

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Katelyn Bratz standing in for Barb Holtz (Town of Mukwonago) (Vice-Chairperson)
Alan Barrows (Waukesha County)
Chad Sampson (Racine County)
Doug Koehler (City of Waukesha)
Clement Abongwa standing in for Dan Treloar (Kenosha County)
Robert Bartholomew (Town of Vernon)
Dean Falkner (Village of Mukwonago)
Francis Stadler (Village of Big Bend)
Wayne Jensen (Village of Rochester)
Jeff Lang (Town of Burlington)
Tom Slawski (SEWRPC)
Michelle Scott (Wisconsin DNR)
Jim Ritchie (Wisconsin DNR)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Ken Miller (Town of Waukesha)

Also present: Paul Kling, Don Baron, John Bostrom of the WWMD, Dave Brown of the Village of Mukwonago, Andrew Lois of the Town of Wheatland and Rachel Sabre of the WDNR.

At 1:04 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. Jim Pindel handed out copies of our implementation plan to the new members of the commission that were present including Jeff Lang, Wayne Jensen, Clement Abongwa and Katelyn Bratz.

Minutes The minutes from the June 3, 2016 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Chad Sampson. The minutes were approved unanimously.

Treasurer Reports – Jeff Lang suggested that we dispense with the detailed examination of the report and so Jim Pindel only reviewed the highlights of changes to the June treasurer's report. The final payment was made for the 2016 Summit of \$1,466.25 and the \$10,000 Racine County allocation was deposited. It was also noted that we are now down to \$111,355.99 of available grant funds. It was motioned by Francis Stadler and seconded by Dean Falkner that the treasurer's report be accepted. The motion carried unanimously.

Old Business

- a) Fox River Partnership Summit: Tom Slawski reminded everyone that the date for the next summit is March 10th 2017. Tom also said that he is always looking for

topics for the summit. Jim Pindel suggested that a speaker could cover the topic of water quality and explain different parameters and limits involved in defining water quality.

- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that since our last meeting he sent the final plan set and contract to WE Energies requesting a meeting with them to go over the final design and is now waiting for a response from them. Alan also said that he met with Ron the director of Public Works for the Village of Mukwonago who told him that the private property owner next to the WE Energies site, Alex Seifert having seen the final design is now interested in at least discussing doing his site as well. Jim Pindel asked if the project would be completed by the end of September so it could be included in ENUM-19 funding. Alan said the project is expected to take 7 days to complete, so now all we are waiting for is a go ahead from WE Energies to get it done. Apparently someone needs to apply some pressure on WE Energies so we can get this accomplished.
- c) Wood Drive Erosion Control Project – Chad Sampson said that he had some good news the project has been cleared by the Wisconsin Historical Society which had been concerned about the 2 Native American Indian sites on this property. Chad said he did not talk to the contractor this week but will contact him when he gets back to work after this weeks' vacation. Chad said he had talked to Kevin Malchine who is anxious to get the project done. Chad also said that the contractor would probably install the drainage tile first and then let the area drain down or dry out for a while before completing his work. Jim Pindel asked Chad if the next project with Kevin Malchine would be the property he has on the East side of STH 164 where there has been some erosion. Jim also suggested that maybe we approach Kevin Malchine about employing the drainage tile water level control that Graef Engineering presented to us some time ago as an incentive to get this problem resolved. Chad said that a majority of the field has been converted to a hay field or alfalfa which by itself might elevate the problem. Jim Pindel said that the drain tile water control system was probably more useful for a food crop field and told Chad that he had the information from Graef if he needed it. Chad said he had the information as well.
- 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: - Don Baron spoke for the WWMD and gave a short synopsis of the WWMD for the new commission members present. He said the WWMD was formed as a lake management district as approved by Racine County in January 2003. It only took 4 months to organize and apply for the district. Don said their district runs from the iron bridge on bridge road on the north to the Waterford dam on the south. Don brought along a large map of the district which was laid out on one of the back tables for anyone to view. Don said that they have over 1000 riparian landowners along the

waterway which is over 1200 acres in size. This waterway is one of the largest districts in southeastern Wisconsin. Don went on to say that the impoundment has been in existence for over 180 years and over that time has collected whatever silt and sediment has come down the river. The level of sediment build up has gotten to the point of making navigation and water recreation difficult. For this reason the WWMD has come to the SEWFRC on a number of occasions for funding. Don said a final complete permit application had been submitted to the WDNR, who then held a public hearing on the dredging project on June 27th which was attended by over 350 people. Don asked Michelle Scott to comment on the hearing and Michelle said that they received comments at the hearing and the comment period was held open for 10 days but now was closed. The WDNR must make a permit decision by July 20th. The questions and comments that the WDNR has been receiving have mostly been concerning the dredging depth, funding of the project and concerns by people who don't think their area of the impoundment is being dredged.

Paul Kling then took over for the WWMD and said that phase 4 of the project which took them through submittal of the dredging permit was complete and now they were moving forward with phase 5 which requires an additional permit from the WDNR. Phase 5 is primarily concerned with the disposal sites making sure that ground water is not contaminated and that the proper safe guards are in place such as possible liners at each of the 3 disposal sites. The first site is on WDNR land near the north end of the impoundment the second site is a gravel pit near the middle of the impoundment and finally there is the Super Mix site near the south end of the impoundment west of STH 83 along STH 20. The proposal from Graef for the phase 5 work comes to \$22,800 and the 90% cost share they are requesting from the commission amounts to \$20,520. Jim Pindel added that he didn't think we needed to review the project acceptance criteria because we had reviewed it initially back when we accepted phase 1 and this was just a continuation of the project. Jim Pindel motioned that we approve this project and the motion was seconded by Chad Sampson who wanted some additional discussion before we voted on it. Chad asked Paul for a further explanation of what work was being done for this additional \$20,520. Paul explained that there were two different sections within the WDNR who had to approve of this new permit. The one group includes Elaine Johnson and Michelle Scott who they have worked with throughout the permitting process and a different section of the WDNR involving Gerald Demers group. Paul referred to the proposal from Graef Engineering which stated that the services provided were the evaluation of potential impacts to groundwater due to potential leaching of minerals and organics into ground water at the 3 disposal sites. Graef would evaluate the 2 northern smaller sites first and then apply their findings to the larger Super Mix site. The evaluation would include qualitative evaluation of the soils underlying the sediment under the dewatering sites, evaluate the depth of ground water and attenuation to ground water using a soil water transport model and using screening level calculations. Estimation of initial mass of compounds subject to potential long-term leaching to surface waters and other losses including volatilization of ammonia. Also

included are a number of design alternatives to minimize the impacts on ground and surface water. Francis Stadler asked if this would be the last request for funding and Paul Kling said this should be the last request for regulatory issues. However it is likely that they will be back for additional funding for other issues such as putting together a bid package, evaluating the bids and possible some project management. Francis then asked where they get their money from for their 10% cost share and Paul said they tax their riparian owners and that the owners have already spent in excess of \$300,000 on this project. Paul also said that they have a reserve of over \$100,000 put away to help fund the dredging. Alan Barrows asking if there was anything in Graef's proposal guaranteeing the completeness of the submittal. Paul said that he discussed this point with Brian Schneider of Graef saying that we only have this one shot to get the permit approved. Paul said that he told Brian to work with Gerald Demers to make sure that everything needed is included in our submittal. Brian said that the submittal will be complete. Dean Falkner and Alan Barrows emphasized the importance of having some language in Grief's proposal guaranteeing the completeness of the submittal. They said that Graef should be held liable of any oversights or omissions in the submittal. Chad Sampson asked if there would be monitoring wells included as part of this design work. Paul said that this was to be determined as part of this study or evaluation. Chad indicated that he has been receiving complaints and hearing concerns from people near the disposal sites and Paul said that they will be held to clean water standards even more stringent than the drinking water standards. Al Sikora then asked for a vote on the motion to accept the phase 5 project and the motion passed unanimously.

- f) Schuetze Playground Storm Water Abatement: - Alan Barrows said he received an email from David Burch today and the rain garden still needs to be planted. They are anticipating that the project will be complete in a month.
- g) Graefenauer Shoreline Restoration: Alan Barrows said that the project is complete and the invoices have been sent out by the consultant involved. Alan said he still has to go there to make his certification of completion. Alan said he will do that in the next week. Jim Pindel said that at the last meeting we approved paying for 90% of the cost of the removal of 3 trees and asked what the cost would be and when it will be done. Alan said he did not have a cost and the problem is that they have just finished the planting of all the native plants and now do not want to disturb them until they are established and well rooted. So they are considering waiting until fall to cut the trees down.
- h) Nature's Classroom groundwater protection * erosion control: Katelyn Bratz. Katelyn said that EC3 should be there within the month to remove the invasive species in the next area to be cleared. Katelyn said that she and Jeff have been working on maintaining the area that they cleared last year. Katelyn said they have a lot of plants ready to be planted along the driveway once the construction is completed to allow for it.

New Business

- a) Election of Officers: Al Sikora has been fulfilling the duties of Chairman for some years now and has expressed a desire to move on from the commission however Al said that he would not leave us high and dry. So Al said he was willing to stay on as long as necessary but is looking for someone to take over his position. Barb Holtz was not present so there was no discussion regarding the Vice-Chairperson position. Jim Pindel said that the Secretary/Treasurer position was getting to be too much for him because of personal issues and would only be willing to continue in this capacity for 1 more year. Jim also said that whatever his position he would be willing to continue on with the treasurer's duties, seeing he was familiar with the funding and budgeting process. Jim explained the duties of the secretary and the treasurer and said maybe we could break them up a little bit so others could do parts of it like the meeting minutes. The commission was asked if anyone wanted to volunteer for any of the positions and no one came forward. Chad Sampson motioned that we keep the present set of commissioners, with the understanding that Al Sikora and Jim Pindel are looking for replacements, for the next year. The motion was seconded by Alan Barrows and the motion carried unanimously. Francis Stadler asked if Al Sikora would continue to maintain our website if and when he left the commission. Al said that he would continue supporting the website at no charge as long as we provide him with the data necessary to keep the website current.
- b) Decide on Meeting Location(s): Jim Pindel pointed out that we have been meeting at this location for some years now. He said it has been pointed out to him that Waterford was about exactly in the middle of the area of our jurisdiction and might be appropriate. We discussed if it would be better to move the location to the south then to the middle and then to the north with no decision being made. So it was decided that at the end of each meeting where we look for a date for the next meeting we will state we are looking for a date and location for the next meeting.
- c) Decide on a meeting Schedule: After a short discussion on whether to go to a set day of the month or just pick a date at the end of each meeting it was decided to stay the way we have been doing it and set a date at the end of each meeting.
- d) Notification of 'plan to attend' the next meeting: Jim Pindel pointed out that every month he sends out a meeting announcement in which he asks the commissioners to respond whether they will attend the meeting or not. Those who do not respond are called on the phone to make sure we have enough commissioners for quorum. Jim asked that the commissioners simply respond when they get the announcement whether they will attend or not. Dean Falkner pointed out that he and maybe other commissioners don't always open the email just read the subject line. It was decided that the subject line will be modified in the future to state "Commissioner Response requested".

- e) Any Suggestions concerning our meeting process: Tom Slawski said that he would like information about an upcoming project given to the commissioners in advance of the meeting when we vote on and approve a project. Tom felt this would help us make a more informed decision. Tom said that the present process is too rushed with hearing about a project for the first time, evaluating it and approving it in the span of a single meeting. The thought of modifying the Cost Share Agreement to require a months' notice of a presentation for funding was considered and then Al Sikora made the suggestion that we hear the presentation and review the Project Acceptance Criteria on the date of the presentation but do not vote on approval until the next month's meeting. This would give everyone a chance to think about it and make a more thoughtful decision the following month. Katelyn Bratz pointed out that when she was looking to apply for grant funds from us she was looking for a date or deadline for making the application. It was decided that we would wait until the next meeting to take a vote on approval of a project but we would have the ability to forgo this waiting period if a project was that time sensitive that it needed to get done right now or the applicant makes a reasonable case for needing the approval immediately. It was motioned by Dean Falkner and seconded by Francis Stadler that we amend the cost share agreement to state that as our norm we will listen to the project presentation and review the project acceptance criteria on the date of the presentation but not vote on approval of the project until the next month's meeting. The motion carried unanimously.
- f) Mukwonago Park Shoreline Restoration – Alan Barrows, Steve Brunner: Alan Barrows started by recapping what happened at our last meeting. He and Steve Brunner, who was not able to attend this meeting, made a presentation looking for \$88,000 funding for the Mukwonago Park which is in dire need of repair and shoreline work. Barb Holtz made a motion to fund half of the project cost but there was no second to the motion so it was tabled. Alan said that he has been in communication with the company in Madison that provides the native plant mats and they said if they receive an order before the end of July they could deliver the mats by September. The cost of the mats would be \$68,000. Alan said it is a project that needs doing and the county is willing to do the work. Jim Pindel said that his recollection was that Alan and Steve were supposed to go back and see how much they could pair down the project or limit how much of the project we would be responsible for. Jeff Lang asked how we know how many other projects are out there looking for funding. Jim Pindel said that at the start of the budgeting process he asks everyone for a list of possible projects and a rough cost estimate for them. Whatever projects come up are listed in the budget and are on our radar knowing that they are coming. The WWMD when they were in the mode of stopping the sediment from coming into their impoundment before they would start dredging the sediment out, were very good at notifying us of upcoming projects. On occasion Racine County has identified projects on the horizon. This last budget cycle no projects were identified for the upcoming year. The reality is that we find out about projects when someone comes to us to make a presentation. There doesn't seem to be any particular time of year when

- projects come in.
- g) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that he has been working with Shelley Tessmer, Andrew Craig and Tom Slawski to put together a plan. One area that is being considered is the 12-HUC area north of highway L, but Dean is not sure this is the right place to start. There has been a lot of email communication going on mostly asking how much data is required about an area before you can get started. Up until now they have been in a developmental stage and Dean hopes by our next meeting to come to us and say here is where we want to start. In discussions with Tom Steinbeck a waterworks man from downstream, they have found out about funding from the NRCS who will fund projects (at 70% of the cost) that are identified in the 9-Key elements plan such as storm water abatement and erosion control. With this federal funding and support from our commission with state funding we should be able to pay for all of the work identified in the 9-Key elements plan. Dean asked for authorization from the commission to get the details of what is necessary to get NRCS funding. Jim Pindel said that as a commissioner he has all the authority he needs to find out whatever it takes. Chad Sampson said that there is a deadline of December 10th for applying for grant funds to develop a 9-Key elements plan and that by then we need to identify a specific plan area and get a quote from SEWRPC or whomever to develop the actual plan and then apply for it. This 9-Key elements development grant is a 50% cost share and maybe we could provide the other 50% share if it is not a state funded grant.
 - h) 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 had already left the meeting and no one else could address this issue.
 - i) What is happening with the SEWFRC signs? Al Sikora said that he sent the artwork for the smaller sign to Jim Pindel for approval, which he did and forwarded it to all the commissioners. Al said he will blow the artwork up for the larger sign and get it to the printer this next week.
 - j) Resolution in opposition to the proposed Waterford Impoundment drawdown: Jim Pindel said that the WWMD has proposed a drawdown of the Waterford impoundment starting September 19th. Originally the purpose of the drawdown was said to be reduction of aquatic invasive species, however the postcard sent out by the WWMD lists the first reason for the drawdown to be sediment compaction the second reason is aquatic invasive species reduction and the third to increase the river main channel depth. The sediment situation in the impoundment is being addressed by the dredging project. The reduction in aquatic invasive species is hit or miss depending on how cold it gets during the winter and finally the deepening of the main channel will send the silt in the channel downstream to the communities below. Jim Pindel provided written copies of the resolution to the commissioners and then reviewed it pointing out

that the points made for opposing the drawdown were only those that applied to our directives, listed at the start of the resolution, to protect water quality, to protect recreational use and to increase safety. Michelle Scott said that the WDNR has not received a request for a drawdown at this time and advised us that there is a meeting scheduled for next Tuesday 7/12/16 at the WWMD to address questions and comments concerning the drawdown. Michelle also said that once a drawdown is requested from the WDNR they will have to publish notification of the drawdown to make people aware of it. Michelle also asked that the reference to the WDNR in the last paragraph be deleted. Dean Falkner pointed out that if the silt in the main channel is flushed downstream it will affect the water quality monitoring especially regarding phosphorus that is being taken downstream to establish baseline conditions. This drawdown would completely destroy their work. Chad Sampson said that he would have to abstain from voting because he was not aware of what the counties position was regarding the drawdown. Jim Pindel asked Michelle Scott if the permit that the WWMD would apply for would be a general or individual permit and Michelle said she thought it would not be a permit at all just a temporary drawdown request. Don Baron of the WWMD spoke to the commission trying to clarify the situation. Don said that the WDNR originally proposed an 18 month drawdown but they realized that this would not be acceptable to the riparian owners, so they decided on a one winter drawdown. The drawdown is being sponsored by the WWMD committee that is charged with controlling the weeds in the impoundment. The whole thing started when Craig Helker of the WDNR made a presentation at the WWMD's January meeting and the project got on a fast track and unfortunately wound up falling right at the same time as the dredging permit application was coming to a head. There has been a lot of confusion among the riparian owners because many of them are hearing about the dredging project and the drawdown project at the same time. Don said there is a real concern on the dredging committee that this confusion could cause the dredging project which has been worked on intensely since 2008 to not pass when the riparian owners vote on approving it. Paul Kling of the WWMD added that he had asked the WDNR how far up the river would be affected by the drawdown and they said they did not know. He also asked what would be the effect downstream on the river and he was told they did not know. The WWMD wrote to Jeff Thornton, who used to be the SEWRPC representative on the SEWFRC before he retired, who recommended that the WWMD put off the drawdown until the dredging project is completed mostly because the confusion it is causing might jeopardize the dredging project. Dr. Thornton also pointed out that the effectiveness of the drawdown is dependent on how cold the weather gets during the drawdown, so there is no guarantee that it will be beneficial. Jeff Thornton's response to the WWMD ended by suggesting that they wait until the dredging is completed and then evaluate whether a drawdown is in order, which Don said makes a lot of sense. Don also said that the drawdown will remove 1 million pounds of phosphorus which will help the impoundment and all the communities downstream of the impoundment. Don also pointed out that the WWMD and the SEWFRC both have a lot of money invested in the dredging project and the drawdown could jeopardize its completion. Jeff Lang said that he

could vote in favor of the resolution if the phrase “as currently proposed” was added to the end of the resolution. Jim Pindel motioned that we approve the resolution as amended and the motion was seconded by Francis Stadler. The motion carried with 9 votes in favor of the resolution, 1 vote opposed and 3 commissioners abstaining.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Tom Slawski had left the meeting and we have not heard anything from Joe Miller of the FWA.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Al Sikora said that we all must be aware of the fact that the diversion was approved. Jeff Lang said that he had heard that the diversion as approved was not in compliance with Wisconsin state law which requires the diversion to apply to Waukesha’s entire service area. Jim Ritchie said that he had heard the same thing and that the Wisconsin administrative code might have to be changed to allow for the diversion. Jim said he was not sure what was being done in that regard. Jim Ritchie said that the City of Waukesha will now have to apply for some permits from the WDNR and then go on to do the design of how they will accomplish the diversion all of which will take time.
- 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. Jim Ritchie mentioned that there was a ribbon cutting event at the Village of Waterford a little while ago. Al Sikora said it was held in conjunction with a River Rhythms night and was attended by many dignitaries. The event lasted about ½ hour.
- 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.
- h. 06/29/16 Email received from Luke Roffler the senior fisheries biologist for the WDNR covering Racine, Kenosha and Walworth counties. Luke asked to be added to the list of people that the meeting announcement is sent to, so that he can arrange to come to one of our meetings in the future. Luke wants to get to know our commission.

Miscellaneous Issues –

Jim Pindel reported that as he said at the last meeting, he attended a meeting at the WDNR which was by invitation only. Jim said that we really should not have been invited. The purpose of the meeting (hearing session) was to get feedback from people who participated in the “Surface Water Grants” program to see how the code for this program could be revised to make it easier for people to apply and make it more efficient. Jim said he attended the opening explanation by the WDNR and the first breakout session. It became apparent that those who participated in this grant program had input to offer, but we (SEWFRC) have had no experience with this program so we had nothing to offer and so he left the meeting. Jim did point out that at this meeting he found out about the success Silver Lake in Kenosha county had with a herbicide applied by Wisconsin Lakes and Ponds Services that completely eliminated the Eurasian Water Milfoil and that it would not require treating for another 3 years.

Jeff Lang motioned that the meeting be closed and Chad Sampson seconded the motion that passed unanimously.

Meeting Closed at 2:50 PM

THE NEXT OFFICIAL MEETING WILL BE Friday, August 12, 2016 at 1:00 PM. (Meeting Location: Town of Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI 53103.)