

Commission members present:

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

Commission members absent:

Wayne Jensen (Village of Rochester)
Ken Miller (Town of Waukesha)
Commissioners from the City of Burlington, Town of Salem, Village of Silver Lake.

Also present: Don Baron of the WWMD, Dave Brown of the Village of Mukwonago, John Soneberg of the Village of Big Bend and Luke Roffler of the WDNR.

At 1:06 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 passed around a draft copy of the new contact listing for the commission asking everyone to review it and make the necessary additions or corrections.

Minutes The minutes from the July 8, 2016 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Doug Koehler. The minutes were approved unanimously.

Treasurer Reports – Jim Pindel only reviewed the highlights of changes in the July treasurer's report. We received \$29.92 in interest bringing our Money Market account to a balance of \$176,140.37. There were no withdrawals. It was also noted that we are now down to \$90,835.99 of available grant funds. Jim also pointed out that the color coding in the left most column has some significance. Yellow means that it is data that must be entered. Green means that the number in this row is calculated by Excel. It was motioned by Jeff Lang 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 said there is nothing new to report. Tom also said that he is always looking for topics for the summit and things are just moving along.
- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that there was some progress this last week. He received a working agreement and a letter of permission from WE Energies to go onto their land until the end of the year. They will have to review the letter of permission among Waukesha County and the Village of Mukwonago. Alan also said that he received formal comment of the final design that he submitted to WE Energies. There were about 6 or 8 items that were not major and he will address them. The response to the comments will become part of the working agreement. Jim Pindel asked what are the chances of getting this project completed by the end of September when ENUM-19 runs out. Alan said he had no idea when it will be completed. After the meeting Jim Pindel gave a paper copy of a spreadsheet to Alan which showed that we must expend at least \$11,966.04 before the end of September to close out ENUM-19. Dean Falkner suggested that we use the person who sent us the letter of permission as our contact to keep things on track. Alan said that he approached WE Energies to be the sponsor of the project with us making direct payments to the contractors and they declined. So now it is up to Waukesha County and the Village of Mukwonago to work this out. It appeared that the Village would have to be the sponsor and the county will be the project manager. Our commission will pay the contractor Applied Ecological Systems directly.
- c) Wood Drive Erosion Control Project – Chad Sampson said that he did not have much to report at this time. He did contact both landowners and the contractor during this last month notifying them of the September 30 deadline to get the work done.
- d) Malchine Farm field Erosion Control – This project report was made in conjunction with the previous report in (c) above.
- e) Waterford Impoundment ESR Project Dredging Permit: - Don Baron spoke for the WWMD saying that they did get the dredging and wetland permits and now are working on the management (NR 135) and dewatering site permits. The WWMD held two informational meetings yesterday at the Waterford Town Hall, which were well attended. He said a major component of the meetings was to let the riparian owners know about and participate in a survey being conducted for the WWMD by UW-Whitewater. This survey will take the place of a straw vote that had been considered. It was felt that they could obtain more information about what the riparian owners want from the survey than from a straw vote. The results of the survey will help them decide whether to continue forward or not. Don said that majority of the people attending the meetings were in favor of dredging and of course there were also some opposed. Before the meeting Jim Pindel pointed out that we still need the “proof of payment numbers” for each invoice involved in the dredging permit application project that was recently

completed. Don said he would get this information to Jim Pindel.

- f) Schuetze Playground Storm Water Abatement: - Doug Koehler said that he had talked to the City Parks Department and they said they were trying to get the job completed by September 1st.
- g) Graefenauer Shoreline Restoration: Alan Barrows said that the project is complete and he is waiting for a corrected copy of the invoice from the contractor. He provided a Contracting and Planting Certification document to Jim Pindel and then said that once he has the corrected invoice and the proof of payment by Mr. Graefenauer that he paid his 10%, then we can send a check to the contractor to complete the project. We agreed that the tree cutting addition to this project would be treated as a completely separate project most likely under ENUM-20.
- h) Nature's Classroom groundwater protection - erosion control: Katelyn Bratz. Katelyn was not present. Barb Holtz said that she received an email from Katelyn that said that they have received the plants for the rain garden and were preparing to do the planting. She also said that the forestry mowing had been postponed because of the very dry conditions that might compromise the oak trees. Overall the project is still holding to its timeline.

New Business

- a) Modification of the "Applying for a Project" tab on our website: Jim Pindel stated that at our last meeting we decided to modify the "Cost Share Agreement" to say that we would vote on accepting a project at the next meeting after the presentation of the project is given. The idea here is to let everyone have a chance to think about the merits and possible consequences of a project before we vote on it. Barb Holtz asked if there was the possibility of voting on a project on the same day as the presentation for any reason. Jim Pindel said that at the previous meeting he said that if there were extenuating circumstances, such as it was time critical to start the project immediately possibly because of the time of the year, we could vote on the same day as the presentation. Barb Holtz also said that for the Town of Mukwonago, the information for a project has to be submitted two weeks before their board meeting so they can review the information in advance. After some discussion it was also decided to ask presenters to send an electronic version of their presentation to the Secretary which he will distribute to the commissioners so that they can think about the project before the presentation. This was another step toward our being more thoughtful and responsible with the grant funds we are entrusted with. Jim Pindel also said that he has slightly modified the Cost Share Agreement to add a space for the signers of the agreement to print their names. In the past we have found that we cannot identify a person from their signature. Barb Holtz asked if there

was somewhere that we could go to find all the documentation on a project. At this time all this information is kept in a paper project folder by Jim Pindel. The discussion then turned to the possibility of creating a repository on our website which would be a folder that only the commissioners could access with a special password. No discussion was made in this regard, but we should consider it again in the future. Jim Pindel mentioned that he has a large amount of documentation, some of which is on zip drives and audio cassettes and asked how long he has to hold onto them. Jim Ritchie said that he thought that grant documentation had to be kept for 20 years. This might be a good reason for developing a repository on our website.

- b) Mukwonago Park Shoreline Restoration – Alan Barrows, Steve Brunner: Alan Barrows said that the deadline for ordering the native plant sod mats has passed. He has not received a reduced request from their Parks Division so they would still be looking for the \$88,000 figure for the project. Jim Pindel pointed out that this dollar amount puts us in a rather tight situation. We only have about \$90,000 available in non-dedicated grant funds and this one project would take up almost all of it. Jim then asked all the commissioners present if they had any projects in mind that we need to consider for sharing in the \$90,000 we have left. No one had any projects in mind except Chad Sampson, who said that he had a couple projects in mind but didn't get all the facts and figures ready on time to present them to the commission today. With that being said Chad will have to send a synopsis of the projects or his presentation to Jim Pindel at least one week before our next meeting. At that meeting we can consider how to divvy up our remaining funds between Waukesha and Racine counties. Alan Barrows finished up by saying that the \$65,000 needed to purchase the native plant vegetative mats would be a good way to support the project and get it done before the June 30th deadline for ENUM-20.
- c) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that there is a location that would make sense as a starting area for a 9-key plan. It is an area where Mukwonago is taking data on the Fox River. Dean said that he has talked to Andrew Craig of the WDNR and Andrew said that they would prefer a couple of years of data to establish a baseline on an area before we go ahead and develop a 9-key plan for it. Dean said he is planning on doing the work to apply for 9-key plan development grant which needs to be applied for by the beginning of December. This is an EPA grant program. Dean said the cost for this plan development was estimated by Andrew Craig at about \$40,000. Dean said that the WWMD was interested in helping to support this development. Considering that the presently targeted area is not within the WWMD's area of jurisdiction, Dean thought that maybe the WWMD would consider paying in proportion to the length of river in the WWMD's area of jurisdiction to the length of the Fox River that will be covered by the 9-key plan. Dean said the plan right now is to submit the applications and if it turns out that we can do the work we are trying to get done without the 9-key plans then we haven't really spent any money, just time. Dean said that there are a lot of places

along the river that need remediation, so getting the 9-key plan would open the door for getting federal 319 funds to help pay for the projects. Dean said that the prioritized list of projects listed in the Graef survey we had done would all be included in the plan and the two highest priority projects would be his starting point. He pointed out that just finding and getting the cooperation of the landowners would be a job in itself. Dean said there is a federal grant program for NRCS that could provide funds to get these projects done. Both the 319 and NRCS grant programs provide for a 50% cost share and so others, possibly our commission, would have to come up with the other 50%. Dean said that at the end of the day the biggest obstacle will be getting the cooperation of the landowners. Dean also said that the NRCS would be willing to look at our projects on their own merit without our having a 9-key plan in place. Don Baron of the WWMD said that Shelley Tessmer comes to their meetings and make verbal reports which are not necessarily understood by everyone on the board. Don asked if they could get some written documentation on what is happening and what is needed. Jim Pindel pointed out that he received an email from Dean which did a pretty good job of summing things up and suggested that Dean forward it to Don Baron or modify it as necessary and send it to the WWMD. Dean said that Oconomowoc is doing much of this same work without a 9-key plan; they are doing it through an adaptive management plan which is not as difficult to develop. Jeff Lang made a motion to authorize Dean to seek out alternate funding sources and continue to apply for 9-key plan applications the motion was seconded by Alan Barrows and the motion passed unanimously.

At this point Jim Pindel asked to go off agenda and brought up the fact that we had solicited a proposal from the SEWRPC for a survey of the new territory we annexed to our area of jurisdiction. Jim said the proposed cost was \$27,000 and we put this amount in our 2016-2017 budget. Jim asked Tom Slawski if it was too late to undertake this survey this year and Tom said it was too late it would have to be put off until next summer. Jim Pindel asked Tom Slawski to prepare a presentation for the commission although we might not be able to afford it until we get additional funding in the next state budget. Tom said there are other options for paying for the survey, there are stream planning grants, or river protection planning grants, which could be used. Also Tom said we might be able to phase the project work to pay for it in parts not just the \$27,000 total. Tom was authorized to look into these other grant options to see how we could get this done in the most timely and cost effective manner. Tom pointed out that Rebecca Ewald and the National Water Trail group was interested in the results of our survey especially if it included data on the existing and potential kayak and canoe launch sites. Tom said that they were not waiting for us to do our survey and were doing this investigation on their own.

- d) 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 said that he didn't have any additional information. He said that the sticking point would be that we don't have a way to pay for the maintenance of the gauges.

- Tom said the probable only way to get it done would be to get the municipalities to pay for the maintenance. Tom said he would continue to investigate what could be done to add gauging on the river especially to help measure the effects of the impending Waukesha diversion. Dean Faulkner pointed out that getting the data present being gathered by Waukesha, Mukwonago and Burlington might give us a baseline of where we are right now. Dean pointed out that this monitoring has already given us an idea of how much pollution is going on. Francis Stadler asked if there was a place where we could measure the river flow and water quality before and after the Waukesha diversion. Tom Slawski said he would look into it and see if he could identify a best location for measuring the effects of the impending diversion. Jeff Lang pointed out that we might be able to get some assistance if we reached out to the emergency preparedness divisions of each county because they have an interest in measuring the water flow and volume to plan for emergencies. Emergency preparedness groups were identified for Racine and Kenosha counties and for the Town of Burlington.
- e) What is happening with the SEWFRC signs? Al Sikora said that artwork is finished and at the printer. Since he didn't get a response to how big and where to locate the holes in the signs, he made his own decision of ¼ inch holes and chose the locations. Al expects the signs to be ready in a week or 10 days, certainly before our next meeting.
- f) Resolution in opposition to the proposed Waterford Impoundment drawdown: Jim Pindel said that drawdown was postponed and there will definitely be no drawdown this coming winter. He also said that the Village and Town of Waterford had also made resolutions opposing the drawdown. Jim Pindel also pointed out that the proponents of the drawdown said they were applying for a permit that would last for 5 years only allowing for one drawdown and that this was in direct conflict with what Michelle Scott said at our last meeting that you do not apply for a permit for a drawdown but fill out a temporary drawdown request form.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Tom Slawski pointed out that the FWA approached us asking for a letter of support for their application for 319 federal funding for their Champion of the Chain initiative. Tom said they were very appreciative of our quick response with the letter. Tom said he will try to get Joe Miller of the FWA to come up to one of our meetings and explain more about this initiative and the other work they are doing.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie said that as stated at the last meeting the diversion was approved by the Great Lake Coalition and now the City of Waukesha will have to start down the track of designing the things necessary to accomplish the diversion and apply for the different permits required which will

take at least two years. Jim Pindel asked about what would have to be changed with regard to the state administrative code. And Jim Ritchie said they will have to try to get the administrative code changed.

- c) Progress toward designation as a “National Water Trail” – Village of Waterford. Tom Slawski a member of the National Water Trail team said that they have another meeting scheduled for next Monday. The main work that they are accomplishing right now is gathering data on all the existing launches including what facilities are available, parking and ease of getting to the water. Also they are identifying other potential locations for launches to fill in the gaps. They have also contacted all of the counties asking for what data they have on existing launches. Dan Treloar said that Kenosha County has opened up its own Fox River Water Trail. The county has mapped out the trail provided signage and improved some of the launches. This work should work right in with the National Water Trail initiative being worked on by the Village of Waterford.
- d) SEWFRC Website – Al Sikora said that the website is fine and up to date at this point.

Correspondence –

- a. 07/10/16 Resolution opposing the Waterford Impoundment drawdown sent to the Village of Waterford, Town of Waterford, Racine County and the WWMD
- b. 07/10/16 Mark your calendars notice for today’s meeting
- c. 07/13/16 Email from Dean Falkner regarding effects of flushing phosphorus downstream if the Waterford impoundment is drawn down.
- d. 7/23/16 Village of Waterford Notice of Public Hearing concerning Waterford Impoundment drawdown on 8/2/16
- e. 08/01/16 Email from the FWA requesting a letter of support for their 319 grant fund application
- f. 08/02/16 Email with LoS attached sent to FWA for champion of the chain initiative.
- g. 08/12/16 Email from Dean Falkner with the attached letter of permission to enter WE Energies property where we want to do our erosion control project.

Miscellaneous Issues –

Al Sikora said that Dean Falkner has volunteered to take over the chairman position for the commission. Al said that he felt Dean was very qualified and so asked for a motion for electing Dean as the chairman. Alan Barrows motioned to elect Dean Falkner as the commission chairman and the motion was seconded by Jeff Lang. The motion carried unanimously. We all congratulated Dean on his appointment and thanked Al for his years of service.

Dan Treloar advised the commission that the Town of Salem and the Village of Silver Lake have decided to merge. The new municipality will be called the Village of Salem Lakes. The merger will go into effect on 2/14/17.

Jim Pindel asked Luke Roffler to introduce himself and explain to the group what he does. Luke said he is the fisheries man for the WDNR for Kenosha, Racine and Walworth counties. Luke said he has been in this position for the last 2 years and wanted to attend one of our meetings to see what we do. Luke said they do a fair amount of work on the Fox River including fish stocking, mostly walleye and northern pike. His group does regular surveys of fish on the main stem of the Fox River and tributaries and connected waterways such as Tichigan Lake. Next week they will be doing another round of catfish netting in the lower Fox River near the Illinois border. Luke said he is dedicated to making the Fox waterway a great fishing destination.

Don Baron asked if there was a stormwater runoff program by the state and how was it monitored. Jim Ritchie said that there are 3 different kinds of permits that address stormwater runoff; one for large municipalities, one for construction sites and one for industry. Each of these permits has a monitoring component. Don asked if it was possible to go to the WDNR website and check on the monitoring of runoff at the different locations. Jim Ritchie said that the permits could be reviewed but real time monitoring would not be found there. Don said that all the silt that comes down the river accumulates in the Waterford impoundment and so he would be looking to identify the sources of the silt and thinks it would be the responsibility of our commission to correct these sources of silt. Alan Barrow said that for construction site permit there is a term called presumed compliance. So if you follow technical standards, the word of the permit and have professional staff you are presumed to be in compliance.

It was motioned by Jeff Lang to close the meeting and seconded by Dean Falkner to end the meeting and the motion carried unanimously.

Meeting Closed at 2:18 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
September 16, 2016 at 1:00 PM.** (Meeting Location: Town of
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,
WI 53103.)