

**Commission members present:**

Al Sikora (Village of Waterford) (Chairman)  
Don Scott (Town of Vernon) (Vice-Chairman)  
Ken Miller (Town of Waukesha)  
Francis Stadler (Village of Big Bend)  
Alan Barrows (Waukesha County)  
Doug Koehler (City of Waukesha)  
Robert Bartholomew (Town of Vernon)  
Chad Sampson (Racine County)  
Barb Holtz (Town of Mukwonago)  
Randy Meier (Town of Waterford)  
Jim Ritchie (Wisconsin DNR)  
Tom Slawski (SEWRPC)  
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

**Commission members absent:**

Randy Craig (Town of Vernon)  
Dean Falkner (Village of Mukwonago)  
Ron Peterson (Village of Big Bend)  
Mary Pindel (Town of Waterford – Alternate)  
Shelley Tessmer (Town of Waterford)

**Also present:** Don Baron and Dick Kosut of the WWMD, Michael Schwar a resident of the Town of Vernon.

At 1:04 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.

**Minutes** The minutes from the September 26, 2014 meeting were reviewed. It was noted by Jim Pindel that David Burch's name was mis-spelled in the minutes and would be corrected. It was motioned by Barb Holtz that the minutes be approved as amended and seconded by Doug Koehler. The minutes were approved unanimously.

**Treasurer Reports** – The Treasurer's Report for September 2014 was reviewed. In summary we started the month with \$102,002.58 in our money market account. We received an interest payment of \$16.77 leaving us with a final balance of \$102,019.35 at the end of the month. The undedicated grant funds left in ENUMs 18 and 19 amounts to \$65,451.40 after adding the five new projects last month. Jim Pindel pointed out that one or several of the active projects must file for at least \$22,271.40 before the end of this year so that we can close out ENUM-18 by fully using it up. Tom Slawski pointed out that the 2015 Fox River Summit was missing from the Active Projects in the report and Jim Pindel said he would add it to next month's treasurer's report. It was motioned by Bob Bartholomew and seconded by Randy Meier that the Treasurer's Report be approved. The reports were approved unanimously.

At this time Ken Miller of the Town of Waukesha arrived and introduced himself as the newly appointed commissioner representing the Town. After being greeted by all, Jim Pindel presented Ken with a copy of the state statues that define our commission and a copy of the current Implementation Plan.

### **Old Business**

- a) Fox River Partnership Summit – Tom Slawski notified us the USGS had not selected us for the WaterSMART program. Apparently the USGS was impressed by the large number of groups that collaborated in support of the Fox Rivers bid, but we were not selected this time around. Tom said he did not have any news concerning the development of the program for the 2015 Summit but it will be worked on in the future. Tom said that he is in the process of drafting an article for the Wisconsin Natural Resource Magazine, which will be published in January or February of 2015. This is good timing because it would come out just before the 2015 Summit. The article will describe what was done at the 2014 Summit and is limited to 2100 words plus some pictures.
- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that things have been quiet lately on this project. They have revised the plan to show how they will get access to the WE Energies property through the Seifert property, but the problem is that they have not been able to contact Alex Seifert to get approval to cross his land to do the construction. Alan has gone as far as to knock on the door of Seifert home (three different times), but no one was home. The low bid contractor is anxious to get started and do the work but we are at an impasse until we get permission from Alex Seifert. Alan said that he needs to contact Dean Falkner to see how he might get hold of Alex Seifert.
- c) Big Bend Boat/canoe launch retaining wall fence & vegetation – Francis Stadler said that he has been trying to get ahold of people to get a commitment on getting the project finished, but has had no luck. Francis said that he has been visiting the site looking for progress, but none has been made. He said that he intends to put more emphasis on getting a commitment or project completion soon. Francis asked that we keep this project on the agenda and Jim Pindel said that now that it is an approved grant project it will stay on the agenda until it is completed or comes to some sort of resolution.
- d) Wood Drive Erosion Control Project – Chad Sampson said that they have a design done but with the wet weather we have been experiencing he is not sure when he will be able to do the work. Chad said that as far as he knew the field was still full of crop and Dick Kosut advised him that the soybeans had been harvested. The emphasis will be on getting things ready this year for work to be done next spring. Chad said one thing that could be done this year and would be beneficial to get done is to replace the large drain tile on this Bauman property and the Malchine property adjacent to it. This would be a partial completion of both projects. Chad said that he has arranged for both farmers not to plant in the

areas where they will be doing the work. Chad also noted that passing the Malchine farm field on the way to the meeting it was still filled with standing corn. Chad said that both farmers were on board with the projects and that he was having problems getting contractors to bid on projects at this time. Apparently everyone is busy.

- e) Malchine Farm field Erosion Control – Chad Sampson. This item was covered in the previous project report by Chad. Both projects will be worked on simultaneously and are adjacent to each other but because they had different owners we need to keep them separate.
- f) Highway 164 Ravine repair Project: - Chad Sampson. Chad said there has been more progress on this project. His staff was on site this last Wednesday and walked through the ravine and will put together a design plan for the work to be done. They noted that the new ravine that now joins into the existing ravine comes from a culvert which runs under Poplar circle. Chad said that down near the lake where the ravine meets the lake there is a wooden stabilization structure. The technician who viewed the site thought that the best thing to do would be to remove the structure line the gully with stone and then replace the structure over the top. The technician talked to Terry Betz and he seemed to be open and excited about the project. After the design plan is finished Chad expects to present it to both of the property owners to get their approval.
- g) Waterford Impoundment ESR Project Dredging Permit: - WWMD. Don Baron reported that he, his wife Barbara and Jim Pindel met with the WDNR the day before. The WDNR had responded to the initial Chapter 30 permit within the 30 day allotted time. The WDNR had dismissed the application without prejudice. The major difficulty was that they applied for a General Permit (GP) and the WDNR determined that they needed to apply with an individual permit (IP). The WDNR identified several other permits that needed to be applied for. The WDNR provided an eight page document (including about 50 line items) outlining points that needed clarification, needed additional detail or revision. The WWMD was given 30 days to respond but can apply for additional extensions if they are working on items that need additional time. The extension was agreed upon to extend to 1/15/15. Don pointed out that the IP could take up to one year to be processed by the Army Corps of Engineers (ACOE), which could delay the entire project. Francis Stadler asked why it is taking so long when the FWA in Illinois has been dredging for a long time and Jim Pindel responded that Illinois has a different set of rules with their DNR then we have here in Wisconsin. Don pointed out that this will be the largest dredging project ever done in southeastern Wisconsin with about 480,000 cubic yards of sediment to be removed. Don pointed out that the meeting started out on a positive note saying that it was a permit able project. Alan Barrows asked how the WWMD was doing on disposal sites and it was explained that they have already identified four sites with others under consideration. Chad Sampson said that he had tried to contact Kevin Ranke about using his property as a disposal site but had not heard back

from him. Barb Holtz asked if there had been any consideration of preventing the erosion that caused the sediment in the first place. Don pointed out that when the lake management district was formed the SEWRPC listed 12 sites that needed to be addressed and the WWMD had addressed all of them plus many others since. It was also pointed out that our commission had taken on many erosion control and storm water abatement projects in the impoundment and upstream of the impoundment. The idea was to stop the silt from coming in before we bother to clean out what is already there. It should be noted that the impoundment was created in 1836 and so the sediment that is there has collected over that many years. Jim Pindel pointed out that the GIS survey we commissioned Graef Engineering to do identified 19 sources of erosion north of the impoundment and that when we address these sites it will eliminate additional sediment buildup in the river and Waterford impoundment. Also Graef had not found any sites within the impoundment. Barb then asked if there was a natural or normal amount of sediment buildup in the impoundment. Jim Pindel said that the WWMD had determined that the silt increased at a rate of ½ inch per year, which when you think about it amounts to 5” every 10 years. Jim also explained that Graef Engineering was working on their own estimate of silting to see how long the dredging would last. Don Baron pointed out that the intention is to obtain a maintenance dredging permit once the main project is completed to keep the impoundment clear and navigable.

At this point Alan Barrows brought up the fact that at a previous meeting Francis Stadler asked if he could identify which erosion locations identified in the Graef survey were within the Village of Big Bend. Alan reported that only one of the locations was in the Village and that one was at the Village Park (owned by the Village) just downstream of the rock riprap where about 50’ of shoreline was eroding. Alan said he did the same thing for the Town of Vernon and it turns out that most of it is on land owned by Waukesha County. Alan said that he had talked to Mike Schwar, who attends many of our meetings, and because he is a civil engineer he will consider using Mike to address some of these situations.

- h) Schuetze Playground Storm Water Abatement: - David Burch. David was not in attendance and Jim Pindel said that he had communicated with David via email and told him it was not necessary for him to attend today’s meeting but that he was responsible to make periodic status reports to the commission, either in person or by email. Jim went on to say that the responsibilities of the sponsors are outlined in the Cost Share Agreement, but it doesn’t seem people notice it. Therefore he will cut and paste the outline in an email and send it to David and other sponsors as appropriate. Doug Koehler added that he had talked to David as well and that next spring when work is being performed he would make progress reports if needed.
- i) Town of Vernon Farm field Gully repair: Alan Barrows said that he was glad to report that this project should be completed next week. He said that they had their pre-construction meeting on Wednesday and they are ready to go. He will go to site on Monday and re-stake out the project site. The project should only take a

few days and they have adequate resources to get it done. Alan said he will stay involved in the project and take before and after pictures. The project is on the north side of Janesville Road on land that is intended to be the future Fox Bend Park. Alan reported that the condition of the gully has worsened a lot over the last year so the work is needed ASAP. The gully is now five or six feet across and at least waist deep. Alan then passed out the maintenance schedule for the project after it is completed. The document landed with Jim Pindel who will file it in the project folder.

### **New Business**

- a) Consideration of expanding the Commission's jurisdiction south to the Illinois border Tom Slawski said that we were successful in getting a MoU from the City of Burlington. Tom has contacted the Village of Silver Lake and the Town of Salem and he is waiting to hear back from them. Tom said he will continue to pursue these municipalities after the elections are over.
- b) Consideration of how we operate with a larger membership base: Jim Pindel brought up the thought of adding to the new statutes that we are required to have an annual financial audit. There was considerable discussion for and against with the final consensus that we should find out how much it would cost and make it contingent on having operating funds available to pay for it. Presently we have sufficient non-grant funds but this may not always be the case. Jim also said that he was appreciative of the fact that Jim Ritchie of the WDNR regularly double checked his figures especially at budget time. Jim Ritchie agreed that he felt confident that our Treasurer's Reports and Budget Reports were accurate.
- c) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie said that the status is the same as last month. The environmental impact statement is being prepared. Jim also pointed out that there is an extensive amount of information regarding the diversion on the WDNR's website. The information includes the history, key application documents and a listing of the Great Lakes Compact. Also included are the steps in the application process and notifications for public input.

### **Reports and Updates**

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois –Tom Slawski said that he had nothing new to report.
- b) SEWFRC Website – Al Sikora said he had no updates at this time.

### **Correspondence** –

- a. 9/29/14 "Mark your calendars" notice from Jim Pindel to all commissioners. This will happen every month from now on.

- b. 10/3/14 Tom Slawski volunteered to make the presentation to the Waukesha County Agri-business Group. Tom added at this time that his presentation will be on November 19, 2014. Barb Holtz asked who the Agri-business group was, and Tom said that he was told it was a group of farmers and growers.
- c. 10/3/14 Progress report from Tom Slawski regarding the MoU from the City of Burlington
- d. 10/7/14 Email from Jim Pindel notifying everyone that we received payment of \$26,059.95 from WDNR against ENUM – 18.
- e. 10/20/14 Email from Jim Pindel to David Burch stating he doesn't necessarily need to attend today's meeting, but he has to make periodic status reports.
- f. 10/23/14 Email from Jim Pindel to David Burch stating that we did approve grant funds of \$25,000 for his project with an excerpt from the 09/26/14 meeting minutes stating such.
- g. 10/24/14 Email from Jim Pindel to Craig Workman of the City of Burlington advising him that he cannot make an appointment to the commission until the state statues are amended.

**Miscellaneous Issues –**

Chad Sampson advised the commission that we have been included in the new Racine County Budget. We are a line item in the budget and have been allocated \$10,000. The budget is due to be approved on Monday November 3, 2014. Chad said he will look into how we get the funds and what they can be used for.

Alan Barrows stated that he is working with a Town of Vernon resident who has a navigable tributary to the Fox River and pond on his property. The pond was put in about 30 years ago and now the owner wants to remove the pond. At this time the owner is working on a design to dewater the pond. Alan said that he made the owner aware of our commission and we likely will receive a presentation from him at our next meeting in which he will be seeking some cost share from us.

It was motioned by Francis Stadler and seconded by Don Scott that the meeting be closed and the motion carried unanimously.

**Meeting Closed** at 2:02 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,  
December 5, 2014 at 1:00 PM. (Meeting Location: Town of  
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,  
WI 53103.)**