

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Shelley Tessmer (Town of Waterford)
Barb Holtz (Town of Mukwonago)
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)
Jim Ritchie standing in for 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:

Don Scott (Town of Vernon) (Vice-Chairman)
Randy Craig (Town of Vernon)
Doug Koehler (City of Waukesha)

Also present: Dick Kosut of the WWMD, and Mike Hahn of the Southeastern Wisconsin Regional Planning Commission.

At 1:02 PM, 7/22/11, Chairman Al Sikora 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 June 10, 2011 meeting were reviewed. It was motioned by Alan Barrows and seconded by Dean Falkner that the minutes be approved. The minutes were approved unanimously. Later in the meeting Jeff Thornton pointed out that on page 4 Mark Mittag was referred to as Mike several times. The minutes will be corrected accordingly.

Treasurer Reports – The Treasurer's Report for June 2011 was reviewed. In summary at this time we have \$25,229.51 in our money market account. Of the \$250,000 in the ENUM-16 grant, \$1,761.34 was not spent before the ENUM expired on 6/30/11. When the WDNR finishes paying us for completed projects and we have finished paying for these projects we will have \$30,716.03 left in our money market account. This money can be used for both grant and non-grant purposes as we go forward. Shelley Tessmer motioned to accept the treasurer's report and Francis Stadler seconded the motion. The report was approved unanimously.

Old Business

- a) **Phantom Woods Road Channel Enhancement (completed)** – Barb Holtz Barb Holtz said that she stopped at the site today to take some pictures. She went on to say that the DPW said that it would have people available after the baseball season to do weeding and planting on the site. There will have to be a decision on

- what kind of plants to plant in the area where the high water flows and tends to stay wet. Overall the project area looks good and they might look at moving around some of the biologists to help out that specific area. It was decided to keep this project on the agenda for at least another month in order to get a report after this planned work is accomplished.
- b) Vernon Wildlife Area Flowage Restoration Project (active) - Brian Glenzinski was not present but Jim Ritchie reported that he had talked to Brian and that the work we were paying for had been done during the last two weeks of June. The contractor had placed the stone that we were providing with our grant funds. Jim said that he would ask Brian for pictures that he could share with us at an upcoming meeting. Jim Pindel reported that he had signed a contract with Ducks Unlimited, who is managing this project for all concerned. There were problems with the language initially stated that we could be held liable for the entire \$5,600,000 of the project cost and later with the issue of us indemnifying DU, but DU not indemnifying us. The liability language was completely removed and a standard indemnity clause was inserted in which we both hold each other harmless.
- c) Possible boat/canoe launch on Highway ES (pending) – Alan Barrows reported that he was not able to get this work completed by the end of June. Alan had the public works folks queued up to do the work the last week of June but then a windstorm came up and the public works people had to address tree falls and clean up and so this project got bumped back. Even though the work had not been done, the land owner is agreeable with having the work done and the public works people are willing to do the work. It was motioned by Francis Stadler and seconded by Barb Holtz and approved unanimously to provide the \$600 for this erosion control project out of the non-grant funds we have available. Alan pointed out that this project has brought to the attention of many people the need for a launch site in this area. Jim Pindel reminded the commission that Jamie Soneberg had made a point of the fact that occasionally there is an emergency, like a deer hunter needing help in Vernon Marsh, and there are no local launch points for emergency boats. So there is a need for a suitable launch in this area.

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 received an email from John Roth of Kenosha County stating that they were setting up a meeting with the County Executives regarding their possible role in the Fox River Commission. He went on to say that he was on vacation this week, but would contact me after their meeting. Shelley Tessmer asked why we were not contacting the local municipalities instead of the County and Jeff Thornton explained that we wanted to make sure that the County was interested before we approached the local smaller municipalities.

Reports and Updates

- a) Update of SEWFRC Implementation Plan – Jeff Thornton said that they had made all the changes and recommendations made by the commission to the implementation plan. The plan was ready and may have already gone to print. Jeff expected to have the published report ready for our next meeting. SEWRPC was asked to post the new (final) version of the implementation plan on their website so that we can read it and confirm that all the changes and additions were properly implemented. Jeff will advise us next Monday if this is possible.
- b) Waterford Dam Restoration – Chad Sampson Chad Sampson and Dick Kosut said that there was nothing new to report the restoration was completed and it was agreed that this item can be removed from future agendas.
- c) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Thornton said that he had no report this month.
- d) SEWFRC Website – Al Sikora also had nothing to report this month.
- f) Waukesha County Farmland Preservation Plan – Barb Holtz asked Alan Barrows for the status of the resubmittal of the Plan. Alan reported that the County had addressed all the items brought up by the State and that the Plan was resubmitted this week. Alan said that there were no major changes, just some language changes and clarifications. Barb pointed out that funding for this program seemed to have been in danger and now the State has at least funded the PACE program and the sixteen farms that applied for the program. There has been a one year study of the program ordered to judge its merit. Chad Sampson asked how many acres of Waukesha County are agricultural, Alan and Barb could not answer this question but did say that the Farmland Preservation Program did not limit farmlands to a specific acreage and did make it possible to create new farmland areas.
- g) Waukesha West By-pass Plan – Jeff Thornton said that their staff has been working with the County and the WDNR because the by-pass potentially impacts SEWRPC's Peeble Creek Protection Plan. There has been a lot of discussion regarding the impact on Peeble Creek of the three alternatives. Two of the alternatives generally use existing roadways and the third would make a significant impact on Peeble Creek where it enters into the Fox River. This would be a new road with new disturbances and potential run off to high quality wetlands. Jeff said that SEWRPC was encouraging use of existing travel corridors rather than virgin land to minimize the environmental impact.
- h) Report on Meeting with Racine County Executive regarding placement of SEWFRC on the County Budget. Al Sikora and Jim Pindel met with County Executive Jim Ladwig and Julie Anderson the Director of Racine County Planning

and Development to plead our case. We made them aware of the fact that by state statute we are required to “submit the proposed budget to Racine County and Waukesha County for incorporation into each county’s budget to be subject to any review procedures that apply to a county budget”. They were friendly and receptive to our information. We reviewed our budget for 2012 and they said that they have many requests for funding and would consider us along with all the other requests. There was no indication that we would receive any funding but at least we were a known commodity and we at least knew each other. Discussing briefly the WWMD’S Eco-system Restoration Project involving dredging the Waterford impoundment they said they would contact David Mack who heads up the Hazard Mitigation Program to see if funding would be available for this project. Chad Sampson said that after our meeting he had been contacted by a number of people asking what we are doing and what projects are going on. So clearly we made ourselves known. Chad also suggested that we run another bus tour where we could invite some of the proper Racine County people to show them what we have accomplished. It was also stated that others like the new State Representative David Craig could be invited to make him aware of our work and mission.

Correspondence –

- a. 6/10/2011 Email from Jamie Soneberg requesting us to copy the Village Clerk with all of our correspondence.
- b. 6/20/2011 Email from Jim Pindel to Jim Ritchie and Brian Glenzinski advising we will pay 90% of the full costs of Vernon Wildlife Area Streambank Stabilization Project to the Friends of the Vernon Marsh.
- c. 6/20/2011 Email from Jim D’Antuono advising to copy Fred Abadi and Eric Ebersberger with copies of our resolution concerning the Waukesha wastewater distribution
- d. 6/20/2011 Email from Jeff Thornton advising to copy Kenneth Yunker with the Resolution concerning the Waukesha wastewater distribution.
- e. 6/20/2011 – 6/23/2011 Emails between Brian Glenzinski, Jim Ritchie, Jim Pindel and Ducks Unlimited to resolve wording in the contract we sign for the Vernon Marsh Flowage Restoration Project
- f. 6/24/2011 US Mail and Email to Mayor Jeff Scrima, Water Utility Commission President Dan Warren, Water Utility Commission Secretary Greg Zinda, Director of Public Works Dr. Fred Abadi, SEWRPC Executive Director Kenneth R. Yunker, Wisconsin Department of Natural Resources Eric Ebersberger of our Resolution 01 -2011 and cover letter.
- g. 6/24/2011 Email from Alan Barrows concerning when work and paperwork has to be completed for the highway ES erosion control project.
- h. 6/24/2011 Email from Michael G. Hahn of SEWRPC stating that our Resolution 01-2011 is in agreement with SEWRPC’s position on this issue. But that my statement in the cover letter saying that we are in opposition “to any change from the present discharge schedule of treated

effluent into the Fox River especially during low-flow periods” does not accurately reflect the position of the SEWRPC. Mike Hahn who was present stated that the cover letter was not consistent with the content of the resolution and asked that in any future communications we stay consistent with the SEWRPC plans. When Jim Pindel asked Mike if he noted in our last meeting minutes that Mark Mittag said that 100% of the discharge flow would be diverted to Underwood Creek everyday until the flow was greater than 115% of the inflow from Lake Michigan water, then the flow would be discharged into the Fox River. This would amount to only giving the Fox River discharge when it was detrimental to the Fox possibly causing flood conditions. Mike Hahn said that SEWRPC was preparing a recommendation statement to the WDNR as to what they would like the environmental impact statement to look like for the Fox River under low flow conditions.

- i. 6/22/2011 US Mail from Kenneth Yunker of SEWRPC appointing Jeff Thornton to the commission for the next two years.
- j. 7/20/2011 Email from Jamie Salentine the Clerk/Treasurer of the Town of Waukesha stating that she thought Supervisor Mike Laska had been appointed to our commission.
- k. 7/12/2011 Email from John Roth of Kenosha County stating that the county was considering membership in the commission and would contact Jim Pindel after meetings with the County Executives.

Miscellaneous Issues –

Jeff Thornton made the commission aware of the fact that there are public hearings regarding the environment impact statement for the Waukesha purification plant discharge diversion scheduled over the next few weeks. Jim Ritchie will email the dates and locations to Jim Pindel who will forward this information to the commissioners early next week.

Shelley Tessmer said that she needed to set up an appointment with Chad Sampson to evaluate the condition of the erosion control measures on Schmidt and Caton Island.

Jim Ritchie explained that the SEWFRC received a \$200,000 grant in the new State Budget; however the funds will not be available until July 1, 2012. This is due to the fact that the funding comes through water resources account which has been totally consumed for the first year of the budget biennium. The effect of this delay in funding is that we can not allow any project to expend funds before July 1, 2012. People can propose projects and we can accept them, but no funds can be expended before the grant is processed and signed.

A motion to adjourn the meeting was made by Shelley Tessmer and seconded by Francis Stadler, the motion carried.

Meeting Closed at 2:00 PM

NEXT OFFICIAL MEETING WILL BE Friday, August 26, 2011 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)