

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
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)
Randy Craig (Town of Vernon)
Robert Bartholomew (Town of Vernon)
Randy Meier (Town of Waterford)
Doug Koehler (City of Waukesha)
Shelley Tessmer (Town of Waterford)
Jeff Thornton (SEWRPC)
Jim D'Antuono (Wisconsin DNR)
Dean Falkner (Village of Mukwonago)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Barb Holtz (Town of Mukwonago)
Any representative from the Town of Waukesha

Also present: Benjamin Heussner and Jim Ritchie of the WDNR, Don Baron, Dick Kosut, John Bostrom and Paul Kling of the WWMD, Dan Treloar of Kenosha County, Rodney Zuerner of Chiles Landscaping and State Representative David Craig, 83rd Assembly District.

At 1:07 PM, 6/22/12, Chairman Al Sikora called the meeting to order.
The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the May 18, 2012 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 May 2012 was reviewed. In summary we started with \$30,256.24 in our money market account made payments for our website hosting and newspaper publications for our public hearing and budget and made \$11.34 in interest resulting in a final amount of \$29,490.64 It was motioned by Randy Meier and seconded by Ron Peterson that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) **Mill Creek gully erosion repair project (active)** – Alan Barrows reported that he had talked to Leif Hauge the project manager who told him he had been in contact with the Army Corps of Engineers regarding what types of permit might be required

because the gully is considered a navigable waterway. Leif found that the project is eligible for a general permit from the Corps, so it has no effect on the plans already made. Alan went on to say that the original plan was to utilize stone from top to bottom on the side slopes of the gully but now the plan has been altered to provide a vegetative soil bag in all the areas above the 100 year storm level. They are now in the process of obtaining pricing for the vegetative alternative from consultants. Construction is still on schedule for this August.

- b) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner stated that they have not had a lot of time to devote to this project. However they did spend 3 days two weeks ago doing a habitat survey of the area. They intend to add elevation data to the survey. Ben is currently working on an application for zoning with Waukesha County. Ben will start on the permitting process in a couple weeks.
- c) Fox River Partnership Summit – Jeff Thornton said they had no update for this meeting. They are just in the very formative stages of the process and the summit is now expected to be held in January or February of 2013.
- d) Special Report – SEWRPC presentation concerning SEWFRC to Lake Winnebago municipalities. To start chairman Al Sikora introduced State Representative David Craig to the commission. David Craig came to our meeting specifically to learn about what we do. So this presentation was very appropriate. Jeff Thornton's presentation amounted to an overview of the Fox River Commission as presented to the Winnebago area municipalities. The presentation was made to the four counties and twenty-one municipalities that surround Lake Winnebago and the local WDNR. The Lake Winnebago communities are in the stage of checking out what their options are. The presentation pointed out that our mission was to develop plans, programs and projects. The commission's duties include gathering data, being a liaison to government units and developing information and educational programs. Our mandate is to selectively dredge the Waterford impoundment, automate the Waterford Dam, do streambank erosion control and facilitate recreational access and safety to the waterway. Jeff outlined the membership of the commission and then outlined the accomplishments of the commission since its inception. Jeff then went on to consider the ongoing issues and recommended responses of the commission. These issues included selective dredging, automating the Waterford Dam, erosion protection, water use and recreational access. Under ancillary issues, Jeff addressed expanding the commission's jurisdiction, funding and partnerships. Discussing emerging issues Jeff pointed out nonnative plants like Phragmites that need to be addressed. Jeff also pointed out our intention to expand our jurisdiction south to the Illinois border. Jeff pointed out our initiative to obtain funding from the Counties and local municipalities as well as our funding stream from the State of Wisconsin budgeting process where we have obtained most of our funds. Jeff finished up by pointing out our affiliation with the WWMD, the Counties and municipalities, the Waterford Sanitary District No. 1, the Waterford Drainage District No 1, the Fox River Partnership, Fox River Cause, Mukwonago River Partnership, and the

Friends of the Mukwonago River.

New Business

- a) Golden Bay Retention Ponds Sediment Problem – No one from Golden Bay Subdivision was present. Al Sikora mentioned that he expected someone from the subdivision to contact the WDNR and possibly report back to us. As it turns out no one contacted either Jim D’Antuono or Jim Ritchie who were both present at the meeting. Jeff Thornton reminded us that with the change in the funding source that has occurred, it is not possible for us to use grant funds for this type of project. It was decided to remove this item from the agenda.

- b) Ecosystem Restoration Project (Sediment Sampling) – WWMD Don Baron of the WWMD made a Power Point presentation to the commission. Don started by pointing out that SEWRPC was very instrumental in the formation of the WWMD. The purpose of the Ecosystem Restoration project is to reestablish a navigational channel from north to south through the Waterford impoundment at a reasonable depth and at varying widths to accommodate safe boating. Additionally other navigational channels will be required to allow access to the main channel by riparian owners. The same situation exists on Tichigan Lake where access in some bays has to be opened allowing owners to access the lake and thus the main channel in the Fox River. There are 1022 riparian owners on the waterway. The presentation included maps prepared by SEWRPC from years back indicating where they thought dredging would be appropriate. These maps have been refined due to the work that has gone on over the last few years. Don made a special point of the fact that much work has been accomplished since the inception of the WWMD to prevent erosion and sediment build up in the impoundment. The idea being that you must first stop the sediment from coming into the impoundment before you go through the effort of removing the existing sediment, otherwise it is a losing battle. Other issues of concern mentioned were carp eradication, safety, structure/habitat preservation and the impact on the Waterford Dam. Phase 1 of this feasibility study was accomplished with the cooperation of SEWRPC to determine exactly how much sediment exists and where. The WWMD hired Graef Engineering who using the data provided by SEWRPC developed sediment sampling plan, a bathymetry map and a calculation of the amount of silt to be removed. One of their next steps will be to locate and estimate the size of potential disposal sites. Don projected the maps of the impoundment indicating the sediment location and concentrations. These maps were a joint effort by SEWRPC, the WDNR and Graef Engineering. The final maps indicated the location of the main navigational channel and all the access channels on the Fox River and in Tichigan Lake. The total cost of the phase 1 & 2 of this feasibility study is \$104,481 and the WWMD has already paid \$39,951 for the work completed. This leaves \$65,600 needed to complete the study. The \$65,040 breaks down to \$33,500 for sampling, \$21,100 for laboratory work and \$11,000 for project management. Using a 90% cost share approach the WWMD would pay \$6,560 (10%) and our commission would provide \$59,040 (90%). The

sediment sampling in the impoundment to be executed by Graef Engineering amounts to 31 sampling locations above the hard pan and 14 locations above and below the hard pan. All of the samples then have to be analyzed by a certified laboratory. Don went on to project the details of the sampling plan.

When Don opened the presentation up for questions, Shelley Tessmer asked what type of dredging would be used. Don responded that this has not been determined at this time. One of the things Graef Engineering is charged with doing is to investigate all different means of dredging. When the dredging plan is completed, the dredging method(s) will be determined. Francis Stadler asked the question, how long it will be before we have to dredge the impoundment again. Don responded that it depends on how much sediment comes down the river from the north and how often we get large floods like in 2008 which flushes silt down into the impoundment. Don also said that the WDNR would issue a maintenance dredging permit good for 5 years, which will help to keep the impoundment clean. Jim Pindel added that the impoundment has existed for 185 years, now that the WWMD has stopped most of the erosion into the waterway and we the SEWFRC have funded numerous erosion control projects over the last several years north of the impoundment and all the river municipalities have initiated storm water abatement programs, there is no reason to believe that this time it should take more than 185 years to require re-dredging. Then Francis asked how many riparian owners there were and Don answered there are 1022 owners with an estimated property value of \$500,000,000. Don also said that if the project goes forward, the WWMD would be looking for local, state and federal funding. Don also made the point that it would not be fair to have just the riparian owners pay for the dredging when anyone else can come in and make use of this public waterway. Francis stated that he was concerned that if our commission gave all our money to this project then there would not be any funds available for erosion control or other worthy projects north of the impoundment. Don clarified that he was only seeking funding for this phase 2 of the feasibility study and Jim Pindel added that we are hoping for additional grant funds in the next state budget. At this time Al Sikora asked that we evaluate the qualification points by our newly installed point system. Jim Pindel then reviewed all 10 points and with the commissions consent, we awarded 47 out of the possible 55 points to this project. This easily meets the requirement of a minimum of 28 points for qualification. This project also meets the two requirements that it meets the objectives of our commission and that it has likelihood of being completed successfully. Jim Pindel then reviewed the financial consequences of providing the \$59,040 being requested by the WWMD. We presently have 3 \$125,000 of undedicated grant funds available. \$8100 of that is expected to be used by the village of Big Bend for some shoreline reinforcement at their boat launch. Taking that and the \$59,040 for the WWMD will leave us with only \$57,860 for other grant eligible projects. We are only aware of one eminent project, that being the shoreline restoration by the village of Mukwonago on the WE Energies property. If the village would come to us for the expected \$92,250 cost share we would have a shortfall of \$34,390. A discussion then ensued about whether we should be

paying for repairs on a WE Energies property. Dean Falkner asked that besides his own efforts other organizations like us or the WDNR should try to get WE Energies to repair their own property. Further action regarding WE Energies will be taken by the commission. When asked Jim Ritchie stated that from the WDNR's perspective this feasibility study and working toward navigability make this very much a grant eligible project. Shelley Tessmer made a motion that we sanction this project at a 90% cost share level and the motion was seconded by Randy Meier. The motion passed unanimously except for Don Scott who abstained from voting because he missed too much of the meeting.

c) Consideration of expanding the Commission's jurisdiction south to the Illinois border Jeff Thornton said that he had nothing to report at this time. Jeff said that at previous meetings we said that we would contact the downstream municipalities in Racine and Kenosha counties to establish memorandums of understanding like we have recently established with Kenosha County. Dan Treloar said that he will have to report back to Kenosha County that we have not contacted anyone as of now. The conclusion was that we need to get started probably with Rochester.

Reports and Updates

- a) Eco-System Restoration Project (Waterford Impoundment) – No report was necessary since the WWMD made its presentation previously.
- b) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Thornton said that one point that he thought of during the WWMD presentation was the fact that the Stratton Dam and locks just south of the Wisconsin boarder is run by the Army Corps of Engineers and so if we extend out domain down to the Illinois border we might get some support from the Corps seeing our activities affect their dam.
- c) SEWFRC Website – Al Sikora said that he had no updates on the website at this time.

Correspondence –

- a. 5/24/12 CC of email from Jeff Thornton to attendees of meeting regarding Lake Winnebago with attached copy of Jeff's Power Point presentation about the SEWFRC.
- b. 5/28/12 Email and US mail to Scott Gunderson requesting his support for funding for our commission in the 2013 – 2014 State Budget
- c. 5/28/12 Email and US mail to Senator Mary Lazich requesting funding for our commission
- d. 5/28/12 Email and US mail to Representative David Craig introducing the SEWFRC, inviting him to attend our June meeting and requesting his support for funding for our commission in the 2013 – 2014 State Budget.
- e. 5/29/12 Email from Kelly Cornelius of the WWMD to Al Sikora requesting a slot in our June agenda for an ESR committee presentation requesting funds for sediment sampling.

- f. 6/7/12 Email from Representative David Craig stating that he will attend our June meeting to learn more about the SEWFRC.
- g. 6/8/12 Email from Senator Mary Lazich stating that she will work with the WDNR, the leadership in the legislature and the governor's office to help secure funding for our commission.

Miscellaneous Issues –

Jim Pindel asked the question when we are going to meet with the counties to request funding for the commission. Both Chad Sampson for Racine County and Alan Barrows for Waukesha County said they would contact their supervisors and set up appropriate meetings for Al Sikora and Jim Pindel to attend.

John Bostrom of the WWMD addressed the commission and thanked us for the support we are giving to the Phase 2 sediment sampling project.

Jim Ritchie reminded us that we have to submit a formal grant application. Jim Ritchie said he would provide the required form to Jim Pindel in the next week or so.

Randy Meier motioned to end the meeting and the motion was seconded by Chad Sampson, the motion passed unanimously.

Meeting Closed at 2:38 PM

THE NEXT OFFICIAL MEETING AND WILL BE Friday, July 27, 2012 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)