

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Chad Sampson (Racine County)
Francis Stadler (Village of Big Bend)
Alan Barrows (Waukesha County)
Randy Craig (Town of Vernon)
Randy Meier (Town of Waterford)
Doug Koehler (City of Waukesha)
Shelley Tessmer (Town of Waterford)
Barb Holtz (Town of Mukwonago)
Dean Falkner (Village of Mukwonago)
Jeff Thornton (SEWRPC)
Jim D'Antuono (Wisconsin DNR)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Don Scott (Town of Vernon) (Vice-Chairman)
Ron Peterson (Village of Big Bend)
Robert Bartholomew (Town of Vernon)
Mary Pindel (Town of Waterford – Alternate)
Any representative from the Town of Waukesha

Also present: Jim Ritchie of the WDNR, Dick Kosut, John Bostrom and Paul Kling of the WWMD, Pat Loew a resident of Town of Waterford and Michael Schwar a resident of the Town of Vernon.

At 1:04 PM, 7/27/12, 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 June 22, 2012 meeting were reviewed. It was motioned by Randy Craig and seconded by Francis Stadler that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for June 2012 was reviewed. In summary we started with \$29,490.64 in our money market account and made \$10.02 in interest resulting in a final amount of \$29,500.66. It was motioned by Randy Meier and seconded by Francis Stadler that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) **Mill Creek gully erosion repair project (active)** – Alan Barrows made a Power Point presentation which pictorially reviewed the entire construction phase of the project. Alan started out by pointing out that the project had been scheduled for this coming August, but since we had the drought conditions were favorable to accomplish the project earlier. The construction was

accomplished two or three weeks ago. A later slide showed that the work was accomplished between July 9th and July 20th. Alan said that the work was done by the Waukesha County DPW staff and that they used a vegetative soil bag product above the rock riprap which was a small change in the plan. One of the initial slides showed the location of Mill Creek in relationship to our area of jurisdiction and Alan pointed out that Mill Creek flows into Pebble Brook which then flows into Vernon Marsh and finally into the Fox River. Waukesha County owns a strip of land that was dedicated to them a number of years ago. It has about a 200 acre watershed of mostly agricultural land which flows down to a tributary of the Mill Creek. During the 2008 flood and storms the area next to Partridge Lane was washed out and the intent of this project was to eliminate and cover over this erosion and slowdown the runoff to eliminate new erosion. One of Alan's slides showed the water flow across this area 20 hours after a rain storm in 2010. The project amounted to applying stone up to the 100 year flow line, this turned out to be 18" diameter stone due to the high flow rates anticipated. Then vegetative soil bags were placed above the 100 year flow line. The original project was budgeted at \$30,000 with the SEWFRC providing \$20,000 or a 67% cost share amount. Alan then proceeded through the slides with showed laying of the geotextil fabric, placement of the 18+" rock on the fabric and the installation of the vegetative soil bags anchored by stakes and covered with a slurry of prairie grasses, wood fibers and some soil. It did not rain during the entire construction phase and they were able to get water from a neighbor to water the vegetative area. A slide taken a couple weeks later showed some green coming up in the vegetative area. Al Sikora asked if he could get a copy of the Power Point presentation to post some of it on our website. Shelley Tessmer asked for a clarification on the soil glue that was used to paste the slurry together with the soil bags and Alan explained that it is a commercially available substance similar to a coagulant; there are apparently several different substances available. Francis Stadler asked how long the soil bags will last and Alan explained that the bags are photo biodegradable and are expected to last at least five years by which time the plants should have taken over holding the ground together.

- b) Mukwonago River Restoration within Rainbow Springs – Jim D'Antuono indicated that Benjamin Heussner was on vacation and had not given him a report. Alan Barrows said that Ben had provided him with some erosion control material but that he had not had time to review it yet.
- c) Fox River Partnership Summit – Jeff Thornton said they had nothing new to report. They are still expected to hold the Summit in January or February of 2013.
- d) Ecosystem Restoration Project (Sediment Sampling) – WWMD John Bostrom of the WWMD reported that the sediment sampling had gotten off to a good start and it is expected that the sampling should be completed next week. Once all the samples are taken they will then be sent out for analysis. Then a

report will be assembled and submitted to the WDNR. When Shelly Tessmer questioned the number of samples taken, John explained that 15 samples were taken in the first phase of sampling and an additional 41 samples are required by this phase for a total of 56 samples.

New Business

- a) Consideration of expanding the Commission's jurisdiction south to the Illinois border Al Sikora said that we need some volunteers to make contacts with the people in the new municipalities we want to consider joining us. Al thought that we should start with Rochester and move south from there. Chad Sampson suggested that we contact John Shotner in Rochester. Chad volunteered to contact John Shotner and see what would be the best way to proceed. Al asked Jeff Thornton what we would do if a municipality refused to participate in the commission and Jeff said we could just simply pass them up and get whoever was interested. Jeff also said that he has heard through the grapevine that some of the downstream municipalities are now interested in our commission. John Bostrom of the WWMD pointed out that at their meeting last night a Water Guard Deputy Conservation Warden named Karen Stoll addressed their district and had just completed a series of presentations to municipalities and or groups along the Fox River starting at Burlington and going south to the Illinois border. She apparently experienced cooperation from the five game wardens along the way and the municipalities involved possibly indicating that they may be open to cooperation with our commission as well.

- b) Sunday July 1, 2012 Milwaukee Journal Sentinel article "Clock is ticking for talks on water" indicates only point of contention regarding City of Waukesha getting Lake Michigan water is whether to include the City of Pewaukee and towns of Delafield, Genesee and Waukesha. Should we advise the Milwaukee Journal Sentinel of the dire consequences to the Fox River if water is diverted away from the Fox River except during flood conditions? Jim Pindel stated that he put this item on the agenda and referred to the 7/1/12 article in the Milwaukee Sentinel stating that the only point of contention regarding diversion of water back to Lake Michigan instead of to the Fox River was whether the water would be used for the City of Waukesha only or include the other four municipalities listed above. He then pointed out another Milwaukee Journal Sentinel article dated 7./20/12 which said that the deal was off because the WDNR could not approve this pact unless it included not just the City but also the other four municipalities involved. He also stated that the CBS evening news on 7/25/12 reported that someone on the Milwaukee common council proposed two applications, one for just the City and another for the other four municipalities. Jim advised the commission that the City of Waukesha proposed supplying 110% return water to Lake Michigan and not providing any discharge to the Fox River except in heavy storm or flood conditions, then they would discharge unwanted water into the Fox River to minimize flooding and damage in the creek they would normally discharge into which eventually drains into Lake Michigan. Jim was questioning whether we

had to do something now, an editorial or some action with the news media to make them aware of the fact that the City of Waukesha's request gravely affects the Fox River. Jeff Thornton pointed out that the commission's implementation plan actually quotes language out of the regional water supply plan that documents a potential impact on the Fox River, particularly under drought conditions as we are presently experiencing. The flow from the purification plant discharge at the Waukesha down stream flow gauge during current conditions could amount to 90% of the flow. Presently the City is drawing water from both the deep and shallow aquifers and diversion of the water from the shallow aquifers is an issue of concern. Jim Pindel asked Jim D'Antuono for any input he could provide and Jim D'Antuono said that he is not directly involved. He went on to say that Milwaukee is concerned with urban sprawl and including them in this expansion would open the floodgates to more development in these areas. He pointed out that the Waukesha plant discharges 10,000,000 gallons per day and that there is additional discharge from Sussex and Brookfield also contributing to the flow in the river. Also there all the streams and ground water that adds to the system. Jim made a point of the fact that there was a Fox River before all the treatment plants existed. Jim said it was misleading to say that the decision on City only or all four additional municipalities was the final decision point, all the Great Lakes States and two Canadian provinces must pass on the plan before it can go forward. He did go on to say that it was appropriate for the commission to go on record to say that we have a legitimate concern that losing 10,000,000 gallons of flow per day would have an adverse impact on the river especially on exceptionally dry conditions as we are experiencing. Francis Stadler asked how many treatment plants discharge into the river and Jim D'Antuono said that the Waukesha, Sussex, Brookfield and Mukwonago treatment plant discharge above the Waterford impoundment. Jim Pindel pointed out that our implementation plan states that there are 10 public and 4 private treatment plants above the New Munster flow gauge in Kenosha County. He also reminded the commission that at our last meeting he reported that he received a report from the Illinois DNR that the normal flow from Wisconsin into their Fox Waterway was 800 cubic feet per second and this year it was down to 200 cubic feet per second. At this point Jim Pindel asked if the commission felt there was anything we should do right now to address this situation. Jeff Thornton asked where is the Environmental Assessment (EA) concerning this diversion of waters. Jim D'Antuono said he has not heard that it was published so it must still be in process. After some discussion it was decided that it would be best if we waited for the Environmental Impact Statement (EIS) were this commission would have the ability to testify concerning the impact on the Fox River. Jim D'Antuono said that he could find out about the status of the EIS and report to us at our next meeting. When Barb Holtz asked about the recharging of the deep aquifer if the City stops pumping its water from there, Jim D'Antuono pointed out that the engineering firm hired by the City claims that when the deep aquifer refills it will drain back into Lake Michigan, so they are not diverting water from the Great Lakes. Jim D'Antuono ended by saying he will not only check on the status of the EIS but ask the person in charge what would be the appropriate steps to be taken by our commission

regarding this issue. Jim Pindel asked Jeff Thornton if there were any means of removing the radon from the water instead of diluting it or replacing it with Lake Michigan water. Jeff did say there were chemical means of removing the radon and Dean Falkner pointed out that a water softener does the job but it is not an approved method of radon level compliance.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Thornton said that he had no update from the FWA at this time.
- b) SEWFRC Website – Al Sikora said that he had no updates on the website at this time, except that he asked Alan Barrows to get him a copy of the Power Point presentation he made earlier so he can update out website. Alan advised that he will update the website regarding the location of our projects on the map of our jurisdiction.

Correspondence –

- a. 6/26/12 Emails from Jim Pindel to Randal Craig, Dean Falkner, Doug Koehler, Barb Holtz, Don Scott and Francis Stadler asking for updates on their Letters of Appointment.
- b. 6/29/12 Email with attachment of Town of Vernon Board meeting of 4/19/12 reappointing Don Scott to the commission for 3 years.
- c. 7/1/12 Email from John Bostrom of WWMD thanking us for committing the 90% cost share to the Eco System Restoration (sediment sampling) project.
- d. 7/6/12 Email from Jim Pindel to Jim Ritchie of WDNR asking about the status of our new ENUM. Jim Ritchie replied the same day saying he has processed the application and we are now waiting on Madison to take action.
- e. 7/9/12 Email from Bobbi Woppert Clerk of the Village of Big Bend stating that Francis Stadler and Ron Peterson were reappointed to the commission.

Miscellaneous Issues –

Jim D'Antuono made us aware of the fact that the WDNR had been involved in work on the Rochester dam just south of our area of jurisdiction. They had installed a cutoff wall and the repairs are completed. So now the dam is slowly refilling probably at about 60% full right now.

Jim Pindel then asked Jim D'Antuono about the fact that at a previous meeting it was stated that there is an USGS flow gauge at the Rochester dam and we were wondering why there wasn't a gauge at the Waterford dam. Jim D'Antuono pointed out that there is a cost share arrangement regarding these gauges. Jeff Thornton said that the SEWRPC would cooperate in helping to write grant applications for assistance in the cost share, but that the Regional Planning Commission does not provide funds. Jeff thought that the

USGS would cost share 50% of the cost bringing the cost to us to about \$10,000 to \$12,000 for the device and installation and \$6000 annually for maintenance.

Jim Pindel said that the Mukwonago Streambank restoration project on the WE Energies property came up at the last meeting and asked Dean Falkner and Jim D'Antuono who had both indicated that they would look into this issue, if they had any feedback. Dean said that he was still having trouble finding out who exactly to contact regarding this issue within WE Energies. It appears Dean is getting the run around. Jim D'Antuono said that he contacted someone who would be able to give him the name of the proper person to contact, but he has not heard from him thus far. Both Jim and Dean will follow up on their leads. Jim D'Antuono suggested that we invite the person in authority for this project from WE Energies to one of our meetings so we can hash things out. This project will be added to the agenda for next meeting.

Francis Stadler pointed out that per our implementation plan the term for a commissioner from Big Bend is two years, which coincides with the election of board members.

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

Meeting Closed at 1:55 PM

THE NEXT OFFICIAL MEETING AND WILL BE Friday, August 17, 2012 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)