we will meet next will be a good discussion for the new membership. The last point on the agenda was whether we should change anything regarding our meeting process. With new people on board, maybe someone can suggest something to streamline our meetings.

c) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan—Shelley Tessmer said that she is now the chairperson in charge of research regarding 9-Key elements plans for the WWMD. Shelley said she held the first meeting with Andrew Craig and Rachel Sabre of the WDNR, Lisa Schultz, Chad Sampson and Dean Falkner regarding this process. Shelley said that they learned some new things at this meeting like the fact that they could develop a plan for the entire 237 mile stretch of the Fox River and then only implement a certain portion of it. The plan would be used to address impaired waters as identified on the 303 D list. Andrew Craig gave them an approximate cost for the development of a plan based on our geographic area and other plans that he was involved in that are already completed. The estimated cost would be \$40,000. Andrew Craig suggested that Shelley contact representatives of the counties and so Shelley then emailed and involved Chad Sampson of Racine County and Alan Barrows of Waukesha County. A second meeting was held on May 23rd where they discussed

the scope of what would be involved to generate a plan. They discussed what data was needed and how it could be collected. They also discussed funding options and the caps that different grants had. Shelley said that when she mentioned dredging, Andrew Craig said that EPA 319 funds cannot be used for dredging. Subsequent research by Shelley and others seems to indicate that EPA 319 funds can be used for dredging. Shelley said that they learned about a data system called swims which could be used to monitor the condition of the Fox River. Shelley said that Dean Falkner set up a meeting with Rachel Sabre on 6/27/16 at 1:00 PM to further investigate the swims database. Shelley said that at the first meeting they invited the water treatment plant group to attend. Jim Bergles of the City of Burlington attended and has been active in correspondence regarding this program. Based on new information provided by Tom Slawski, Dean and Shelley are not sure whether we should be pursuing a 9-Key elements plan or an adaptive management plan. The initial incentive for pursuing a 9-Key elements plan was to get federal funding for large scale projects. As it turns out the adaptive management plans can also obtain federal funding especially regarding improvement of water quality. Dean pointed out that the adaptive management program is less stringent than the 9-Key elements plan and therefore may be easier to implement. The 9-Key elements plan is much more inclusive including an educational component and a requirement for estimating all the costs of work that needs to be done as well as follow up to see that it is done. After some discussion it was decided that some research has to go into which plan to spend our time and money on. Dean and Shelley will be looking into deciding on which plan to pursue. There is someone named Tom Steinbeck Dean talked to and needs to talk to again to understand what resources could be applied to cleaning up the river. Chad Sampson said that his understanding was that we would have to apply by December 10th for grant funds from the WDNR to develop a 9-Key elements plan which would pay up to \$10,000 and we would have to come up with the matching funds. We would have to identify some specific area like one HUC-12 area for plan development and then expand from there. Andrew Craig said that it would be best if we had some baseline water quality data for that specific area. Chad said that the only areas that he is aware of that have baseline water quality data are up in Waukesha. Chad also pointed out that once we have a 9-Key elements plan in place we could apply for federal 319 funding to do the same things we are accomplishing now through our own grants. This would mean we would have greater ability to fund projects. Dean Falkner brought up the point that examining the 303 D list the impaired areas of the Fox River are all impaired by phosphorus content. So right now we are in the process of gathering information to see just what we should be doing.

- d) 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 that he had not had time to look into this topic since our last meeting. Based on the discussions regarding the need for baseline water quality data and monitoring, this topic will remain of the agenda for our next meeting.

- e) What is happening with the SEWFRC signs? Al Sikora said that he has not been able to finish the artwork for the signs, but as soon as he has he will get the signs on order. Al said his goal is to get this done before our next meeting.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Tom Slawski said that he had nothing to report.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Michelle Scott said there is nothing new to report except what is on their website. Jim Pindel pointed out that the compact council gave preliminary approval for the diversion and that he forwarded a new release that said that legislators in the state of Michigan were advising their governor to oppose the diversion. Francis Stadler said that the final vote on the diversion is scheduled for June 13th.
- c) Progress toward designation as a “National Water Trail” – Village of Waterford. Barbara Messick of the Village was not present. Al Sikora said he didn’t have anything to report.
- d) SEWFRC Website – Al Sikora said that the website is fine and up to date at this point.

Correspondence –

- a. 05/2/16 Email from Jim Pindel advising to mark your calendars for today’s meeting.
- b. 05/20/16 Email from Tom Slawski to Dean Falkner regarding WDNR’s Citizen-based Monitoring Network grants. The idea here is to use this grant program to increase the monitoring of the Fox River.
- c. 05/25/16 Email from Katelyn Bratz looking for the Cost Share Agreement for the Nature’s Classroom Project.
- d. 5/31/16 Emails from Dean Falkner & Shelley Tessmer regarding monitoring the Fox River and a grant program to help to pay for it.
- e. 06/01/16 Email from Tom Slawski with attached “Scope of Supply” for the survey of the expanded area of jurisdiction.
- f. 06/01/16 Forward of an email from the WDNR concerning listening session about possible changes to the WDNR administration of codes. Jim Pindel asked for any comment, which he could bring to the meeting.
- g. 06/01/16 Email forward stating that State of Michigan legislators asking Governor to oppose Waukesha diversion.

Miscellaneous Issues –

Alan Barrows said that a few years ago we spent \$600 for rock at the unofficial boat launch on the Fox River alongside of STH ES. At the time they decided on just using stone because someday the bridge would have to be reconstructed which would affect this launch site. The meeting regarding the reconstruction of the bridge is coming up this next week. Alan will attend this meeting to make sure that they realize that we have an unofficial launch at this location and it should be kept in place.

Jim Pindel reminded the commission that he sent around an invitation to a meeting with the WDNR concerning a listening session regarding the administrative codes used to administer grants like the ones we receive in the state budget through the WDNR. He said he will attend the meeting and ask that they consider removing the hard end dates for grant period. In other words allow many more extensions of the grant period. He also reminded everyone that he asked for any other suggested changes.

Katelyn Bratz pointed out that she is active in the swims system and uses it as an educational tool at Nature's School. She has student trained in it as swim monitors and she and/or them might be available help to us.

Bob Bartholomew motioned that the meeting be closed and Francis Stadler seconded the motion that passed unanimously.

Meeting Closed at 3:14 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
July 8, 2016 at 1:00 PM.** (Meeting Location: Town of Vernon
Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI
53103.)