

Commission members present:

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

Commission members absent:

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

Also present: John Bostrom, Gary Bluemel of the WWMD, Jim Slawny Chairman of the Town of Vernon and Laurie Longtine resident of the City of Waukesha.

At 1:06 PM, 8/2/2013, Jim Pindel acting a Chairman called the SEWFRC meeting to order.

The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the June 21, 2013 meeting were reviewed. It was motioned by Alan Barrows and seconded by Francis Stadler that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for June 2013 was reviewed. In summary we started with \$87,536.59 in our money market account. We made payments of \$84.86 for Office Supplies that accrued over the last few years, \$49.56 for business cards for Al Sikora and Jim Pindel and paid \$275.68 to the Waukesha Freeman for our Public Hearing announcement and Budget publication and made \$14.34 in interest resulting in a final amount of \$87,140.83. Jim Pindel pointed out that he has not signed the contract with Graef Engineering because unless we receive funding in the Wisconsin State 2013-2014 budget we do not have the money to pay for the project. Jim went on to read from page 502 of the state budget that the WDNR is directed to provide a grant of \$200,000 to the SEWFRC from the recreational boating aids grant program. This would bring the total amount provided by the state to \$1,475,000 since our creation. Jim D'Antuono added that Jim Ritchie has to wait for the Administration department to advise him that an ENUM can be issued to us. So at this point we will not make any financial

commitments for grant funds until we get formal notification from Jim Ritchie. It was motioned by Francis Stadler and seconded by Randy Meier that the Treasurers Reports be approved. The report was approved unanimously. At this time Chad Sampson asked if we had sent letters of appreciation to the legislators involved and Jim Pindel stated that this would serve as a reminder to send such letters when we get formal notification.

Old Business

- a) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner was not present and Jim Pindel stated that he had received an email from Benjamin saying that he could not attend our meeting. Benjamin also stated that conditions at the site have been too wet to start construction and so they were waiting for a dry spell. Barb Holtz reported that she attended a paddle (a meeting) at the site. She took pictures of the site showing the high water conditions and passed the photos around for the commission to view.
- b) Fox River Partnership Summit – Tom Slawski started by saying that everyone should reserve the date for the next Summit which will be held on Friday 3/21/14. The organizing committee met in early July and decided to stay with the Friday venue. They are working through the program and Tom said he had a concern about our ability to use grant funds for a Summit that was held out of state in Illinois. Tom said that he was aware of the fact that Jim Pindel had contacted Jim Ritchie to see if grant funds could be used. Jim also said that if grant funds could not be used the commission could decide to use non-grant funds for the Summit. Tom said that they are looking for a location in Illinois and have thought about renting a bus to take the Wisconsin contingent down to the summit. Jim Pindel suggested that it would be great if the summit was held close to the Fox Waterway Agency (FWA) because all of us north of their location would be interested in how they harvest our topsoil and formed lakes and islands from it. Also the people south of their location would be interested in seeing how much silt they are recovering before it gets down to them.
- c) Ecosystem Restoration Project (ESR) -Sediment Sampling: –WWMD John Bostrom started by again thanking the FRC for the support we have provided toward their dredging effort. John said that they have submitted their grant payment request forms for the phase 2 sediment sampling. The sediment sampling report has been issued to the WDNR and now they are working on phase 3 of the project which amounts to the chapter 30 dredging permit and other permits required. The WWMD signed a contract with Graef Engineering for this work last week. It is anticipated that phase 3 should be completed by the end of November. John said that there was a overrun of the budget because there were three ‘hot spots’ identified in the initial testing which required additional samples to be taken at the three locations at additional expense. The 90% contribution requested from the FRC would be less than \$2000, but John did not have the exact figure available. John stated that the additional samples indicated that all three

'hot spots' were clean and no special handling of the slit would be required. Jim Pindel said that he had scanned the documentation provided for the phase 2 sediment sampling and forwarded it to Jim Ritchie who reviewed it and said it was acceptable, so the FRC will issue a check to the WWMD for the \$59,040 soon. Jim then pointed out to all present that when we pay this \$59,040 we will have used up the entire cash advance we received against ENUM-18. So now we can issue a check immediately but from now on we will have to wait to receive a check from the \$100,000 that the WNDR is holding for us, so the repayment process will take a bit longer. John pointed out that he provided charts and maps which were spread out over some tables at the head of the room for our viewing and information. At this point Shelley Tessmer motioned that we provide 90% of the cost of the additional testing and Randy Meier seconded the motion. The motion passed unanimously.

d) Shoreline erosion mapping and stabilization planning with invasive species mapping – Graef Engineering. Jim Pindel stated that he had already said that he did not sign the contract with Graef Engineering because of not being sure of our state funding but will sign the contract as soon as we are sure we can afford it.

e) Waterford Impoundment Public Outreach and Education Project – WWMD Jim Pindel stated that at the last FRC meeting Don Barron made a report saying that the Outreach was very successful and right now we are just waiting for the payment request forms from the WWMD. John Bostrom said that they are still waiting for invoices from Graef Engineering and as soon as that happens they will provide the forms to close out the project. Jim said he will drop this project off the agenda but it will continue to show up in the treasurer's report.

f) Big Bend boat/canoe launch retaining wall – Francis Stadler said that he inquired about the construction time but did not get an answer but he still thinks it is intended to be completed this summer. Probably the recent rain has slowed down the start of the project. Shelley Tessmer asked if the project went out for bid and Francis said that it didn't have to. Jim Pindel made the clarification that in our Implementation plan it states that if the local municipality requires bidding then the project must follow those bidding requirements. Francis said that the contract was below the bidding level of the village.

New Business

a) Wood Drive Erosion Control Project – Chad Sampson Chad said that this project evolved from a complaint from a land owner saying that a farmer had a lot of water coming off his property washing out their private driveway. The owner thought that the farmer should fix the driveway and remedy the problem. Chad's PowerPoint presentation included an aerial view of the properties involved focused down close enough to show the terrain and location of the driveway and farmer's house and barns. The problem occurs when the large volume of water from the watershed

surrounding this area comes down and is concentrated against this private road which acts as a dam with only one culvert. Apparently the problems isn't cause by high velocity waters coming off fast slopes but just the large volume of water that has to be accommodated by this single culvert under the road. The water gathers silt through the farm field and deposits it after the culvert into a wooded wetland area and eventually into the Fox River. Alan Barrows asked how big the watershed was that drained off into this farm field and Chad estimated that it was anywhere from 80 to 120 acres. Chad also pointed out that additional water flows into this area from a retention pond off of a nearby subdivision. Chad said that they are proposing a grass swale, possibly repairing some drain tiles and rebuilding the road with additional appropriately sized culverts. Chad showed pictures of the situation from his first visit to the site on April 19th, the pictures showed large volumes of standing/slowly running water. Chad also showed some pictures from a later date when the water had receded showing silt build up and the fact that the culvert was pretty well buried. It could also be seen that the stone from the driveway had washed out from the flow of water during heavy rain conditions. It could also be seen that the farmer could not plant this area which was only dirt and weeds. Chad proposes that the grass swale be 15 to 30 feet wide and the road being raised up with earth fill to get it up above the water levels encountered. Also more and larger culverts will have to be added to accommodate the volume of water. They are considering stone or rock riprap and the entrance and exit of the culverts to stabilize it. At this point Chad's staff estimates the project to cost about \$10,000 with \$5000 coming from the SEWFRC, \$2000 - \$3000 coming from the county and the rest coming from the 5 or 6 property owners who utilize this driveway. The farmer does not want to participate by paying or losing any of his farmland. Chad said that they are working with the farmer because he cannot farm the land anyway right now and eventually he may be able to harvest hay from the grass swale. Chad showed some pictures of a similar road/driveway project they accomplished some years ago to show what this road might look like when the project is completed. The pictures showed the site just after construction was completed and late when the grass and vegetation had a chance to grow up. Shelley asked what the function of the grass would be and Chad said that it would hold the soil in place not letting it go off in suspension in the water. Bob Bartholomew asked if we had any history of the farm field and Chad said that the field rotates back and forth between corn and soybeans which is pretty erosive with no hay in the rotation. Chad also said another concern is that the property has already mapped been out with roads for a future subdivision. The farmer also said that this was the second year in the last 5 or 6 years that he could not plant this area of his field. Bob also pointed out that there might be some cost sharing with the federal government, but Chad said the farmer was not interested because he was not interested in the long term rental program. John Bostrom of the WWMD said that the

district has worked all around this location to mitigate erosion and so if Chad could share the information with him the WWMD might be able to share in the costs involved. Tom Slawski asked if this was a navigable stream because if it was the culverts would need to accommodate turtles and other amphibians. Dean Falkner asked if anything could be done to slowdown the velocity of the water coming down into this area and Chad pointed out that the problem had to do with the sheer volume of water not velocity. When asked Chad said it was about a 1% grade. Further the farmer had no interest in ponding or holding back any of the water. Shelley Tessmer asked what kind of grass they would plant and Chad said probably normal lawn grass or whatever the framer wanted to hay off. Francis Stadler motioned to cost share \$5000 contingent on our having the funding available and Shelley Tessmer seconded the motion. The motion passed unanimously.

- b) Consideration of expanding the Commission's jurisdiction south to the Illinois border Jim Pindel started by reminding the commission that at our last meeting he had proposed having Tom Slawski head up this effort. The reason being that Tom is not only a SEWFRC commissioner but is also the President of the Southeastern Fox River Partnership. Our area of jurisdiction is limited to the participating municipalities in Waukesha and Racine counties, whereas the Partnerships jurisdiction covers the entire Fox River. Tom would then be supporting both organizations at the same time. It requires a team effort to approach these new municipalities. In the past Jeff Thornton made the presentations but now either Tom or Jim could make the presentations, but it would be Tom's job to organize and coordinate the meetings. Tom said that he agreed and it made a lot of sense for him to take on this role. Dean Falkner asked if we had or would contact all the state legislators involved in these new communities. Jim Pindel stated that late last summer or early fall he emailed all the appropriate legislators telling them who we are and why we want to include communities including their constituents. Jim went on to say that he has a concern about how we operate once we go on to expand down to the Illinois border. Right now we have 16 commissioners, but once we expand that number will be greatly increased. Do we have large (harder to handle) commission meetings or do we have a north and a south contingent that meet independently. We need to take some time to figure out how to organize and control this larger entity. Also with our larger area of participation, where do we hold the meetings to minimize travel time? Jim pointed out to Tom Slawski that we need to have a meeting or at least a conversation with Al Sikora to find out who he has been contacting and where we stand right now with the Town and City of Burlington. Shelley Tessmer suggested that maybe the new municipalities have membership in the commission but not necessarily having a commissioner on the board. Jim Pindel stated that the state statute that defines who we are and how we operated specified how many

commissioners from each participating municipality. It would seem that if a municipality belonged to the commission it would have a representative to watch over the wellbeing of their municipality and try to get a reasonable portion of our funding for their community. Jim also pointed out that some of our member municipalities like the Towns of Waterford and Vernon have three commissioners and maybe this could be cut back to two each. Randy Meier asked if we would get more funding if we had a larger area of jurisdiction and we all agreed that this would make sense but we would have to get the legislators from the new areas involved to appropriate larger grants. In any case the state statute that defines us and our operation will need changing and legislative action.

- c) Possible request for grant funds for Mukwonago shoreline restoration:
Both Dean Falkner and Alan Barrows were present. Alan Barrows passed a packet of information around to all the commissioners to review. The first sheet listed an eleven point suggested project development sequence. The first two steps identifying a project manager and revising the restoration plan have been completed. A brief overview of the project is that it covers about a 400 foot stretch from lower Phantom Lake to the Village of Mukwonago dam. It covers the inside curve of the river and due to the impoundment there it is rather slow moving. The area of concern is broken up into three different owners and four or five different unique sections. There is a 100' section that WE Energies is not interested in restoring; there is another 100' section with power poles that are in jeopardy that they will take care of restoring, there is a section owned by a private property owner and a final section of about 35' of county highway right of way. The Monday after our last commission meeting there was a meeting at the site attended by Alan Barrows, Dean Falkner, Barb Holtz and Jim D'Antuono representing our commission as well as people from WE Energies. At this meeting WE Energies committed to restoring the 100' section with the power poles they also committed to having someone represent them in the process of pulling permits and coordinating their involvement. When Alan returned to his office he talked to management and they identified Jim Rose as the project manager. Referring back to Alan's suggested project development sequence the third through fifth steps obtaining three bids, determining cost share percentages, applying for cost share funding from our commission, preparing a 10 year maintenance agreement and obtaining all necessary permits has to be done concurrently within the next two weeks in order to get the project done this year. There is a 30 days public notice required for WDNR permitting and an additional 30 days public notice for plan review which is why the steps 3 through 5 must be completed in the next two weeks to do the actual construction work in mid-October. At this time WE Energies has granted Alan two weeks access to the property to go in and survey. We will have to go through the permission process again to do the actual construction. Alan also has to meet with Alex Seifert the private owner,

Alan said that Dean Falkner has engaged Alex and he seems to be onboard with the project. Alan said that the working agreement for this project will look a lot like the one shown in figure B3 of the appendix to our implementation plan. It will breakdown the roles and responsibilities of all the participants. Another change that came from the meeting with WE Energies is that because they have so many overhead power lines they do not want to have any trees, so the design will have to be revised to eliminate the trees and substitute bushes. The present design had biologs (coconut logs) backed up with soil bags. So the design will be revised to remove the soil bags and instead provide a 3:1 slope with erosion matting. In discussion between Alan Barrows and Dean Falkner it was decided that we needed a written agreement with Alex Seifert before we commence with the project. Dean volunteered to get this done. The goose manure problem will be addressed with a three string fence to stop them and eventually the bushes will make it a less desirable location because there will be more cover for predators making the geese more uncomfortable.

- d) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim D'Antuono said he had no news regarding this subject. Jim Pindel said that he had seen on the news that the City was nearing completion of the application and believed that they were now on a fast track to complete their approval. Laurie Longtine of the Waukesha County Environmental Action League addressed the commission say that their organization was greatly involved in the generation of the Great Lakes Compact and its implementation plan. They are also part of a coalition of environmental and conservation groups. The coalition had written a letter to the WDNR asking for an additional set of hearings since this application has changed dramatically from the original concept. Since the original application in 2010 they have changed the water supplier and water route as well as the discharge supplier and route. These changes have caused cost and environmental changes which the public has not been made aware of. Their fear is that now that some form of application is completed and they are on a fast track, as soon as the application is turned over to the WDNR for review the clock starts on the 90 period for the WDNR to complete its review and assessment. What they got out of their effort as a commitment from the City of Waukesha for three public information meetings. Laurie will advise Jim Pindel of the times and locations and he will forward this information to the rest of the commission. Laurie is looking for the support of our commission to oppose the diversion of Lake Michigan water to the City of Waukesha. The WDNR has also said that they will take two weeks after they get the application from the City before the 90 day clock starts ticking. Laurie also mentioned that the Waukesha Freeman had interviewed Katy Steep of the WDNR who said that the WDNR's role is not to stop things but to permit them and she was worried that this was a directive to pass on the application. The coalition has asked for a clarification of her remarks.

Kathy also said that they felt that the other member states in the compact would probably expect Wisconsin to do a very thorough job of reviewing the application and would not expend the same amount of energy that they expected Wisconsin to do.

- e) Consideration of purchasing a Three Panel Backboard for table top display purposes: Alan Barrows Jim Pindel started out by stating that we have borrowed the three panel back drop from Alan Barrows belonging to Waukesha county on two occasions and in discussion with Alan he suggested that we buy our own. When asked about the cost, Alan said that the one Waukesha County owns cost about \$300 and that looking on line he saw that they varied from \$100 to \$300. Francis Stadler motioned that we purchase a backdrop limited to \$300 and the motion was seconded by Randy Meier. The motion passed unanimously. Alan said that he requested in to the company that supplied the panels for Waukesha County and will bring that information to our next meeting.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker was not present and Tom Slawski said he had nothing to report.
- b) SEWFRC Website – Al Sikora was not present, but it was suggested that Barb Holtz provide the present condition photos she passed around to Al so they eventually could be incorporated into the website coverage of this project.
- c) Highway 164 Construction update: - WWMD Don Baron was not present, so no report was made.

Correspondence –

- a. 6/27/13 Email from Highway 164 project manager to WWMD about field stone versus limestone for lined channels to slow down runoff into Tichigan Lake
- b. 7/02/13 Email from Laurie Longtine requesting that the City of Waukesha submit a revised and comprehensive application for the use of Lake Michigan water.
- c. 7/03/13 Emails between Dean Falkner and Alan Barrows after the meeting with WDNR and WE Energies
- d. 7/11/13 Email with site map of WE Energies project from Alan Barrows
- e. 7/11/13 Email from Alan Barrows to WE Energies outlining questions and concerns.
- f. 7/11/13 Email from Tom Slawski forwarded to Jim Ritchie asking if we can fund 2014 Fox River Summit if it is held in Illinois
- g. 6/12/13 US Mail from Kenneth Yunker appointing Tom Slawski to our commission

- h. 7/22/13 Email from Benjamin Heussner giving project update for the Rainbow springs culvert removal project
- i. 7/21/13 Email from Laurie Longtine stating that the Town Chairman would not appoint her to the commission.
- j. 7/23/13 Email from Jim Pindel to Paul Kling of the WWMD stating that the SEWFRC and WWMD could jointly do a project on Town of Waterford property without their financial assistance.

Miscellaneous Issues –

Shelley Tessmer and Chad Sampson pointed out that the Schmidt and Caton island project was not on the agenda and they had recently made an inspection of the site. So we will include this project under Old Business on next month's agenda.

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

Meeting Closed at 2:37 PM

THE NEXT OFFICIAL MEETING WILL BE Friday, September 13, 2013 at 1:00 PM. (Meeting Location: Town of Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI 53103.)