

Commission members present:

Don Scott (Town of Vernon) (Vice-Chairman)
Chad Sampson (Racine County)
Francis Stadler (Village of Big Bend)
Ron Peterson (Village of Big Bend)
Alan Barrows (Waukesha County)
Dean Falkner (Village of Mukwonago)
Randy Craig (Town of Vernon)
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:

Al Sikora (Village of Waterford) (Chairman)
Shelley Tessmer (Town of Waterford)
Barb Holtz (Town of Mukwonago)
Doug Koehler (City of Waukesha)

Also present: Jim Ritchie of the WDNR, Dick Kosut and Don Barron of the WWMD, and Mark Mittag Project Manager for Water Business Group representing the City of Waukesha.

At 1:10 PM, 6/10/11, Secretary/Treasurer Jim Pindel 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 May 13, 2011 meeting were reviewed. Dick Kosut of the WWMD pointed out that Tanya Meyer's name was misspelled on page 5 of the report and Alan Barrows pointed out that the date of the last meeting was incorrect on page 1 of the minutes. It was motioned by Francis Stadler and seconded by Chad Sampson that the minutes be approved as corrected. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for May 2011 was reviewed. In summary at this time we have \$3,355.58 available for grant projects and -\$230.99 in over spent funds on non-grant expenses. The amount of grant funds went up because the Kossik Stream Bank restoration project came in under budget and the amount of non-grant funds went up because we paid \$119.95 for our annual website hosting expense. Alan Barrows motioned to accept the Treasurers Report and Randy Craig seconded the motion. The treasurer's report was approved.

At this time Vice-Chairman Don Scott arrived and so he took over running the meeting.

Old Business

- a) Phantom Woods Road Channel Enhancement (completed) – Barb Holtz Barb Holtz was not present, but Alan Barrows said that he could make a report because he had just stopped there this last week. The west side of the filter strip took a pretty good beating during the winter time. Snow plows must have been pushing snow into it causing some damage. There is a need for maintenance this summer. Alan said that the plan that he had permitted had a 3 year maintenance plan included. Alan said he will talk to Barb Holtz about who is responsible to do the repair work. There is some replanting that needs to be done and there is a barrier which needs to be removed and thrown out. Alan concluded by saying that 75% of the project looks really good.

- b) Vernon Wildlife Area Streambank Stabilization Project (completed) - Brian Glenzinski was not present but at the last meeting he attended he pointed out that this project came in well over budget and he would appreciate any help we could provide to the Friends of the Vernon Marsh to cover this overage. At the meeting we had not calculated the exact figures for the final payment to the Friends of the Vernon Marsh. As it turns out the total project cost was \$8,215.82. If we cover 90% of this total our share would be \$7,394.24 instead of the \$5,800 we had budgeted. We can easily afford to pay this additional amount of \$1,594.24 out of the grant funds remaining in ENUM-16. Jim Pindel motioned that we pay this additional amount and Alan Barrows seconded the motion. The motion passed unanimously.

- 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) Possible boat/canoe launch on Highway ES (pending) – Alan Barrows provided a “Gully Repair at CTH ES and the Fox River” document which described the project and included pictures of the site. Alan said that he had surveyed the gully and determined the location of the spilt between the County’s right of way and the private property. Alan said that he found that the portion of the gully that is on the County’s right of way had been recently fixed. The 60 feet of gully that still requires rock is entirely on private property. The volume of the gully that needs to be filled is approximately 15 cubic yards and so the figure of \$600 for rock is still good. Alan said that he talked to the operations people today and they were willing to do the work. What is still needed is a temporary access and construction easement on the private land. Alan said he has had some difficulty trying to reach the land owner but will continue to try to contact him. In the past Alan had reported that the bridge was scheduled to be redecked and now that has change to a complete destruction and replacement with a new bridge. Alan asked the question, in the case the private owner was not willing to pay the 10% cost

share of the project, would the commission be willing to accept the County's in kind service for the work done as the project owner's cost share? Jim Ritchie stated that we had accepted in kind service as payment of the cost share previously and could do so on this project. Since this project had been voted on and accepted at our last meeting no motions were necessary at this time.

New Business

- a) The first point of New Business was consideration of expansion of our jurisdiction south to the Illinois border. Jim Pindel reported that he had sent the meeting invitation and meeting documents to Dan Treloar of Kenosha County, but had no response from him. When asked, Jeff Thornton said he had not heard anything from Kenosha County. So this item will be left on the agenda for future consideration.

- b) The next 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. Jim Pindel commented that we had all received an email from Mike Hahn of the SEWRPC correcting the phrasing in our last meeting minutes and our two most recent agendas. The title or phrase that the "position statement/resolution opposes the diversion of wastewater" is incorrect and it should call for "active management of treated wastewater flows from the City of Waukesha", which more correctly reflects the content of the resolution. Don Scott said that he brought this issue up at the Town of Vernon meeting last week and their Chairman has been in contact with the City of Waukesha and possibly SEWRPC as well. They are very concerned about the water levels of the Fox River and believe that something must be done. Jim D'Antuono stated that he had sent our draft copy of the cover letter and resolution to Eric Ebersberger of the WDNR for review and Eric felt that we had as much right as anyone else to express our opinion on this matter. Jeff Thornton introduced Mark Mittag who is representing the City of Waukesha on this issue. Mark explained that the City of Waukesha has decided to apply for use of Lake Michigan water which has to be returned to the Great Lakes basin after use. Data and studies by the USGS, SEWRPC and many other groups have been considered regarding this issue. The City does realize that the Fox River is a valued resource to the community and everyone in this room. The City did a 'what if' simulation for the years of 2005 and 2008 two of the driest and wettest years in recent history. At the worst case the elimination of treated waste water into the Fox River from the purification plant would make a 1.8 inch drop in the water level of the river. The average change in water depth in either of those years was less than one inch. It appears that the waste water plant discharge will be channeled to Lake Michigan through Underwood Creek until a certain volume is met and then the discharge will be diverted to the Fox River. Mark said that he had read our resolution and noted our concern for the high quality fishery, inclusive of a number of endangered, threatened, and special concern species. Mark said that their analysis showed that the maximum 1.8 inch drop in depth as well as the average less than one inch

drop in water depth would not adversely affect the fish. Mark pointed out that all memos and documentation regarding this issue is public knowledge and is available on the water utilities website. Francis Stadler asked just how much water flow from Lake Michigan the City was looking for. Mark said that on average it would be twelve million gallons per day with a peak demand of about eighteen and a half million gallons per day over the next twenty years and that today it is more like nine million gallons per day. Don Scott asked over what period of time must the water returned to Lake Michigan equal the water taken. Mark said there was no specific averaging period and that there were allowances for evaporation and other variances. Randy Craig asked how much more water is coming down the Fox River now compared to years ago. Mark said that in 2005 and 2008 the flow from the Waukesha utility was about 12 to 14 cubic feet per second as a maximum and that there are other water purification plants along the Fox River which provide additional flow. Randy pointed out that he had felt that the flooding issue he has been contending with was being caused by restriction of the river flow south of his property but now he feels that the problem is caused by greater flow coming down the river. When Francis Stadler asked where the water flows would be measured, Mark said there would be a water flow meter at the outlet of the purification plant in Milwaukee on the pipe that sends the flow to Waukesha. Also there would be a flow meter at the discharge of the Waukesha waste water treatment plant measuring the return flow. Mark said that the City had applied for a permit from the WDNR for use of Lake Michigan water last year then the WDNR responded with a list of questions and required other data which the City has since responded to. If the information provided is sufficient and complete then the process will move onto public notices and hearings on the issue. Jeff Thornton said that regional water supply plan called for active management of water flows from the waste water plant with some flow diverted to the Fox River during low flow periods and that his understanding was that the City did not pursue that plan and now intends to return 100% of the discharge to Lake Michigan. Mark tried to clarify this issue by saying that water will be returned to Lake Michigan everyday until a certain limit is reached at which point water will be discharged into the Fox River. Jeff said that this scenario would be in compliance with the regional water supply plan because it discharged some flow to the Fox River. The problem is that this scenario only discharges water to the Fox River under high flow or flood conditions when the river does not need additional flow but does not provide water to the Fox River under low flow conditions when the river presently depends on the discharge from the Waukesha plant. After some discussion Francis Stadler motioned that we accept the cover letter and resolution as distributed to the commissioners, Dean Falkner seconded the motion. The result of the vote was nine voting commissioners in favor and none opposed. The two non-voting commission members Jeff Thornton of the SEWRPC and Jim D'Antuono of the WDNR expressed their support for the resolution as stated. Jim Pindel was asked to amend the cover letter to reflect the support of the non-voting commissioners of the resolution.

- c) 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 he revised the budget since the last meeting to reflect the actual amount spent on the Kossik stream bank restoration project and had forwarded it to Chad Sampson of Racine County and Alan Barrows of Waukesha County so that they would receive it in a timely manner for their budget cycles. Jim Pindel asked Alan Barrows if he had any problem with the way the budget was organized or presented and Alan said it was okay and had arrived at an appropriate time for the budget process. On a related matter, Jim Pindel stated that Jim Ritchie of the WDNR had provided him with a copy of the Wheeler Report that showed that the preliminary state budget includes \$200,000 for the SEWFRC. Of course we have to wait for the legislature to approve the budget and the Governor to sign the budget. Jim Pindel reiterated that the Implementation Plan needs to incorporate the two different possible revenue streams; one being from county appropriations and the second being from state grants. Both Alan Barrows and Chad Sampson said they would submit our budget request. Chad also added that he would ask Al Sikora and Jim Pindel to meet with the appropriate county officials to explain our budget needs.

Reports and Updates

- a) Update of SEWFRC Implementation Plan – Jeff Thornton asked if the commission had authorized SEWRPC to wrap up the implementation plan with the list of modifications/revisions we noted in previous meeting minutes. Jeff was told that the commission had approved the plan with the additions and revisions and we were looking forward to reviewing the final plan edition. Jeff said he will move swiftly to complete the implementation plan.

Waterford Dam Restoration – Chad Sampson Chad Sampson deferred to Dick Kosut of the WWMD who stated that the repair of the dam was completed on Tuesday 6/7/2011 and that the impoundment was being refilled at a rate of not more than 3 inches per day. It should take from seven to ten days to refill the impoundment. Chad added that besides the dam repair the work like tree removal that had been scheduled for later was accomplished at this time. Dick Kosut pointed out that Racine County and the WDNR cooperated and worked very quickly to resolve the situation. The work was originally scheduled to take two to four weeks but was accomplished in two weeks and so people were very happy with the response.

Dick went on to discuss the set of pictures of the obstructions in the bend of the river. This is a project that has been before the commission for many years and had not been resolved. Under the drawdown condition the WDNR advised the WWMD that they would permit removal of logs and stumps and relocation of rocks to improve the navigability of this portion of the river. Dick is still in the process of qualifying and selecting a contractor to do the work.

Jim D'Antuono displayed from his laptop onto the Fire Stations projector an

- aerial view of the Waterford impoundment before the drawdown and then photo's taken by the WDNR's airplane showing the condition of the impoundment under the drawn down condition. The photos were taken on Thursday 6/2/2011. The photos showed the large amount of silt or mud that exists in many of the river bays. Francis Stadler asked if the property owners along the impoundment pay any fee for services and Dick Kosut responded that the 1021 riparian owners pay \$125 annually.
- b) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Thornton said that now that the executive director Ingrid Danler has resigned our new contact will be Ron Barker who is presently the Operations Manager for the FWA.
- c) SEWFRC Website – Al Sikora was not present. Alan Barrows said that he had updated the map on the website, there are very few projects left in the current projects area and most have moved over to the completed projects section. Alan asked the commissioners to review the map and advise him if any locations are incorrect or he has misspelled anything. Alan pointed out that the map would be a helpful tool when discussing projects with county officials.
- f) Waukesha County Farmland Preservation Plan – Barb Holtz was not present, but Alan Barrows reported that the department of agriculture and consumer protection had sent them a four or six page review letter on the plan that had been submitted. So now it is back to the drawing board to address these issues. for now they are still working off the 1984 Farmland Preservation Plan.
- g) Waukesha West By-pass Plan – Jeff Thornton said that their had been a field trip to review the sites of the possible alternate by-passes and that Tom Slawski of the SEWRPC participated. Jim D'Antuono said that it was actually a workshop hosted by the WDNR. Francis Stadler asked if they were considering putting a bridge over the railroad tracks and Jim D'Antuono stated that they were.

Correspondence –

- a. 5/16/2011 Email to Jim D'Antuono with attached cover letter and resolution regarding City of Waukesha wastewater discharge. Jim D'Antuono forwarded the attachments with cover email to Eric Ebersberger of the WDNR.
- b. 6/16/2011 Email from Alan Barrows stating that he will address the cost of the erosion control measure along Highway ES when he returns to work on 5/23/2011
- c. 5/23/2011 Email from Jeff Thornton to Dan Treloar of Kenosha County providing further information on what the Commission does. Jeff included subchapter VI of the Wisconsin State Statutes Chapter 33.
- d. 5/23/2011 Email from Ben Heussner of the WDNR to Al Sikora requesting funds for the Mukwonago River Poster Project. Because the

work can not be accomplished before the end of June, we will have to consider this as a new project after ENUM-16 runs out.

- e. 6/3/2011 Email sent to the clerk of the Town of Waukesha requesting that they appoint a new commissioner to our commission since Howard Garvens has retired.

Miscellaneous Issues –

Jim Pindel said that he had talked to Dick Drozewski of the Town of Waterford about becoming a commissioner to replace Greg Kessler who resigned from the commission. Dick lives just north of the iron bridge in the area that has experienced flooding problems in the last few years. Jim pointed out that due to time requirements at East Troy High School Dick would not be able to attend commission meetings from some time in March to sometime in May and again from sometime in August to sometime in October. During these periods he has to get the playing fields ready for sporting events. Dick also stated that he intends to retire in about a year so this conflict would only be for the first year. Jim Pindel said he would advise Dick that the commission understands this obligation.

A motion to adjourn the meeting was made by Dean Falkner and seconded by Chad Sampson, the motion carried.

Meeting Closed at 2:40 PM

NEXT OFFICIAL MEETING WILL BE Friday, July 22, 2011 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)