

Commission members present:

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

Commission members absent:

Al Sikora (Village of Waterford) (Chairman)
Ken Miller (Town of Waukesha)
Michelle Scott (Wisconsin DNR)
Ron Peterson (Village of Big Bend)

Also present: Barb Messick of the Village of Waterford, Dan Treloar of Kenosha County, Donny Hefty of the City of Burlington, Don Baron and Paul Kling of the WWMD and Jeff Lang of the Town of Burlington.

At 1:07 PM, Vice-Chairperson Barb Holtz 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 September 11, 2015 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Randy Meier. The minutes were approved unanimously.

Treasurer Reports – The Treasurer’s Reports for September 2015 was reviewed. In summary we started the month with \$121,107.53 in our money market account. We had a withdrawal of \$12,500 as a cash advance for the Schuetze Playground project. We received an interest payment of \$18.95 leaving us with a final balance of \$108,626.48 at the end of September. Jim noted that under the grant funds he omitted listing the \$19,800 that we approved at our last meeting for the final additions to the WWMD’s funding for their dredging permit application. The undedicated grant funds left in ENUM-19 amounts to \$8,482.29. Jim Pindel pointed out that we still have the \$200,000 available from the new ENUM that has not been issued yet. Jim Ritchie said that the new ENUM is being processed and has been delayed a bit because the state has gone to a new financial system for all agencies effective October 1st. Jim Ritchie also made the clarification that the time clock for the new ENUM would start on the date that it is issued. It was motioned by Shelley Tessmer that the treasurer’s report be accepted with the addition of the \$19,800

addition for the WWMD dredging project and it was seconded by Francis Stadler. The motion carried unanimously.

Old Business

- a) Fox River Partnership Summit: Tom Slawski said that he has been contacting people in Illinois looking for partners and speakers. He said that it is likely that we will have a speaker from the Northeastern Illinois invasive plant partnership group. This thought has made Tom think about having someone from the Wisconsin invasive species group also address the Summit targeting invasive plants in general and possibly concentrating on the new invasive species Starry Stonewort. This will be a target topic for the Summit with speakers addressing the different aspects of prevention and treatment for the Starry Stonewort. Tom went on to say that the experience with Starry Stonewort on Michigan has shown that it is much more difficult to control than Eurasian Milfoil. Starry Stonewort is an algae (looks like skunk weed) that forms colonies like blankets that form along the bottom and even up to the surface of lakes. Tom said that there have been meetings around the state with a great sense of urgency and now the species has been detected in Minnesota. Barb Holtz asked where it is native to and Tom said he only knew that it came from Europe. Francis Stadler asked why when boats are taken out of the water of a contaminated lake they don't require not only washing the boat but also spraying the boat with some chemical to eradicate the Stonewort. Tom Slawski and Jim Ritchie addressing this issue said that more launch sites are adding boat washing facilities, but it is not simply an issue of washing the boats off but also treating the possibly contaminated wash water. There was no mention of any known algaecide for treating the Stonewort. Alan Barrows said that the county is forming an aquatic invasive species position to address these issues. Shelley Tessmer asked if the commission could fund boat washing stations and Jim Ritchie said that we could not fund the operation (or staff) but could fund the constructions of washing stations. Donny Hefty pointed out that boats not only have possibly contaminated water on their skins but also in the engines, sumps and live wells, that washing stations do not address.
- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that he believed that Dean Falkner had talked to WE Energies since our last meeting and Dean said that because there had been a delay in this project the entire project has to go back through corporate channels for approval all over again. Dean said that it was very unlikely that this project will ever go through. Even though we are willing to fund 100% of the project it is still a problem for WE Energies budgeting process. Dean said that he has not heard back from Jennifer the WE Energies government affairs person and feels that the project is dead. Jim Pindel stated that it was quite a shame after all the work Alan and Dean have put into this project. Alan added that the county has spent on the order of \$30,000 on engineering and planning and now that is all for nothing. Alan said

that they will keep working on it and we should leave it as an agenda item and in the treasurer's report.

- c) Big Bend Boat/canoe launch retaining wall fence & vegetation – Francis Stadler said that he had contacted the contractor and he has not called him back. Jim Pindel said that a few meetings ago Alan Barrows of the county was supposed to meet with Francis at the site to see what might be the best solution. Alan said that he will try to get together with Francis at the site and see what can be done.
- d) Wood Drive Erosion Control Project – Chad Sampson reported on this project and the Malchine Farm project together. He said he had hoped to get these projects started this year but because of lack of response from contractors this late in the year, work would probably not start until next spring. Chad said that he talked to Kevin Malchine this morning and said that he was okay with waiting until next year.
- e) Malchine Farm field Erosion Control – This project report was made in conjunction with the previous report in (d) above.
- f) Highway 164 Ravine repair Project: - Chad Sampson said that the project was completed about 2 weeks ago. It really looks good. He will put together a report with some photos that he will bring to our next meeting.

At this point Chad said that he has a new project just across the street on the east side of STH 164. There are some farm fields he has a concern about including a broken tile and a lot of sheet erosion that comes down just across from the ravine that we just repaired. It needs a buffer to slow the flow down. He mentioned this to Kevin Malchine who was more concerned about the broken tile. Chad said he will go back, hopefully when it is raining to see what is happening and possibly show it to Kevin Malchine. There is a potential problem because there are a couple residential lots that may be sold complicating the issue. Dean Falkner asked if some sort of easement could be worked out so that the lots could be sold and the erosion control measure could still be implemented. And Chad agreed this was possible. Francis asked exactly where the project would be located and Chad circled the project area on an aerial map which he passed around.

At this point Jim Pindel addressed the issue of allocating the funds allocated by Racine County to the various projects in Racine County. We have already assigned \$4000 to the original WWMD dredging permit application project. He suggested that we apply \$1000 each to both of the additions to the dredging permit application project. He then suggested that we apply the remaining \$4000 to the STH 164 project splitting it between the two sub-projects (two different owners). The consensus was to use the funds in this manner.

Randy Meier noted that when you build a home or do any construction work that disturbs the ground you need to get all kinds of permits and asked if farmers had to do the same thing. Jim Ritchie said construction is completely different than

farming and Chad added that the only restriction on farming is that there is a no till zone from the top of a bank.

- g) Waterford Impoundment ESR Project Dredging Permit: - Don Baron reported that in order to get the Chapter 30 permit and the Army Corps permit they still needed to provide detailed drawing of the pipeline route with boost stations depicting wetland impacts. Detailed drawing of the Super Mix site include grading plans, groundwater elevation in the pit and a revised MR 135 plan. To this end the WWMD needs a letter from Racine County stating that the proposed activity is acceptable. Chad said he would cooperate with them and get the letter out on Monday. In addition Don said that they require letters of interest and/or permission from everyone along the pipe route. Jim Pindel asked when the permit application will be submitted and Don said all requirement should be met by the end of the month and the application submitted no later than mid-December.
- h) Schuetze Playground Storm Water Abatement: - David Burch was not present and Jim Pindel reported that David had sent him an email with an update. The project play area site is under construction with the concrete path perimeter walk, play area equipment, resilient rubber surfacing complete. The existing play equipment and surfacing will then be removed to make way for the erosion control, demolition and grading, rain garden storm water treatment, overlook deck and interpretive signage. The rain garden design is in the process of being finalized. The remaining work is scheduled for spring of 2016. David went on to thank us for the \$12,500 cash advance and asked if we would consider an additional \$10,000 to help pay for the overlook deck and interpretive signage. We agreed that the overlook deck did not fall within the realm of erosion control or storm water abatement and would not be grant fundable. With regard to the interpretive signage, we agreed that if David made a presentation and allowed us to review the signage we could possibly grant fund it.

New Business

- a) New Project in Waukesha County: Alan Barrows
Alan said that he was not looking for a motion to fund this project but just to make us aware of it and what it entails. The property owner is Tom Grafenauer and it is a shoreline and buffer zone restoration. Alan's Power Point presentation started with a high overview that showed the relative location of the project out on the western end of our jurisdiction a little closer to Waterford than to Waukesha. Additional slides showed the position of the Grafenauer property relative to the Mukwonago River and Roxy Pond. The property butts up against Roxy Pond, which is about 15 acres and that is where the shoreline needs work. Alan mentioned that Roxy Pond is a priority navigable waterway which requires special permitting. Alan said that he had his first contact with the property owner in August and then sent our requests for design/build bids in September. He had a showing for 4 bidders in October and expects to open and review bids in November. The issues with the property are bank erosion, too much shade,

buckthorn, high acidity due to pine trees and bare soil. Roxy Pond is a manmade pond that dates back to at least 1941. The solution to the problem is addressing all of the issues above as well as establishing native vegetation getting a maintenance plan in place and finding funding. Alan ended by pointing out that the project would meet the goals of our commission by stopping shoreline erosion, the goals of the Mukwonago Park Plan by addressing soil erosion and invasive species, the goals of the Mukwonago Watershed Plan by expanding and protecting riparian buffers and the goals of the Waukesha County Land and Water Resource Management Plan to preserve natural areas and assist constituents. Depending on the bids that are received Alan and/or Tom Grafenauer may make a presentation at our next meeting looking for funding. Francis Stadler asked if this tributary is adding silt or pollution to the Mukwonago River than why is the river so clean. Alan said that the Mukwonago River is quite resilient and Tom Slawski said that the river has a large recharge and discharge system that feeds it, so this small problem area doesn't have an overwhelming effect on the whole river system. Tom Slawski said that there is a small grant program available for individual property owners like this one. The maximum grant amount is \$5000 but this could augment our contribution. Submission for grants is due in February so this could be timely for Tom Grafenauer. It requires the property owner to accept the state's implementation plan, which he didn't think was difficult.

- b) Consideration of expanding the Commission's jurisdiction south to the Illinois border There was no discussion on this item because there is no new news in this area and the next agenda item is very relevant to this topic.

- c) Review of Preliminary Draft of Changes to the Wisconsin State Statutes: Jim Pindel passed out copies of the Preliminary Draft of the changes to the state statutes provided by Tricia Sieg of Senator Mary Lazich's staff. First Jim reviewed the letter we sent to Senator Lazich to see what was included and what was omitted. The calculation for quorum was changed to the state norm of majority of voting members and the request for some operating funds to cover office expenses and an annual financial audit was not included. All the other items we requested were included. The highlights of the changes that were incorporated include just one commissioner and an alternate from each member body. The term of appointment is up to the individual member body and they only have to advise us if they make a change. We now have the ability to add additional counties or municipalities as long as we get an MoU from them requesting membership and the present board of commissioners votes to include them. Reviewing the Preliminary Draft, on the middle of page 2 it notes that both the town of Vernon and the town of Waterford lose two commissioners and the village of Big Bend loses one commissioner. This was our intent but at this time it made us aware of the fact that we better make these three municipalities aware of these reductions in case they might have an objection. A commission member from each of these affected municipalities said they would bring this issue up before their boards and get either a letter of agreement or mention in their board meeting minutes that they accept the reduction. Shelley Tessmer said she would

take care of the Town of Waterford, Bob Bartholomew will bring this issue to the Town of Vernon and Francis Stadler will bring this issue to the Village of Big Bend. The reason for the reduction of commissioners from these three municipalities was to provide equal representation on the commission and to keep the size of the commission down to a manageable level. In the third paragraph on page 2 added a caveat that the quorum amounting to the majority of voting commissioners does not include a voting commissioner who does not participate in the commission and does not appoint a designee. We are grateful for this addition we didn't think to request. On page 3 line 25 and on page 5 line 18 Spring Lake should be changed to Silver Lake. On page 8 line 10 Kenosha County should be added to Racine and Waukesha Counties. On page 6 lines 14 to 17 need to be changed to the new arrangement that the municipalities govern how and when they make appointments and simply notify the commission of any changes. Page 7 lines 11 through 14 need to be changed and possibly lines 16 through 20 deleted. An implementation plan was developed in 1998 and was redeveloped and rewritten in 2011. We believe that the statutes should say that an implementation plan needs to be in place and should be revised in a timely manner to keep the plan current and germane. On page 4 lines 9 and 10 states that the commission can extend the area of its boundaries by an affirmative vote of the majority of the voting commissioners. Tom Slawski pointed out that this is in line with the authority of any lake protection agency.

- d) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Alan Barrows projected the HUC-12 map modified by Tom Slawski that superimposed the present and future commission boundaries. The map showed that there are no HUC-12 areas that fall completely within our boundaries. However some fall almost completely within our jurisdiction. When asked, Jim Ritchie said that he didn't believe it would be a problem to develop plans that extended slightly outside our area but that we could not use grant funds for projects in the extended areas. Tom Slawski pointed out that we could go to a subarea of one of the HUC-12 areas and in fact go as small as we wanted but did agree that since these HUC-12 areas are already defined they would be a logical choice. Tom also pointed out that when we did work on a 9-Key elements plan for a HUC-12 area it would probably have to be broken down into smaller subareas because of differences in terrain or drainages. If the commission decides to go ahead with a 9-Key elements plan we will have to rely on an engineering firm or SEWRPC to do the work. Tom Slawski pointed out that it requires a lot of coordination between the county and municipalities to get it done. It requires the development of a collaborate team of all the stake holders.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois –Tom Slawski said that he had nothing new to report.

1. Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie said that there were a lot of public comments made after the initial environmental impact statement was released and they are still reviewing this material. Jim said that he did not have a timeframe for the final environmental impact statement.

- b) Progress toward designation as a “National Water Trail” – Village of Waterford. Barbara Messick of the Village was present and stated that they are happy to report that they did receive a technical support grant from the National Park Service and they will be having their first organizational meeting on November 9th. Barbara passed out copies of the Village of Waterford News Letter to all commissioners. The News Letter highlights issues concerning the Fox River. She also said that the new canoe/kayak launch in Rochester is completed and the one on Waterford will be completed by the end of October. Alan Barrows asked if the National Park Service grant included any funding and Barbara said no it just covers technical assistance.

SEWFRC Website – Al Sikora was not present so no report was made.

Correspondence –

- a. 9/15/15 Mark your calendars for 10/23/15 SEWFRC meeting.
- b. 9/17/15 Email from Jim Pindel to Tom Slawski requesting superimposing our present and future boundaries on the HUC-12 map
- c. 9/28/15 HUC-12 map as revised by SEWRPC
- d. 9/19/15 Email from Jim Pindel to Andrew Craig thanking him for the presentation he made at the Sept 11 meeting.
- e. 10/9/15 Invitation to Phase 1 completion celebration at Schuetze Playground.
- f. 10/13/15 Preliminary Draft of changes to the state statutes.
- g. 10/14/15 Email from Jim Pindel to all commissioners whose terms for appointment have expired.
- h. 10/14/15 Email to Carina Walters of the City of Burlington asking who is their point of contact now that Craig Workman is gone.
- i. 10/16/15 Email with attachment from Karen Schuh of the Town of Vernon with an attachment that provides the appointment terms for Randy Craig and Bob Bartholomew.

Miscellaneous Issues –

There were no new issues.

It was motioned by Dean Falkner and seconded by Bob Bartholomew that the meeting be closed. The motion carried unanimously.

Meeting Closed at 2:55 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
December 11, 2015 at 1:00 PM.** (Meeting Location: Town of
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,
WI 53103.)