

Commission members present:

Dean Falkner (Village of Mukwonago) (Chairman)
Katelyn Bratz (Town of Mukwonago) (Vice-Chairperson)
Leif Hauge (Waukesha County)
Jon Grove (Racine County)
Bob Bartholomew (Town of Vernon)
Fred Koeller (Village of Waterford)
Francis Stadler (Village of Big Bend)
Jessie Medrow (City of Burlington)
Jeff Lang (Town of Burlington)
Andy Buehler (Kenosha County)
Dale Buser (SEWRPC)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Rachel Sabre (Wisconsin DNR)
Wayne Jensen (Village of Rochester)
Doug Koehler (City of Waukesha)
Ken Miller (Town of Waukesha)
Andrew Lois (Town of Wheatland)

Also present: Tom Day of Eagles Springs Lake Association and Representative Chuck Wichgers of the 83rd Assembly District.

At 1:06 PM, Chairman Dean Falkner 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 22, 2017 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Francis Stadler. The minutes were approved unanimously with the exception of Jeff Lang who abstained because he was not present at the last meeting.

Treasurer Reports – Jim Pindel reviewed the September 2017 treasurer's reports. We started the month of June with \$38,766.75. We made a payment of \$951.50 to Applied Ecological Services for work done on the WE Energies site shoreline restoration and a payment of \$2,750.00 to the Fox River Partnership as a cash advance for the 2018 Summit. We received \$6.20 in interest bringing our Money Market account to a balance of \$35,071.45. The only change to the non-grant funds was the \$6.20 in interest resulting in the net non-grant funds available being \$32,542.32. Francis Stadler asked why we were paying for sidewalk and parking lot salting. Jim Pindel said we funded \$3,000 from non-grant funds for a workshop on salting practices so that the runoff which includes the salt will not flow into the Fox River adding to its chloride content. It was motioned by Jeff Lang and seconded by Fred Koeller that the treasurer's report be accepted. The motion carried unanimously.

Old Business

- a) Fox River Partnership 2018 Summit: Tom Slawski was not present and Jim Pindel said that he received an email from Tom but the section concerning the summit was completely about the Fox River Water Trail. Realizing that the water trail will likely be a point of discussion at the summit it was appropriate and so most of that report was held until later when the water trail came up in the agenda. Dale Buser added that Tom is looking for topics and speakers for the summit and so anyone with suggestions should put them forward. Dean Falkner added that he has spent time trying to find what grant funds are available for what kind of projects and asked Dale if there was anywhere to go to find out what is available and to whom. Dale said there is a table of sorts on the SEWRPC website and it might have the information Dean is looking for. In summary, Dean said he wanted to see a tool where you listed the source of some non-point source pollution and then would see what grants are available to address this situation. In this same area of getting grant funding Dale said that he has attended federal sessions where they train you to apply for grants. Jessie Medrow said that several improvement associations have contacted them asking regarding testing of lakes and rivers what data to collect and what to do with the data and how can they obtain funding to pay for the work. Jessie said that Grant Application writing seminars are available from the Burlington Public Library system which includes Walworth, Racine and Kenosha counties. Anyone with a library card in these counties can take the seminar for free. The seminar is part of the Gale courses available on the Burlington Public Library website. Dean went on to say that what he is looking for is a means of leveraging federal USDA funds with some Wisconsin funds to take on larger projects that the landowners and the SEWFRC cannot afford to fund. An example of this type of project is the Fox River Part owned by Waukesha County and needs a \$250,000 shoreline repair. This is more funding than the county or the SEWFRC can provide. Dale pointed out that at this time of the year, SEWRPC is asked to write grant applications by many different organizations, but they can only do so many. Maybe it would be better if they coached writing the applications rather than doing the writing themselves.
- b) Mukwonago River shoreline restoration at WE Energies Site. Dean Falkner said that he would email Alan Barrows to make sure that the maintenance work is completed and we are billed by 6/30/18. Jim Pindel added that he was under the misconception that it was a 10 year maintenance contract so it couldn't be finished by 6/30/18. So all is well.
- c) ESR Project disposal sites environmental impact: No one from the WWMD was present, so Jim Pindel stated that Graef Engineering was working for the WWMD to solve the problem with the ammonia level in the sediment. Jim said there are 4 different possible alternatives that are being investigated.
- d) Schuetze Playground Storm Water Abatement: - Doug Koehler was not present and Jim Pindel said that at the last 2 meetings Doug asked him if he had received anything from the city and at this time Jim said he still has not received any

- paperwork regarding this project. Jim also said that we still owe them most of \$20,000 so you would think they would want to get it done.
- e) Mukwonago Park Shoreline Restoration – Alan Barrows was not present and Leif Hauge said he wasn't given anything to report.
 - f) Village of Waterford East Shore river bank Restoration: - Fred Koeller said that the project was pretty much done and there were just a few minor issues to be completed. Dean Falkner asked Fred what happened to the small island in the middle of the river which had a single tree on it. Fred said that during the flood earlier this year when the dam was fully opened the island and the tree were completely washed away. Fred said that there are still a few small islands just below the dam. Dean pointed out that testing downstream showed the phosphorus jump up when the island washed out. At the end of the day we concluded that any islands in this area of occasional high flow will not survive and be washed away if they are not protected. Fred said that the islands are heavily used by fisherman and are indeed part of the village's park. Dean said that this would be a good erosion control project for the future.
 - g) SEWRPC Survey for Waterford Dam to the Illinois Border – Dale Buser reported that Tom Slawski is in the process of doing the survey at this time. Tom started at the Wisconsin – Illinois border and has worked his way up to Burlington. Tom is using a GIS camera and going up one side of a segment and then coming back down the other side to record both banks of the river. Tom is also taking depth measurements with side scan sonar profiling the river bottom. Dale said that Tom has found one pool of 19' deep water and has not had to portage at all so far even though the water is quite low right now. Tom expects to finish up next week.
 - h) Parking Lot and sidewalk Salting Workshop: Jayne Jenks Jayne was not present to make a report. Jessie Medrow said that the workshop was held last Monday 10/23/17. She did not attend herself but encouraged the operators in Burlington to go. We would expect Jayne to make an appearance at one of our meeting and report on how the seminar went.
 - i) Birch Lane Shoreline Protection Project: Jon Grove said that they have all the necessary permits and the contractor expects to be on site next week. Jon said that he expects the contractor to be finished in a couple days.

New Business

- a) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that the sub-committee met again and has gotten good assistance from the WDNR. Dean said that it is looking good to get the plan done. He said that is the reason he has been talking so much about grants and how to obtain them, because he believes that doing the plan will make more federal and state funds available to us. The plan causes us to set priorities and find the most cost effective means of getting the project done. Dean said that they

will be having another sub group meeting and with that he expects to come to the commission at our next meeting with a recommendation on how we should proceed.

- b) Consideration of expanding our jurisdiction west to include Mukwonago River Watershed: Jim Pindel started by saying that we paid \$190 for the testing that Tom Day conducted, this amounts to 2 of 10 test site locations within our area of jurisdiction. Tom came to us today with copies of his report on this new data. Tom said that he and John Mann sampled the river on 7/31/17. In order to be brief Tom only highlighted one area from the report. He asked us to turn to page 7 which chronicled the amount of chloride in Jericho Creek. Tom pointed out that from 7/10/17 to 7/13/17 we received about 3” of rain followed by about 5” of rain resulting in major flooding. The graphic on page 7 showed the chloride content at road X, CTH NN and at CTH LO. Tom pointed out that all the way back to 2004 the chloride content at Road X is higher than at the other two locations. Tom pointed out that the chloride jumped from 55.4 mg/liter in 2012 to 80.8 mg/liter in July of 2017. Tom said that he believes that this jump has nothing to do with salting in the winter. Tom said that he talked to the North Prairie Village Trust and found out that since 2000 they have done some analysis of the chloride in the ground water that they pump into their water system. In 2000 the chloride in their ground water was 66 PPM and this last May the content was up to 200 PPM. Tom believes that the chloride in Jericho Creek in this area is high due to the high levels of chloride in the ground water in that area. Tom said he has to do more investigating to support this premise. Tom concluded stating that this data is available on the Eagles Springs Lake Management website with data going back to 2004 with more background information and explanations. Jim Pindel asked if this data could be shared with Graef Engineering who might be interested since they are looking at the chemical content of the water in the Fox River. Dean Falkner asked if Tom considered using the data collected by Sara at the nature conservancy on ground water in this area. Tom said it would be considered and that he takes other variables besides nutrients into account such as temperature and flow rate. Tom said that there is a definite correlation between what Sara is doing and the data he is collecting.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Lang said that he has not been attending their meetings since their didn’t seem to be anything that affects us. Jeff also said that he expected the FWA to send attendees to our meetings. We questioned whether we should contact them to see if there was anything that affected us and came to the conclusion that if there was anything the FWA would contact us.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: No one had anything to report. Francis Stadler asked if this

diversion would affect the Fox River. It was pointed out that we would lose 10,000,000 gallons of water per day with the diversion. Then Francis asked if this loss of flow would affect all the data we were collecting regarding nutrients and chemicals in the water system. The answer was that we expected it to have an effect and the data we were collecting now would establish a baseline for where we are now.

- c) Progress toward designation as a “National Water Trail” – Village of Waterford. Jim Pindel started by providing information he received from Tom Slawski in an email. Jim said that the vision of the Southeast Fox River Partnership (SFRP), the Fox River Ecosystem Partnership (FREP), the Village of Waterford as well as the volunteers and counties along the way was to balance all the uses and demands on this natural resource. The intent is to enhance recreational opportunities along the Fox River in Wisconsin and Illinois. Tom said they are now at a point of needing funding for graphic development for brochures, maps and a web portal to get the word out. Tom said that they will be looking for a letter of support from the SEWFRC and other organizations. A formal request will be sent out. Fred Koeller added that the Illinois data collection should be finished by year end. There is now a path of the safest way to paddle through the chain of lakes. There are new members to the core group from Racine County and McHenry County. Visitor bureaus will be an integral part of funding and getting the word out about the water trail. Fred also pointed out that there is a complementary set of land maps showing access trails, parking lots and other land based facilities to gain access to the river. This goes to strengthen the viability of the water trail. They have received a letter of support from the director of the Illinois DNR. The next meeting of the core group is December 4th. Dean Falkner asked if the land maps were available on GIS and Fred said he would have to check, but indicated that it most likely would be in the future.
- d) SEWFRC Website – Al Sikora was not present and no one had any comments.

Correspondence –

- a. 9/23/17 Email from Jim Pindel to mark your calendars for today’s meeting.
- b. 10/16/17 Forward of an email from Dean Falkner with attached report on activities at the 3rd 9-Key-Elements Plan subgroup meeting.
- c. 10/16/17 Email from Jim Pindel asking commissioners to write to their legislators asking help to get funding.
- d. 10/16/17 Email from Jim Pindel advising that Racine County Executive Jonathan Delagrave allocated \$10,000 in the 2018 county budget. It must be passed by the county board in November.

Miscellaneous Issues – Jim Pindel started by saying that he had sent emails to Representative Chuck Wichgers, who is in attendance, of the 83rd Assembly district which includes both the Village and Town of Waterford and to Senator David Craig

stating that we lost our funding in the last state budget. I pointed out that in 2016 the state legislature increased our area of responsibility by approximately 70 % and now has taken away our funding. He also pointed out that in past state budgets we were not included as a line item, but received funding through an amendment to the WDNR budget. Jim asked both Representative Wichgers and Senator Craig how do we trigger this mechanism to get funded by an amendment to the WDNR budget. Jim Pindel also said that he sent an email to Jim Ritchie of the WDNR who was a member of our commission for years and might know how to get this amendment to the WDNR budget going. Jim Pindel also said that in his email to Senator Craig he added the caveat that in 2016 the legislature expanded our responsibilities and in 2017 cut our funding which doesn't seem logical or reasonable. Jim Pindel also said that he and Dean Falkner have a meeting scheduled with Senator Craig on Monday 11/6/17 to discuss this situation. Jim Pindel went on to say that he had a telephone discussion with Representative Wichgers in which Chuck Wichgers made some suggestions on things we could do to get funding. Representative Wichgers suggested that we hold an 'in district' meeting with all of the legislators who represent the different municipalities of our member commissioners. At that meeting we need to make a presentation that outlines who we are, why we are, what we are trying to accomplish, how we were funded and what funding we needed. Jim Pindel asked each of the commissioners to email him with the names and contact information of the legislators (representative and senator) for their municipalities. We need to organize a meeting with as many of us as is possible with these legislators on a Monday in the near future. Jim Pindel said he would prepare the presentation for this meeting including the topics outlined above. Jim also said that Representative Wichgers said that he would be willing to lead this effort in the legislature and said that his/our positions would be enhanced if we got the support of additional legislators. Jim finished up by saying that we never had to take this tact before but we don't seem to have any choice if we want funding.

Representative Wichgers said that the way this works is that that 99 representatives and 33 senators all are asking for money for their districts. If you make a request you are added to the list of people asking for money and are put on the end of the list. However if you come in as a group, voice your needs and concerns and put some faces to the request making a grass roots initiative you can move up the ladder of requests. Chuck said that all the problems are real but where you stand in the list of priorities can be affected. We need to get buy in from all of the parties, start with our 'in district' meeting and then go to Madison to make our point that we need funding for our projects and our non-funded mandated projects. We need to ask how does it work that we have our area of responsibility increase by 70% and are not given the were-with-all to get our work done. Representative Wichgers pointed out that one of the things the legislature will be looking at is to make sure that there are no duplications of funding by different stake holders. The SEWFRC cannot be asking for funds that are also being requested by the WWMD or one of the municipalities. Jim Pindel stated that one of the things our commission does is that we get an amount of grant funding that is given to us to accomplish the mandates set down in our Implementation Plan. These funds are not dedicated to any particular project. We make the determination when a project is presented to us for funding that it meets the criteria we have set down to make sure that it

meets our objectives and make sure that the revenue streams are in place to finish the project and there is not duplicity of funding. Jim also stated that we know that no more than one state grant fund can be used on any one particular project. Representative Wichgers said that the money that we had been receiving was from revenue, not the general fund or from a grant. Jim Pindel clarified that our funding came from the Recreational Boating Facility (RBF) which gets its money from the gasoline tax on the gas that is used by boaters. Representative Wichgers then said that we need to ask the people involved why we have been cut off from this revenue. Sara DeBruijn said that the email Jim Pindel sent to Jim Ritchie, he forwarded to her and she sent it around to her bureau director and finance department. Sara said that no one knew why we were cut off or how to initiate the amendment to the WDNR budget. Sara said that the finance department said we have two channels to get financing, one is to go through the legislature which we are doing right now or to apply for grants that are available through the WDNR. The problem with applying for grants is that we would have to apply based on specific defined projects which would require a grant application for each and every project we take on without a guarantee of getting the funding. The block grants we received in the past let us decide if a project was worthy of granting and we already had the funds to fund the project. Dean Falkner made the point that many of the projects we handle are too small to go through the grant funding from the WDNR but we can handle them from our block grant funds which don't have predetermined places for the money to be spent. Jim Pindel pointed out that one of his points in the emails sent to Representative Wichgers and Senator Craig was that we added \$3,000,000 to our non-funded projects in our budget and our request for funding to help with the dredging of the Waterford impoundment. Jim said he hoped that this request didn't flag us as an easy target to save 3 million plus for the state to send elsewhere. If we had just requested \$200,000 maybe we might have flown through without getting cut. Jim went on to say that there is a state statute that says that the WDNR is responsible for maintaining the Waterford impoundment and that the WDNR said that they are meeting this responsibility by funding the SEWFRC. Now that they are not funding the SEWFRC aren't they renegeing on their responsibility to maintain the Waterford impoundment? Representative Wichgers said that Senator Craig is working on saving monies from the WDOT by uncovering excessive spending and duplicity. It is in those savings that monies are created to fund other things. Chuck said that we was told by joint finance that the money we need is not there and it would have to come from savings from the DOT, but in rural areas the DOT is on a 300 year replacement plan and the maximum should be 60 years. So it might be hard to get at these funds. Chuck said that Scott Walker and joint finance have said to fund something you have to come up with savings somewhere to pay for it. Chuck suggested that we approach Senator Craig asking him that some of the savings he finds could be used to fund us in the \$200,000 to \$250,000 range. Jeff Lang asked about timing, should we have the in district meeting in the next 30 days. Representative Wichgers said it wasn't necessary because the next budget cycle is 2 years away. Asked when the legislature convenes again, Representative Wichgers said in mid-February. In order to get through the Assembly and the Senate committees and onto the floor to pass a bill we need to get our work done before February. Andy Buehler said that when he is working on his budget for Kenosha County if he regularly allocates funds for a particular purpose, if he were changing that allocation it

would have to be a conscious decision to make that change and direct the funds to somewhere else. So the question is who decided to take our funds away and give them to someone else and where did those funds get sent. Representative Wichgers agreed with that point and asked Andy to email him with that question and he would try to take it to the right people to get an answer. The question of how much money is in the RBF fund came up and Sara DeBruijn said that about 2.5 million comes from the stewardship funds and about \$400,000 come from the gasoline tax. In the past, most of the money came from the gas tax but not anymore. Jim Pindel asked all the commissioners to identify their representatives and senators and email their names and contact information to him.

At the end of the day, it was decided that we need to get going as fast as possible. Jim Pindel committed to getting the presentation ready before 11/13/17 and that we would shoot for the 'in district' special meeting either the Monday of 11/13/17 or Monday 11/20/17. We choose Mondays because Representative Wichgers told Jim Pindel that Mondays are the best day of the week to hold an 'in district' meeting. We decided that we would ask Representative Wichgers which date he preferred because we need him there and he will be our lead in Madison.

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

Meeting Closed at 2:35 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
December 15, 2017 at 1:00 PM.** (Meeting Location: Town of
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,
WI 53103.)