

**Commission members present:**

Dean Falkner (Village of Mukwonago) (Chairman)  
Barb Holtz (Town of Mukwonago) (Vice-Chairperson)  
Alan Barrows (Waukesha County)  
Chad Sampson (Racine County)  
Doug Koehler (City of Waukesha)  
Robert Bartholomew (Town of Vernon)  
Al Sikora (Village of Waterford)  
Francis Stadler (Village of Big Bend)  
Jeff Lang (Town of Burlington)  
Wayne Jensen (Village of Rochester)  
Jessie Medrow standing in for Jim Bergles (City of Burlington)  
Tom Slawski (SEWRPC)  
Jim Ritchie (Wisconsin DNR)  
Rachel Sabre standing in for Michelle Scott (Wisconsin DNR)  
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

**Commission members absent:**

Andy Buehler (Kenosha County)  
Andrew Lois (Town of Wheatland)  
Ken Miller (Town of Waukesha)

**Also present:** Barbara & Don Baron, Kathy Aron of the WWMD, Rebecca Ewald of the Village of Waterford, Katelyn Bratz of the Town of Mukwonago and Michael Schwar of Stoney Point Hydrology.

At 1:04 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. Jim Pindel passed around a copy of the new contact listing for the commission asking everyone to review it and make the necessary additions or corrections.

**Minutes** The minutes from the October 14, 2016 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.

**Treasurer Reports** – Jim Pindel only reviewed the highlights of changes in the October treasurer's report. We started the month with \$74,279.49. We received \$12.62 in interest bringing our Money Market account to a balance of \$74,292.11. It was motioned by Alan Barrows and seconded by Al Sikora that the treasurer's report be accepted. The motion carried unanimously.

**Old Business**

- a) **Fox River Partnership Summit:** Tom Slawski said that he is continuing to develop the program and is trying to lock in some speakers. Tom said that he is coordinating his efforts with some of the people in Illinois and hopefully he will have more to report at our next meeting.

- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows passed out copies of an aerial view of the project area which also included some photos of the site and a cross section view that showed the details of the design. Alan then went on to give a history of the project. Alan said that this project has been on the books for about 7 years. It started in the summer of 2008; the Village of Mukwonago restored the shoreline of Indianhead Park just across the river from this project site. This project was a success and the SEWFRC kicked in \$90,000 toward the Park project. This new project takes up about 400' of shoreline 3' to 4' high owned by two private individuals. In 2009 the Village of Mukwonago asked their engineering consultants to contact the two land owners to see if they were interested in fixing up their shorelines. Both parties were interested but said up front that they did not want to pay for it. The SEWFRC agreed to pay for the engineering of the design, bid documents and permits for the project that cost us \$22,500. The estimated cost of the project came in at \$125,000. Some effort then went into finding funding for the project from the summer of 2009 to the summer of 2010 without any success and the project was put on hold from 2010 to the summer of 2012. At that time Jim D'Antuono, who was the WDNR representative on our commission, said that it was ridiculous for us to spend all this money on a design and not have the project come to fruition. So they organized a coalition of the WDNR, the Village of Mukwonago, Waukesha County and the SEWFRC to try to get things moving again. They all met with the property owners on site to review what could or should be done. At that time Alan said that he volunteered to be project manager, so that someone would be in place to oversee construction once funding was obtained. From the summer of 2012 to 2013 they worked on revising the plans for the project. Alan was able to get the CAD drawings of the original design from Rupert Mielke and these were used as a starting point for the revised plans. In the spring of 2014 Dean Falkner, at the time employed by the Village of Mukwonago, came forward and said that the Village would accept the position of Sponsor. This way the Village would contract the contractor, pay him when the work was done and then get reimbursed by whoever was funding the project. This was very helpful because the land owners were unwilling to assume this responsibility. At this time Alan put out the project for bid and the bids came back ranging from \$55,000 to \$80,000. In the spring of 2014 the SEWFRC committed to paying 100% of the low bid of \$55,000. The project sat dormant until the summer of 2015 with a major problem being that one of the land owners wanted 100' in the middle of the project area to be done by his contractor instead of the contractor that was selected. Trying to get two different contractors working in the same location was difficult to impossible and so the project sat again. In the summer of 2015 the land owner who wanted the 100' done by his contractor said he didn't have the money to do it and so Alan asked his low bid contractor to bid on doing the whole project including the 100' section. The bid came in at about \$65,000, so Alan came to the commission and we agreed to pay 100% of this new project cost. Now fully funded in June 2015 Alan passed the design to the owners for approval which took till September. Two weeks later they got the permit but by this time the construction window was gone for the year. So the project went on

- hold again. As of today a lot of the paperwork is in order and there is very little that needs to be done, but of course the work will have to wait for next spring. The Village of Mukwonago's lawyers wanted to review the contract language and this took some additional time but is now in order. A new problem that has come up is the landowner does not want to be responsible for maintenance of the site for the next 10 years, which is standard practice. So Alan is investigating rock riprap and other options that would eliminate the need for maintenance.
- c) Wood Drive Erosion Control Project – Chad Sampson said that machinery is on site and the contractor should start either Monday or Tuesday this coming week. He expects the contractor to start by laying the 15" drain tile. Chad said that his staff has been on site the last few days shooting grades and finding the existing tiles. One small problem is that the existing drain tile runs into an out lot owned by the subdivision. Chad said you can see the tiles piled up about 1000' to 1500' from STH 164 and eventually they will work their way right up to STH 164. Chad said that the Wood Drive project will use up all the SEWFRC funds allocated to it but the Malchine project may get some of the federal money and so there may be \$5000 to \$10,000 left over that the commission can use for other projects. At the end of the day it was decided that Chad would advise Jim Pindel as soon as possible, probably early December, how much was available and Jim would ask Alan Barrows to make sure he purchased materials in excess of this amount with delivery before the end of the year, so we can be sure to use up all the funds in ENUM-19. Alan Barrows said that he has a location to store materials if we purchase them this year.
- d) Malchine Farm field Erosion Control – This project was covered in the Wood Drive project above.
- e) ESR Project disposal sites environmental impact: Don Baron spoke for the WWMD saying that Graef Eng. contacted the WDNR concerning an exemption for the ground water runoff and it is apparently denied because of the arsenic in the sediment. There is more checking to be done concerning the ammonia that might go off into the air and phosphorus that might leach out to the ground. If the exemption goes through it will be sent to Racine County. Don asked Chad Sampson if there has been any action on the letter from Super Mix that was sent to the County. Chad said that their zoning technician sent a list of requirements to Super Mix and he was not sure if there has been any response. Don said that Graef was waiting on information from the WDNR so they could model the ground water effects so that this information could be sent to the County. Don said that he has heard that the phosphorus they remove from the impoundment might be worth trading credits. The financial committee of the WWMD is trying to find out whom in the WDNR to contact to understand the trading credits. Barbara Baron thanked the FRC for its financial support in getting the dredging permit. Barbara asked if we had been made aware of the results of the survey the WWMD ran to find out how much support there is among its riparian owners. Jim Pindel said that Don Baron made that report in the past. Barbara pointed out

that the survey showed that by more than a 2:1 ratio the riparian owners support the dredging project if they have to contribute up to ½ of the cost. Barbara said that they have a subcommittee working on getting grants and funding and she expects to have a final vote by the riparians in late spring or summer of next year. Barbara also mentioned the blue algae problem they have on Waterford Lake which has been posted by Racine County that you cannot swim in it or allow animals to drink it. The water will be tested again next spring. The WWMD will have to revise their lake management plan to address the blue algae problem

- f) Schuetze Playground Storm Water Abatement: - Doug Koehler said that he passed by the site on his way to the meeting and could see that work has begun. Doug said the some grading has been done including the base of the rain garden and some plugs have been planted there as well. There was also some grading of a path around the rain garden. They told Doug they will get it done but have not given him a date yet. We are all aware that the work must be completed this year.
- g) Graefenauer Shoreline Restoration (Tree Removal): Alan Barrows said that the bid came in for phase 3 of this project which is the removal of 4 pine trees. Alan reminded the commission that when we approved the tree removal we limited the cost to \$2500. The cost has come in at \$2,600 and so our cost share of 90% comes within budget at \$2,340.
- h) Nature's Classroom groundwater protection - erosion control: Katelyn Bratz. Katelyn said that they have EC3 coming out next week to do some tree removal which should not take more than a couple days. Katelyn said that they will be picking up the rest of the seed for the project next week and will proceed to plant it. She said they expect to complete the project by the end of the month.

### **New Business**

- a) How do we handle interpretations of Wisconsin State Statutes regarding:
  - 1, Can we expand our jurisdiction to include the Mukwonago watershed without the municipalities and counties.
  - 2, Can we include a municipality without its county
  - 3, How do we interpret "residents of the river county".
  - 4, Do we have to pay to publish our budget & public meeting notice?
  - 5, Are we bound by the Open Meetings Law?
  - 6, Should we hire an attorney?

Dean Falkner indicated that he knew that Jim Ritchie had not heard back from the WDNR's attorney and he said that he contacted a Paul Ferguson who was listed in the presentation concerning the 'Open Meetings Law' but had not heard back from him. Jim Ritchie said that he forwarded the summary of our questions/concerns to the program attorney but she just hasn't had time to review

them and get back to him. Jim said he will contact her and email all of us with her response. Dean Falkner said he would be happy to contact whomever to get things going or maybe we should just hire an attorney. Jim Pindel pointed out that Tom Day was not present today and he wants to know exactly what he has to do and we just don't know what to tell him.

- b) Mukwonago Park Shoreline Restoration – Alan Barrows said that initially the County has requested \$88,000 for this project which was deemed too expensive. Then they identified the cost of just the shoreline materials at \$68,000 which was also too expensive. Alan said that Steve Brunner has been able to drop the size of the project down to \$35,390. This was done by having the county apply some of its resources to the project like buying 100' of fiber coconut logs and matting as well as pay for all the labor. This would include matting along the shoreline and about 70' of biologs. One of the main reasons for this project is the contamination caused by the geese and so the short grass prairie all along the shoreline would prevent the geese from coming in and out of the water easily. Alan said that the county is committed to doing the project and this is another case where he could purchase materials immediately.
- c) Village of Waterford East Shore river bank Restoration: - Rebecca Ewald. Rebecca said that she provided a cost breakdown to Jim Pindel for the reduced cost project she mentioned at our last meeting and now was present to answer any questions and to see what we might be able to do to help the Village.

Jim Pindel then passed out a paper copy of a spreadsheet he prepared and had emailed to all the commissioners beforehand. The spreadsheet started by listing all of the available grant funds of \$71,260.59 which matches up with the treasurer's report. However previously at this meeting we assigned \$300 of grant funds to help sponsor the SSW summit and we were given the actual cost of the Graefenauer phase 3 tree removal of \$2,340, so Jim Pindel using his laptop with the excel spreadsheet subtracted out these two new costs bringing the available grant funds down to \$68,620.59. Jim then proceeded to go through the amounts he suggested for each of the line items from Rebecca's cost breakdown. After some discussion the percentage allotted to the \$45,000 worth of fieldstone boulders was reduced from 20% to 15% making the amount we provide to the Village of Waterford and Waukesha County for its Mukwonago Park project more closely aligned. At the end of the day we will be providing \$23,400 to the Village of Waterford for its East Shore project and \$18,220.59 to Waukesha County for its Mukwonago Park Shoreline Restoration. This still leaves the \$27,000 allocated for the SEWRPC survey from the Waterford Dam to the Illinois border. Jim Ritchie asked Rebecca if the shoreline restoration will go on this coming spring with the amount we propose for the Village and Rebecca said it will get done this coming spring no matter what. Then Jim Ritchie asked Alan Barrows if any or all of the Mukwonago Park project could be put off until later in the summer when we might have new ENUM money to spend. Alan said that some of the work will probably not be done until later in the year. So therefore it

- is possible that Waukesha County could request additional funds from the commission later next year. It was motioned by Chad Sampson and seconded by Al Sikora that we allocate our remaining grant funds as listed above. The motion passed unanimously.
- d) Aquatic Invasive Species (AIS) Summit: Kathy Aron. Kathy said that she was looking to us for some low level support for a Starry Stone Wort (SSW) and all other AIS Summit to be run on 1/20/17 at the Veterans Terrace in Burlington. Kathy said that the attendees will be contractors and manufacturers involved in SSW treatment as well as WDNR department staff and researcher and others involved in SSW detection and eradication. Dean Falkner asked Alan Barrows if Brad Steckart, who we are funding, the AIS manager/coordinator for Waukesha and Washington counties was aware of this effort. Alan said he will contact Brad to make sure he is aware of it. At that time Kathy said she had talked to Brad but she wasn't sure he intended to come to the summit. Jim Ritchie pointed out that there is a conflict between closing boat launches to prevent SSW spread and the WDNR's responsibility to provide public access to waterways. Kathy said this would be one of the points of discussion at the summit. Jim Pindel asked Kathy if she was obtaining any other state grant funds and she said she was not. Then Jim Pindel asked her how much money she was looking for us to provide and Kathy said \$300. Alan Barrows motioned to provide the \$300 for the SSW Summit and Jeff Lang seconded the motion. The motion passed unanimously.
- e) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that in the last week he met with people from Waukesha County regarding erosion at the Fox River Trail Park. Dean said that after a very short conversation it was determined that it would cost over \$300,000 to fix just the one area of the Park. Dean said there is another area just across the river which has significant erosion. Dean said that between the two erosion areas it would easily take over \$500,000 to repair them both and there were another 10 areas of erosion identified in the Graef survey in Waukesha County. With this many locations that need attention it makes it all the more important to submit a grant application to the EPA for developing a 9-Key elements plan, which should make additional funding sources available. Dean then asked the WDNR personnel present if the Village of Mukwonago or the SEWFRC should apply for the EPA grant. Jim Ritchie said that municipalities are eligible to apply for EPA grants but wasn't sure that other units of government are eligible. Dean said that because the Village was dedicated to cleaning up these erosion sites the Village will go ahead and apply for the EPA-319 grant. Dean said he is also considering applying for a monitoring grant and Rachel Sabre said she would talk to Michelle Scott about it this coming week.
- f) Gauges: Why do we want more? What kind of gauges? When do we want them? Who will pay for the hardware, installation and maintenance? Tom Slawski said that he didn't have anything to report at this time.

- g) Consideration of expanding our jurisdiction west to include Eagle Spring Lake: Dean Falkner stated that we still have not heard from the WDNR attorney and so we don't know exactly what has to be done in this regard.

### **Reports and Updates**

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Tom Slawski  
Tom said that he had some contact with Joe Miller of the FWA but was unable to get together with him. Tom said he will try to get Joe to attend out next meeting.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie said that he had nothing new to report since our last meeting.
- c) Progress toward designation as a “National Water Trail” – Village of Waterford.  
Rebecca Ewald said that she had nothing new to report at this time.
- d) SEWFRC Website – Al Sikora said everything was up to date with the information he has been provided.

### **Correspondence** –

- a) 10/18/16 Email from Dean Falkner with .pdf file attachment of his Power Point presentation concerning how to improve water quality
- b) 10/18/16 Email from Jim Pindel to mark your calendars for today's meeting
- c) 10/18/16 Email with attached revised (corrected) September Treasurers Report
- d) 10/18/16 Email from Jim Pindel to Jim Ritchie listing 4 points that need clarification in the Wisconsin State Statutes
- e) 10/20/16 Forward of emails between Kathy Aron and Tom Slawski looking for funding for a SE Wisconsin AIS Summit
- f) 10/25/16 Email from Jim Pindel to Jim Ritchie with attached Power Point presentation, which indicates that we are subject to the Open Meetings Law
- g) 10/27/16 Email with attached MU Magazine article concerning reclaiming phosphorus from impaired waters.
- h) 10/27/16 Email from Jim Pindel to Alan Barrows asking him to advise Brad Steckart that we will provide \$1000 per year for 3 years to help fund his program. Alan Barrows reminded Jim Pindel that Waukesha County wants a letter of support for Brad's ASI efforts. Jim said he would get it done.

### **Miscellaneous Issues** –

Alan Barrows said that the Friends of the Mukwonago River contacted him asking for any information he could provide on projects that we have done in the Mukwonago River watershed for their newsletter. Alan said that he did not know if this would be a paper newsletter or an electronic newsletter. Alan in response showcased projects we have done going back to as far back as the Rainbow Springs culvert removals and other older projects and also listed the projects we are currently working on like the Graefenauer

shoreline restoration. Alan also made them aware of projects that are just queueing up like some of the AIS projects, the WE Energies shoreline restoration and the Fox River Summit. Katelyn Bratz said that she is writing an article for the newsletter for the Natures Classroom.

Jim Pindel advised the commission that the Town of Waterford empowered him to choose his own alternate commissioner. Jim said that he asked Shelley Tessmer to be his alternate knowing that if she takes his place she will be responsible for providing the meeting minutes. Jim said he would take care of providing the agenda and treasurers' reports.

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

**Meeting Closed** at 2:22 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,  
January 13, 2017 at 1:00 PM.** (Meeting Location: Town of  
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,  
WI 53103.)