

Commission members present:

Howard Garvens (Town of Waukesha) (Vice-Chairman)
Barb Holtz (Town of Mukwonago)
Chad Sampson (Racine County)
Alan Barrows (Waukesha County)
Al Sikora (Village of Waterford)
Don Scott (Town of Vernon)
Jim D'Antuono (Wisconsin DNR)
Jeff Thornton (Southeastern Wisconsin Regional Planning Commission)
Francis Stadler (Village of Big Bend)
Ron Peterson (Village of Big Bend)
Doug Koehler (City of Waukesha)
Mary Pindel (Town of Waterford) (Co-Secretary/Treasurer)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Shelley Tessmer (Town of Waterford)
Dean Falkner (Village of Mukwonago)
Randy Craig (Town of Vernon)

Also present: Dick Kosut of the WWMD, Jim Ritchie and Brian Glenzinski of the WDNR.

At 1:02 PM, 9/17/10, Vice-Chairman Howard Garvens called the Commission Meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes from the September 17, 2010 meeting were reviewed. It was motioned by Ron Peterson and seconded by Don Scott that the minutes be approved as submitted. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for September 2010 was reviewed. The only change noted in the report was the interest income of \$22.85 for the month. Al Sikora motioned to accept the Treasurers Report and Chad Sampson seconded the motion. The treasurer's reports were approved.

Old Business

- a) Schmidt & Canton's Island Demonstration Erosion Control Project. (active)
Shelley Tessmer was not present. Jim Pindel reported that he had emailed Shelley asking that she collect the cost share from the Island's owner and that Shelley said she had contacted them and just was missing them when they came to the island. Before the next meeting Jim or Mary Pindel will contact Shelley to see if we can mail a request for payment to the property owners.
- b) **Boat/Canoe Launch in Big Bend (active)** – Ron Peterson said that the project was finished and that it had turned out very well. Ron said that the Board of the

Village of Big Bend wanted to thank the Fox River Commission for its support in the project. Ron also said that the Board was contemplating installation of a donation box at the site asking people to voluntarily donate money for the maintenance of the site. Jim Ritchie of the DNR made the clarification that if a fee of greater than \$7.00 per launch would be charged, then a permit is required by the DNR. However if the village is simply asking for donations to help cover the expense of maintaining the site, they can do whatever they like. Francis Stadler asked if the DNR had any literature or documentation regarding this topic and Jim Ritchie said he would forward it to them. Francis said that he would get a picture of the completed project and Alan Barrows said that he took a picture of the project while it was in constructions. Both of these pictures are to be forwarded to Al Sikora for inclusion in our website.

- c) Grand Drive/ Buena Park Project (active) – WWMD Dick Kosut said that the project was complete and that Chils, the contractor, did a beautiful job there. Dick also said that he will have all the billing information to the WWMD treasurer in the next couple weeks.
- d) Phantom Woods Road Channel Enhancement (active) – Barb Holtz Barb Holtz asked if everyone had seen the pictures of the project that had been posted on our website. She also said that she had brought the final documentation for the project with her to the meeting and that the documents had been handed over to Jim Ritchie for review. Jim Ritchie will advise Barb Holtz and Jim Pindel of any addition or missing documentation that might be needed.
- e) Mukwonago Shoreline Stabilization Project (active) Jim Pindel said that he had received all the required project documentation from Steve Brunner of Ruekert-Mielke and had forwarded this documentation to Jim Ritchie. He also reported that he had discussed this project with Jim Ritchie just prior to the meeting and Jim Ritchie said it was complete and acceptable. So the next step is for us to issue a check to the Village of Mukwonago for the remaining portion of our project cost share.
- f) Vernon Wildlife Area Streambank Stabilization Project (pending) –Brian Glenzinski reported that the project was complete. Brian passed around pictures of the project for the commission to review. He further said that they were not able to find a contractor to do the work for a price that they thought was fair for the amount of work to be done. So the project was completed by NDR personnel using DNR equipment. The plan was to submit the contractor's bill to the Friends of Vernon Marsh, have them pay the bill and request payment from us for our portion of the cost share. Right now Brian and Jim D'Antuono are in the process of collecting times and actual costs incurred by the DNR for the project. Once these costs are documented, Brian will submit a request for payment to the commission for the appropriate amount. He expected to have the accounting done before our next commission meeting and then we should be able to close this project out. Jim Pindel verified with Brian that our cost share would be equal to or

less than the amount we budgeted for the project. Brian mentioned that the project was expected to cost \$6,500 and review of our budget after the meeting shows that we budgeted \$5,800 which is approximately 90% of the expected total project cost. Al Sikora asked for electronic copies of the pictures and some narrative so he could update our website.

- g) Vernon Wildlife Area Flowage Restoration Project (active) – Brian Glenzinski said the good news was that he had received the North American Wetlands Conservation Act Grant for \$1,000,000. Most of that money will be used to purchase land in and around the Mukwonago River and adjacent areas. Brian passed around a copy of the grant application and said he would forward a copy electronically to Jim Pindel for our records. The funds from this grant that will be used in the Vernon Marsh should be available to Brian's team by January first. Brian said that he was aware of the fact that he needs to use the \$20,000 we committed to this project by 6/30/2011 and that his Plan A is to start some construction in June 2011 in which he will use up our funds. However he said we should consider a Plan B in case there is a hold up due to permits or contractors. Jim Ritchie said that Brian should touch basis with him in spring time to see where we are at and how to proceed to legally use our funds. Brian also said that Ducks Unlimited is doing the engineering for the plan and when that is finished he will share the project plan with the commission.
- h) Kossik Stream Restoration Project (active) – Jim D'Antuono provided a little refresher on the history of the project. He said that a little over three years ago Mary Kossik contacted the DNR. She is a local landowner located somewhere near the Town of Vernon town hall. She had a small pond with a small dam that had never been permitted and she wanted to fix it. Mary spent the last two and a half years working with the DNR to remedy the situation. Jim said that the DNR advised her that Artesian Brook which flows through her pond is a cold water system and that the DNR would work with her to potentially find an alternative to repairing the dam. The DNR went so far as to tell her that they would not permit dam repair or replacement because Artesian Brook was a cold water system and the dam and pond was prohibiting migration of fish up the Brook and warming up the trout stream. So Mary using her own money went ahead and tried to come up with an alternative means or rerouting the trout stream around the pond. During the floods of 2008 her dam partially failed and this summer during the June storms it completely failed. Jim then passed out pictures of the pond, dam and stream before during and after the recent construction to eliminate the dam. The DNR advised Mary that the dam had to be completely removed because it was a public health and safety issue. Mary worked with the DNR and with Waukesha County to come up with a plan to remove the dam. About a month ago construction began on removal of the dam and grading of the stream bed. It was decided that field stone had to be used instead of white limestone because this was a pristine conservation area. The pond was drained down very gradually to minimize any adverse effects downstream. Work was done down stream of the project at an existing culvert to allow fish to migrate up through the system. Jim

stated that Mary does not have a pond anymore but does have a different very diverse habitat. The DNR will work with Mary next year to help develop the new habitat. Mary did get a grant from the DNR to remove the dam and the total project costs are still not determined. Once the final costs are known how much if any of the money we allocated to this project will be determined. Al Sikora asked for pictures and narratives to cover the project on our website.

- i) Possible boat/canoe launch on Highway ES (pending) – Alan Barrows reported that the highway is scheduled for redecking in 2012 and that the county had received a dedication of land on the south side of the highway and there were long term plans for a bike path. Alan will check with the Public Works department and the Parks department regarding plans for the boat/canoe launch before our next meeting.

New Business

- a) Election of an Interim Commission Chairperson. Howard Garvens asked for volunteers that is anyone who would nominate themselves. Jeff Thornton said that he and Jim D'Antuono as exofficio members of the commission will recuse themselves from consideration. After no other response Howard asked for nominations from the floor. Jim Pindel outlined the tasks the chairperson must perform. They amount to running the commission meetings, an occasional letter from the chairperson representing the commission and an occasional attendance at a meeting with the DNR or someone in government. After considerable discussion Al Sikora said that he would consider the interim position but not necessarily the full term for next year. At that point Jim Pindel nominated Al Sikora for interim chairman and Barb Holtz seconded the nomination. Howard Garvens called for a vote and Al was elected unanimously.
- b) List of New and/or Potential Projects: Jim Pindel stated that at the last commission meeting he asked those present to come up with projects that we could list in the upcoming budget to show that there is still work to be done. The idea being that even though we presently have almost no money available to fund projects, if we can show that there are project worthy of funding and we get this message to the right people, we might get some funding. Once we are funded we can go ahead and get the work done as we have demonstrated we can do. Dick Kosut of the WWMD listed the following projects for the commission:
 - 1) Birch-Cedar Lane Ravine Ditch drainage from the State Highway 164 and local roadways feed rainwater into the steep ravine that then flows directly into the north end of Tichigan Lake. Filtration trenches and/or ravine check dams are needed to control the effluent. Estimated cost \$75,000
 - 2) Jefferson Street /Riverside Drive the high land areas west of these roadways drain their rainwater in and around the residential development along the east or riverside of the roads. Culvert check dams, retention trenches and rain gardens are needed to stem the flow. Approximately 10 locations. Estimated cost: \$85,000

- 3) Tichigan Drive / Channel Road Circle The high point in the area is the center of this peninsula. Rain water drains unabated into the Fox River, Conservancy Bay and Tichigan Lake. Open land to control the run off is limited, however, some available parcels can be used for improvements. One potential location is the area where the Lions Club Parade staging takes place. A retention trench, rip rapping and appropriate erosion control measures can be effective. Estimated cost: \$50,000
- 4) Addition to Tichigan Drive / Channel Road Circle Rain gardens and other water checks may be possible between residences in this area involving approximately 20 locations. Estimated cost: \$30,000
- 5) Indian Lane Drain Culvert Draining the elevated agri-land to the east, these 24" concrete pipes delivers drainage into the Fox River and this drainage should be investigated. No cost estimate available.
- 6) Elm Island Bay Long a recipient of unwanted flowage control of rainwater should be re-examined. No cost estimate available.
- 7) West of Loomis Road Down grade from the Town Hall properties some control of drainage may be possible. No cost estimate available.
- 8) Waterford Lake Beach View Lane, Glacier Circle, Waterford Drive ditches and culvers deliver effluent into this small lake. No cost estimate available.
- 9) Grand Drive / Buena Lake Steep hill drainage to the west follows Grand Drive pavement into Buena Lake. Although the marsh land to the east is protected, this run off continues to pollute Buena Lake. No cost estimate available.

Jim Pindel submitted that we include the "Waterford Dam Operation Enhancement" listed in the SEWFRC 1998 Implementation Plan as a project. The plan for the Dam operation as outlined in 1998 included a first phase in which visual sight gauges measuring water level be installed at three locations and people manually would read the water level and report this information to the dam operator. The second phase of the project was to automate this process for automatic and optimized operation of the dam gates. Francis Stadler stated that when the commission attempted to implement phase one of the plan they could not secure volunteers to monitor and report the water levels at the site gauging stations. Dick Kosut of the WWMD assured the commission that if the gauges were installed they would provide the volunteers to monitor the gauges. Brian Glenzinski advised us that the Rainbow Springs Golf Course lease is up at the end of this year. A portion of the golf course is in Waukesha County and within our jurisdiction. It will take hundreds of thousands of dollars to restore the golf course and remove the culverts on the Mukwonago River. Brian felt that this work was within our mission and he was asked to identify specific titles for projects and provide a cost estimate to Jim Pindel for inclusion in the budget. Brian said that the DNR had just acquired 198 acres of land in the Vernon wildlife area, where the wetland restoration potential with water quality issue is directly upstream of the Fox River. Here again Brian was asked to identify projects and estimate costs.

Barb Holtz added that eradication of the invasive plant species Phragmites might be considered as a project for the commission.

Dick Kosut of the WWMD stated that they have a major project "Eco-System Restoration" (ESR) underway which is looking at dredging the entire Waterford impoundment. There are areas and or phases of this project in which they may be looking to us for financial support. Jim Ritchie pointed out that we can only assist in a dredging project for improving navigation purposes. So we will have to be careful as to what portions of the ESR project we fund.

c) Organize 2011 Budget Subcommittee & set Budget meeting Date: Jim Pindel handed out an outline of his thoughts concerning the upcoming budget. He stated that 11 of the 12 projects in the 2010 budget have completed at least their construction phase and should be closed out by the end of the year. The Vernon Wildlife Area Flowage Restoration Project is the only active project to carry over to 2011 and the possible Highway ES boat/canoe launch is the only pending project to carry over. So the only funded part of the 2011 budget will be simple and straight forward. Under these circumstances no budget subcommittee is needed, nor any special subcommittee meeting. It was proposed by Jim Pindel that we have a short November budget meeting, at which having quorum is especially important, to pass the proposed 2011 budget. At this meeting besides reviewing the project listing all of the Pending and Unfunded projects mention previously in this meeting and the one active project the "Vernon Wildlife Area Flowage Restoration Project" we could possibly decide to use whatever grant funds are available to fund some project. Jim Pindel motioned that we proceed as described above and the motion was seconded by Howard Garvens. The motion carried unanimously. The date for the November budget only meeting was set for Thursday 11/11/2010 at 1:00 PM at our usual meeting location. The Public Hearing and December commission meeting was scheduled for Wednesday 12/08/2010 at 1:00 PM at our usual meeting location.

Reports and Updates

- a) Update of SEWFRC Implementation Plan – Jeff Thornton passed out a print out of eight slides from his last PowerPoint presentation regarding the new implementation plan. Any changes to the commission's boundary would require legislative action to amend Chapter 33 which formed our commission. The slide depicted the present SEWFRC boundary and six possible alternate boundary maps. It was discussed that adding the area just north of our present boundaries might make sense since their water and runoff affects our area of jurisdiction. Jim D'Antuono stated that because of the regulatory restrictions and construction site erosion controls that have been put in place the water quality we get from north of our boundaries is as good as we could expect. Also adding in nine new municipalities into the commission might be overwhelming. At the end of the discussion it was agreed that expansion of the boundary to the south to the Illinois boarder made the most sense. With expansion to the state line it is hoped that we

- might be inline for Federal grant money for projects that we might do in cooperation with the Fox Waterways Agency of Illinois. Jeff stated that it looked like we would be including three new municipalities. Don Scott pointed out that the logistics of the new boundaries might present a problem seeing the physical mileage from the southernmost and northernmost is quite long. This would require significant travel time to meeting locations.
- b) Waterford Dam Restoration – Chad Sampson Chad Sampson stated that the county is in the process of some partial land acquisitions. There are some areas on private land that need work near the dam. The county is also working with the DNR. And the county is having some discussions concerning public notification of the draw down. It is expected that landowner notification will come sooner than required so that people can plan their own projects around the draw down.
 - c) Frame Park Creek Watershed – Jim D’Antuono said there was nothing new to report.
 - d) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Thornton said that the last communication he had with them concerned water levels in the Fox River due to the dry conditions they have experienced recently. The winter draw down on their chain of lakes begins on November first.
 - e) SEWFRC Website – Al Sikora said that we have identified four completed projects today and so wants the project managers to get pictures and narratives to him so that the website can be updated. Jeff Thornton made the suggestion that we update our letterhead to include our website name.
 - f) Waukesha County Farmland Preservation Plan – Barb Holtz said that there will be a meeting next Friday and so she has no report at this time.
 - g) Waukesha West By-pass Plan – Howard Garvens said that Waukesha has decided to go with the plan that was conceived about fifty years ago, going down Meadowbrook road and Merrill Hills road. There are no solid plans for the south portion of the bypass, which is basically through the town of Waukesha.

Correspondence –

- a. 9/20/10 Email from Jim Pindel to Shelley Tessmer asking for 10% cost share from owners of Schmidt & Canton Island.
- b. 9/20/10 Email from Jim Pindel to Barb Holtz outlining documentation required for Phantom Woods Road project
- c. 9/20/10 Email with attached letter of resignation from Greg Kessler.
- d. 9/20/10 Email from Jim Pindel to all commissioners advising next meeting date and reminding them to bring new projects to the October meeting.

- e. 9/27/10 Email from Shelley Tessmer saying she has talked to owners of Schmidt & Canton Island about cost share, but has not been able to meet up with them to collect the cost share check.
- f. 9/27/10 through 9/29/10 Emails between Mary Kossik, Jim D'Antuono, Jim Ritchie and Jim Pindel verifying that the new application of the funds for the streambank restoration project can be used for the dam removal project.
- g. Jim Pindel added that yesterday he received an email from Greg Kessler stating that he will box up and send all his SEWFRC documentation to him. Jim added that he replied thanking Greg for his time and good work for the commission.

Miscellaneous Issues –

There were no miscellaneous issues.

A motion to adjourn the meeting was made by Don Scott and seconded by Ron Peterson, the motion carried.

Meeting Closed at 2:21 PM

**NEXT OFFICIAL MEETING WILL BE Friday, Thursday
November 11, 2010 at 1:00 PM.** (Meeting Location: Big Bend-
Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend,
WI 53103.)