

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Don Scott (Town of Vernon) (Vice-Chairman)
Ron Peterson (Village of Big Bend)
Chad Sampson (Racine County)
Alan Barrows (Waukesha County)
Barb Holtz (Town of Mukwonago)
Randy Meier (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 Ritchie standing in for Jim D'Antuono (Wisconsin DNR)
Tom Slawski (SEWRPC)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Shelley Tessmer (Town of Waterford)
Any representative from the Town of Waukesha

Also present: John Bostrom, Dick Kosut, Don Barron, and Paul Kling of the WWMD, Dan Treloar of Kenosha County and Ron Barker of the Fox Waterway Agency (FWA) of Illinois.

At 1:00 PM, 9/13/2013, Chairman Al Sikora 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 August 2, 2013 meeting were reviewed. Barb Holtz made a correction to sheet 2 of the minutes where it stated that she attended a 'panel' at the site. It should have read a 'paddle' at the site. It was motioned by Bob Bartholomew and seconded by Randy Craig that the minutes be approved as corrected. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for July and August 2013 was reviewed. In summary we started with \$87,140.83 in our money market account. We made payments of \$59,040, \$2,578.35 and \$5000 to the WWMD and made \$14.80 for July and \$8.96 for August in interest resulting in a final amount of \$28,982.81. Jim Pindel then made the statement that we had indeed received a \$200,000 grant in the Wisconsin State 2013-2014 budget. He then stated that he had sent letters of thanks to Mary Lazich and David Craig for their work in getting us funded. He also said that he will send a thank you letter to Scott Gunderson. Francis Stadler asked why the payments to the Racine Journal Times and the Waukesha Freeman for publishing our public hearing announcement and budget were taken from non-reimbursement funds even though they are required by law. Jim Pindel answered that these charges are not grant eligible. Jim Ritchie added that the

administrative functions of the commission are not grant eligible. Jim Ritchie went on to say that the expenses for the publications are required by the State Statutes but not by the grant. Don Scott asked what triggers the money held by the WDNR to be transferred to the commission. Jim Pindel answered that after we use up the entire \$100,000 cash advance, each time a project is completed when the paper work is submitted to Jim Ritchie and is approved by the WDNR a check is issued by the WDNR to us which we then deposit in our Money Market Account. It was motioned by Randy Meier and seconded by Don Scott that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner was not present and Jim Ritchie said he had not received an update from Benjamin. Barb Holtz then said that she had run into Benjamin and he reported that all the culverts have been removed. Barb also stated that the shoreline restoration was probably being done at the same time. Benjamin also told Barb that the flow of the Mukwonago River was approximately twice what it was last year when they took out the first two culverts. You have to remember that last year we were under drought conditions and this year we are at probably normal rain conditions.
- b) Fox River Partnership Summit – Tom Slawski started by reminding everyone that the date for the next Summit will be Friday 3/21/14. The organizing committee had been working on finding a suitable venue along the Fox River in Illinois and was not able to come up with one, so the 2014 Summit will again be held at the Veterans Terrace in Burlington. This also negates the concern with using Wisconsin grant funds for a project to be carried out in Illinois. Now the organizing committee can focus on generating the actual program for the summit.
- c) Shoreline erosion mapping and stabilization planning with invasive species mapping – Graef Engineering. Jim Pindel stated that as soon as he was certain that we had the new \$200,000 grant he signed, scanned and emailed the contract to Graef Engineering for this project. Jim also said that he had received an email from Geof Parrish stating that Graef would do the field survey the last week of September and the first two weeks of October. Jim said that he advised them that duck and goose hunting would be open during this time period, so they need to be careful and wear bright colored clothing. Jim also said that Graef expected to provide the map and documentation the last week of November or the first week of December.
- d) Big Bend boat/canoe launch retaining wall – Ron Peterson said that the contractor said that everything is ready and the construction should begin very soon. Ron said the Village was not in a big hurry but did want the project completed before winter.

- e) Schmidt & Caton Island erosion control methods – Site inspection report. Chad Sampson said that he did not have a report ready at this time but probably could report on it at our next meeting.

New Business

- a) Wood Drive Erosion Control Project – Chad Sampson_Chad said that he had an engineer visit the site because of some of his concerns. Now it looks like they are going to put concrete over the top of the driveway to hold things together. Apparently just adding additional culverts was not enough. This becomes a bit of a problem because no one on Chad's staff has a Professional Engineers license, so he will have to go outside his staff to get an approved design. Even though they are putting plans together right now this probably will cause some delay. It is still expected that the work can be completed this fall. Chad said he is still working with the farmer and he wants to see the plan and price. The farmer will not be paying for any of this project the cost will be shared by Racine County, our commission and the property owners that use the driveway. Dick Kosut of the WWMD asked Chad if he was aware of the erosion occurring in a large swale on the adjacent farm field owned by Kevin Malchine and would the new larger culverts being installed as part of the highway 164 construction have any effect on that field. Chad said that he was not aware of the exact problem Dick was referring to but the County has completely mapped out the watershed and he didn't expect any changes to the amount of water and water flows because of the 164 construction project. If this ever becomes an erosion control project it would be separate from the Wood Drive project.
- b) Consideration of expanding the Commission's jurisdiction south to the Illinois border Jim Pindel started by saying that just today he forwarded all the information he had including the MoU signed by the Village of Rochester and all other contact information he had to Tom Slawski. Right now we are at the point where we need to schedule a presentation to the City of Burlington and hopefully get the Town of Burlington to attend so that we can make our case for their inclusion in the commission. It will be up to Tom Slawski to organize the presentation and follow up with what we need to do to get both the Town and City to sign up.
- c) Consideration of how we operate with a larger membership base: Jim Pindel provided a handout to all the commissioners present. The handout provided a table showing the present makeup of the commission with eight municipalities and two counties with voting rights and the two ex-officio non-voting members the WDNR and the SEWRPC. With this makeup we have a total of 17 commissioners with 15 with voting power. The second table showed the makeup of the commission if the additional 8 municipalities and additional County of Kenosha were added. This configuration would result in 26 commissioners and require 13 for quorum. This configuration looked to be unmanageable. The next

configuration assigned 1 voting commissioner and an alternate for each member municipality and county resulting in 21 commissioners', 19 voting, and requiring a total of 11 for quorum. The final configuration was the same as the last but excluded the Villages of Twin Lakes and Paddock Lake since we have to decide if they should be included because the main stream of the Fox River does not flow through them. Also we need to find out if they want to participate in the commission. At this point Jim Pindel said that he thought that the Town and Village of Mukwonago were not on the main stream of the Fox River, but on the Mukwonago River which was a major contributor to the flow of the Fox River. Jim was corrected and the main stream of the Fox does flow through the Village and Town of Mukwonago. In this final configuration we have a total of 19 commissioners' and need 10 for quorum. The overall feeling of the commission was that the final two configurations made the most sense and should be pursued. Jim Pindel went on to say that we need to make up a list of points we will present to our legislators when we want to change the state statues that define us. Besides the above recommendation we could suggest that quorum is made by the number of voting and non-voting commissioners and any votes that are taken passed by a simple majority of the voting commissioners' present. Jim Pindel asked if anyone knew why the Towns of Waterford and Vernon had 3 commissioners and the Village of Big Bend had 2 commissioners. Al Sikora said he believed that it was because they had the most shoreline along the river.

- d) Possible request for grant funds for Mukwonago shoreline restoration: Alan Barrows said that he talked to the project manager Jim Rose in his office and he is still working on administrative activities such as a chapter 30 permit and a request for proposals to get bids on the project. Alan said that there will be plan changes since our last meeting. There is also a plan agreement that Dean Falkner has to take to the private land owner involved. Alan said he talked to Mike Girsar of WE Energies yesterday and he is interested in doing some invasive species cutting in the meantime and so will be cutting buckthorn with WE Energies personnel. It will be some time before the project shapes up to come to a final definition and cost estimate.
- e) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie said he had nothing to report. Jim Pindel said that the only activity he was aware of was that Laurie Longtine requested our cover letter and formal resolution. I emailed the two documents to her and copied all the commissioners with it. Jim Ritchie added that this last week there was the Great Lakes Symposium in Milwaukee attended by all the US state members as well as the Canadian members and the topic of the City of Waukesha diversion was a topic of

discussion.

- f) Consideration of purchasing a Three Panel Backboard for table top display purposes: Alan Barrows said that the supplier he contacted and requested a sample to present to the commission had not responded. He will again make the request and if it is fruitless he will contact different suppliers. If in the meantime we have a need for a display panel we can borrow one for Racine or Waukesha County.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker said that the City of Chicago sends its thanks. They are receiving 45,000 cubic yards of our topsoil to create and groom 9 soccer fields on the south side of Chicago.
- b) SEWFRC Website – Al Sikora said that he had nothing special to report but reminded all present that they need to provide photography and text so he can keep the website current. Alan Barrows said that he had recently updated the map on our website so that the completed projects moved to completed leaving only two dots as current projects.
- c) Highway 164 Construction update: - WWMD Don Baron said that they were still on schedule for finishing up the low spot between Beach Road and East River Bay Road by the end of October. The Waterford Chief of Police reported that there have been complaints of the large trucks going through subdivisions and this was being addressed. Don said he reported some washouts along some of the roadsides that he reported to them after the last big rain. These situations are being taken care of.

Correspondence –

- a. 8/22/13 Email from Jim Pindel to Jim Ritchie of WDNR with revised documentation for WWMD sediment sampling project with cost over run
- b. 8/22/13 Email from Jim Pindel to Jim Ritchie of WDNR with documentation for WWMD public outreach project
- c. 9/3/13 Email from Jim Pindel to Chad Sampson and Dan Treloar trying to confirm the number of municipalities we would include if we expand to the Illinois border
- d. 9/4/13 Email response from Chad Sampson regarding municipalities in Racine County
- e. 9/4/13 Email response from Dan Treloar regarding municipalities in Kenosha County
- f. 9/5/13 Email with signed contract attachment sent by Jim Pindel to Geof Parish at Graef Engineering to get Erosion & Invasive species mapping project underway

- g. 9/9/13 Email from Laurie Longtine requesting letter and resolution SEWFRC regarding diversion of City of Waukesha treated wastewater away from the Fox River

Miscellaneous Issues –

Jim Pindel brought up the fact that there was a very interesting article in the most recent issue of the Wisconsin Natural Resources Magazine. The article had to do with “Areas of Concern” (AOC) in Wisconsin. The situations that were described mirror many of the problems we are facing. The five AOC’s in Wisconsin are the St. Louis River, the Menomonee River, the Sheboygan River and Harbor and the Milwaukee Estuary. The federal EPA has awarded nearly \$88M to these funds in Wisconsin. The 14 criteria for gaining AOC status are:

- Restriction on fish and wildlife consumption
- Tainting of fish and wildlife flavor
- Degradation of fish and wildlife populations
- Fish tumors or deformities
- Bird or animal deformities or reproductive problems
- Degradation of benthos
- Restrictions on Dredging
- Undesirable Algae
- Restrictions on drinking water consumption or odor and taste problems
- Beach closings/recreational contact restrictions
- Degradation of Aesthetics
- Added costs to agriculture or industry
- Degradation of plankton populations
- Loss of fish or wildlife habitat

The unfortunate problem is that this program is only for rivers in the Great Lakes basin. With the approval of the commission Jim Pindel will send an email to Jim D’Antuono our official commission member asking if we can qualify for this AOC program or if there is any other comparable program for the Mississippi watershed that we could qualify for. We would ask Jim D’Antuono to forward our inquiry to whoever could address our request.

Randy Craig brought in two boxes of historical documents that he received many years ago from Forest Drews. He would like to unload these documents and so offered them to the commission (Jim Pindel as secretary/treasurer) for review and keeping. The documents will be reviewed and processed accordingly. After the meeting Dick Kosut of the WWMD suggested that whatever is leftover should be given to the Waterford Library so they can review it and see if anything is of historical value to them.

It was motioned by Francis Stadler and seconded by Doug Koehler that the meeting be closed. The motion passed unanimously.

Meeting Closed at 1:53 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
October 11, 2013 at 1:00 PM.** (Meeting Location: Town of
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,
WI 53103.)