

Commission members present:

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

Commission members absent:

Dean Falkner (Village of Mukwonago)
Shelley Tessmer (Town of Waterford)
Barb Holtz (Town of Mukwonago)

Also present: Jim Ritchie and Brian Glenzinski WDNR, Ron Barker of Fox Waterway Agency, Angie Van Scyoc Town of Waukesha, Leif Hauge of Waukesha County and Paul Kling, Dick Kosut and Don Baron of the WWMD.

At 1:07 PM, 2/03/2012, Chairman Al Sikora called the Commission Meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the December 2, 2011 meeting were reviewed. It was motioned by Francis Stadler and seconded by Randy Meier that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for December 2011 was reviewed. In summary we started with \$30,795.69 in our money market account and made \$13.08 in interest resulting in a final amount of \$30,808.77 Jim Pindel reviewed the financial summary for 2011 showing that we grew from a start of \$7,940.19 after income from two checks from the WDNR and annual interest on the Money Market Account and six payments for completed projects, resulting in a final yearend balance of \$30,808.77. The January 2012 Treasurers Report was passed out and indicated a gain of \$13.08 in interest. It was motioned by Alan Barrows and seconded by Randy Meier that the Treasurers Reports be approved. The reports were approved unanimously.

Old Business

- a) Possible boat/canoe launch on Highway ES (pending) – Alan Barrows reported that the project had been completed last year as previously reported. Alan stated that

he had brought with him all the documentation required to complete the project including a cost share agreement, required permits, a photo of the construction site, a short narrative and an invoice from the County. Alan said that he had emailed before and after photos to Al Sikora and Jim Pindel, which Al can use on our Website. Al asked for a narrative for the Website and Alan said that he could revise the narrative in the project package to meet his needs. Alan said that he stops at the project site weekly and that he had added compost filled bottles to catch finds before the water enters into the river. Inspection of the site shows no signs of erosion or settling. Since we are not paying for this project from grant funds, no WDNR review is required and so as soon as we review the documentation provided by Alan we will issue a check to Waukesha County for \$600.00.

New Business

- a) Consideration of expanding the Commission jurisdiction south to the Illinois border. - Jeff Thornton reported that Dan Treloar of Kenosha County had contacted him as result of the discussions at our last meeting requesting some draft language for a resolution by Kenosha County, so that the Kenosha County Board could enter into a MOU (memorandum of understanding) with us as a first step toward Kenosha County becoming a member of the commission. Jeff further stated that Dan is behind us moving toward including Kenosha County within our jurisdiction. Jeff will see Dan next week and should be able to get an update from him at that time.

- b) Mill Creek Gully Erosion Repair Project – Waukesha County. Alan Barrows introduced Leif Hauge a Civil Engineer for Waukesha County. Leif made a Power Point presentation. The project is on a strip of Waukesha County Park land within the Town of Waukesha. The area in question drains a 200 acre field through a 48” culvert. Leif provided a photo showing the runoff through this culvert and drainage ditch a day after a 5” rainfall, the water still running out was about 5” deep and four to five feet wide. One of Leif’s slide showed that the site is clearly within the jurisdiction limits of the commission. Another slide showed how the water from the gully runs into Mill Creek which flows into Pebble Brook which then flows into the Fox River. The distance from the gully to the Fox River is about three miles. One of Leif’s slides showed the gulf ball and larger sized rocks deposited where the gully enters Mill Creek and Leif went on to say that all the smaller debris was carried down the creek and possibly deposited in the Fox River. Leif pointed out that this project is consistent with the goals laid out for the Commission in our new Implementation Plan. Leif said that the Chapter 30 permit has already been approved by the WDNR. Another slide showed the plan for the project including a spill basin to slowdown the water velocity before it enters into an even slope to an even lesser sloped area. There will be a thick rock riprap blanket about two feet thick and about 150’ long. Slope stabilization methods will be employed to protect the closest property owner in the subdivision. Leif stated that the project will require the Chapter 30 permit from the WDNR, the DNR’s water quality certification permit, the

Waukesha County storm water permit, Waukesha County streambank stabilization permit and ask the Town of Waukesha for a conditional use permit. Leif stated that he estimated the total project cost to be \$30,000 and was requesting \$20,000 or 67% of the funds from the commission. The project is intended to start in the middle of August 2012 and be completed by the end of August. Francis Stadler asked if the landowner closest to the project that placed fill near the gully was paying anything and Leif said no because the erosion is not on his property as this time and the work being done will hopefully prevent it in the future. Chad Sampson asked if the County was doing the work themselves and Leif said that he planned to bid the job out. Angie Van Scyoc asked if the profile of the stream will be wider or narrower when the project is completed. Leif said that the profile would be what it was three years ago before the erosion started. Randy Meier asked that since it appears that the development of the subdivision caused this erosion situation is there anything being done to prevent such future situations? Leif said that both he and Alan Barrows are responsible to review new subdivision plans and they do consider the environmental affect. Considering that this is the point at which we would normally vote to accept or reject a project for funding. Jim Pindel reviewed the ten criteria listed in our new Implementation Plan for accepting a project. Since this proposed project met many of these criteria it was decided to go ahead and vote on accepting it. Randy Meier motioned that we accept this project for funding under our new ENUM and the motion was seconded by Ron Peterson. The motion carried unanimously.

- c) Runoff improvement projects – WWMD Paul Kling addressed the commission saying that they were not prepared to make any presentations at this meeting but intended to present four potential projects at our next (March) meeting. These four projects are estimated to have a total cost of \$240,000 and come off of a master list of many projects that the WWMD is considering or has already accomplished. The projects generally address erosion control and storm water runoff. Paul passed out copies of a portion of this master list. He individually addressed the “Grand Drive / Buena Lake Drainage Control Project” because this one is to some extent responsible for the ingestion of silt into Buena Lake (a major problem). An anticipated difficulty with this project is that the runoff comes through a marsh and the WDNR is very particular about what can be done in marshes/wetlands. This situation will have to be addressed in a cooperative manner with the WDNR. Jim Pindel pointed out that we only have \$200,000 of grant money available starting July 1, 2012 and we have already committed \$30,000 to Waukesha County for the Mill Creek project. Jim also pointed out that we could apply for an extension to the new ENUM which would allow projects to go out to June 30, 2014. It is also possible that we could request and get an additional ENUM starting July 1, 2013. Don Baron made some additional comments regarding the WWMD projects and pointed out that when he first talked to the Army Corps of Engineers in 2003, they told him that the WWMD must stop all the sources of silt and erosion into the impoundment before they can do anything about removing (dredging) the silt that has accumulated. This led us

directly into the next agenda item (Eco-System Restoration Project) and so it was covered immediately.

Reports and Updates

- a) Eco-System Restoration Project (Waterford Impoundment) – Don Baron reported that the WWMD has hired Graef Engineering out of Milwaukee to prepare the Preliminary Application for Dredging and so Graef is working directly with the WDNR in this regard. The last meeting between Graef and the WDNR was regarding the location and number of test sites for sediment samples to be taken as a next step in the Permit process. The WWMD will have to obtain variances from some landowners and a public meeting will have to be held to get final approval for the dredging project. Jeff Thornton pointed out that the SEWRPC did an overview of the project considering locating and widening the navigational channel from the iron bridge to the dam in Waterford. Graef Engineering is presently working on calculating the volume of sediment to be removed and then will go forward with the completions of the permit application and packet. Some of the issues that are outstanding are the type of dredging to be done and the dewatering methods to be employed. Jim Pindel added that the Preliminary Application for a Dredging Permit has been submitted to the WDNR and is now under review by them.

- b) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker the Executive Director of the FWA was present and made the following report. He is spending much of his time looking for funding for various projects they would like to accomplish. He said the sales of Wisconsin topsoil are going well with their largest customer being the City of Chicago. Ron reported that they are now looking for a new 100 acre location to increase the size of the dewatering facilities. The FWA dredges somewhere between 130,000 and 150,000 cubic yards of sediment per year; of that only about 30,000 cubic yards does not come down the river from Wisconsin and northern Illinois. There is no point source pollution north of the Fox Waterway so they do not have to contend with toxic chemicals. Listening to our discussions, Ron said we appear to be at the point the FWA was at some twenty years ago. As we continue to accomplish multitudes of small projects eventually all that is left are larger and much more expensive projects. As an example Ron pointed out that one of his current projects has a budget of 1.8 million dollars. A major project that the FWA is addressing is an island that has eroded from 57 acres down to 8 acres and so they want to build the island back up to 57 acres. Building this island will allow them to deposit dredged sediment locally saving the trucking charges for hauling the sediment away. This island will provide habitat for Turns which are an endangered species. Building this island will save the FWA approximately 8.9 million dollars in trucking costs. As an illustration, Ron said that this amounted to enough sediment to fill dump trucks forming a line from the Fox River Bridge in Fox Lake to the state capitol in Springfield Illinois. A major streambank stabilization project was

accomplished last year at Fox River Springs which is just north of state highway 173 in northern Illinois. The FWA will be doing a streambank stabilization project in the Illinois state park at Grass Lake. A 43 acre peninsula has been washed away in this area. The warm weather conditions has caused a delay in starting this project, they need frost in the ground to be able to truck the riprap to the location. Ron said he has a pile of projects on his desk that will cost an estimated \$30,000,000. Jeff Thornton pointed out to Ron that the reason we modified our implementation plan to possibly extend south through Kenosha County would be to be contiguous with Illinois and thus possibly be able to apply for federal funds for both Illinois and Wisconsin.

- c) SEWFRC Website – Al Sikora said that he had no updates on the website at this time and again asked Francis Stadler to get some narrative for the Big Bend Boat/Canoe Launch Project. Alan Barrows pointed out that on the proposed projects page it lists future initiatives on the top and it also lists future initiatives on the completed project page which doesn't seem appropriate. Alan and Al both agreed that our website, especially the completed projects pages is a valuable tool when we approach the Counties for funding.

Correspondence –

- 1/5/2012 Email from Jim Pindel to all commissioners and friends of the commission requesting project presentations
1/19/2012 Received 1099 interest statement from Citizens Bank for our Money Market account.
1/20/2012 Email from Alan Barrows requesting Mill Creek gully erosion repair project presentation to be added to today's agenda.
1/22/2012 Email from John Bostrom advising that the WWMD will be applying for grant funds for five runoff improvement projects.

Miscellaneous Issues –

Although this discussion occurred at the beginning of the report on the Fox Waterway Agency, it has been moved here to Miscellaneous Issues to not break up the continuity of the agenda items. Brian Glenzinski of the WDNR wanted the commission to be aware of a new project he intends to propose for funding. Brian passed out some maps of the location and summarized the project. The project has to do with the portion of Rainbow Springs that lies within the Town of Mukwonago and therefore is within our area of jurisdiction. The project amounts to restoring the portion of the Mukwonago River that runs through Rainbow Springs where the golf course used to be. The sponsor of the project would be The Kettle Marine Natural History Association. Don Reed of SEWRPC would be our primary contact for this project. The first step in the restoration would be the removal of seven culverts that had been installed in the golf course area. Photos that were included in the packet Brian passed around show that the culverts are a definite impediment to the navigability of the river, which fits in well with the mission of the commission. Brian reminded the commission that the Mukwonago River is one of the most diverse biological communities in the state of Wisconsin and deserves the care needed to maintain it. It is a high quality community with a large number of rare and

endangered species. Brian pointed out that he would be looking at a request for about \$45,000 from the commission and expects to make a formal presentation at our next meeting. Brian stated that this area is now referred to as the Mukwonago River Unit of the Kettle Marine State Forest with its master plan under development now with an expected completion date of the end of this year. The timeline for this project would be most likely the summer of 2013. There is a north channel that can be used to divert the river flow so that the removal of five of the culverts can be done without any water flow through them. Jeff Thornton pointed out that the commission's new Implementation Plan did assume into it the Mukwonago River Watershed Protection Plan prepared by SEWRPC which indicates removal of these culverts as critical actions required. As such this project would be consistent with our Implementation Plan.

Don Scott said that he was requested to come to the Town Board Meeting and make a report on the commission's progress. Don said the Highway ES project that Alan Barrows just completed was within the boundaries of the Town of Vernon and so he had something positive to report. The board reported that there are lots of large fires being burned at the location of the Fox River Inn project which is now owned by Waukesha County. Alan made note of this report and seemed to already be aware of this situation. The board also is looking for access to the Fox River at Center Drive so that they can use this location for filling the fire department's tankers. The access land in question is owned by Waukesha County. It was felt that this project was not in line with our mission and goals and probably needs to be addressed between the Town of Vernon and Waukesha County.

Jim Pindel stated that he had discussions with Paul Kling regarding how to make a presentation to the commission for a project and what the presentation should include. Jim suggested that page on our website which addresses "Applying for a Project" be changed to list project narrative, budget, timeline and identifying the project manager as part of the formal project presentation to the commission. This should make it clearer to parties wanting to make a project presentation to know what is expected of them. Al Sikora took Jim's notes on this subject and indicated that he will make the requested changes.

On another topic Jim Pindel pointed out that with the upcoming project presentations by the WWND and the WDNR and potentially others this would be an appropriate time for us to address the weighting of the project approval criteria listed in our implementation plan. The plan lists ten criteria and states that they should have point values associated with them. Jim volunteered to provide a spreadsheet to the commissioners before our next meeting with suggested or possible point values associated with each criteria. Jim also asked that the commission consider a minimum point value that a project must attain before we can approve of it. Clearly the point values of different projects would make it easy to choose between two competing projects but new projects come about as they are identified for need by the sponsor and so we need a mechanism to choose whether a project is worth of funding on an individual basis.

Randy Craig said that a man named Robert Bartholomew was interested in joining the commission as a representative of the Town of Vernon; Randy was told that Tom must provide a letter of appointment from the Town.

Don Scott motioned to end the meeting and the motion was seconded by Francis Stadler, the motion passed unanimously.

Meeting Closed at 2:15 PM

NEXT OFFICIAL MEETING WILL BE Friday, March 9, 2012 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Don Scott (Town of Vernon) (Vice-Chairman)
Randy Craig (Town of Vernon)
Robert Bartholomew (Town of Vernon)
Randy Meier (Town of Waterford)
Jon Grove standing in for Chad Sampson (Racine County)
Francis Stadler (Village of Big Bend)
Ron Peterson (Village of Big Bend)
Alan Barrows (Waukesha County)
Jim Ritchie standing in for Jim D'Antuono (Wisconsin DNR)
Tom Slawski standing in for Jeff Thornton (SEWRPC)
Doug Koehler (City of Waukesha)
Barb Holtz (Town of Mukwonago)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Dean Falkner (Village of Mukwonago)
Shelley Tessmer (Town of Waterford)

Also present: Brian Glenzinski WDNR, Ron Barker of Fox Waterway Agency, Dan Treloar of Kenosha County, Dan Dickinson representing himself and Violet Razo for the Village of Mukwonago.

At 1:04 PM, 3/09/2012, Chairman Al Sikora called the Commission Meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the February 3, 2012 meeting were reviewed. It was motioned by Alan Barrows and seconded by Randy Craig that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for February 2012 was reviewed. In summary we started with \$30,821.85 in our money market account and made \$11.61 in interest resulting in a final amount of \$30,833.46 It was motioned by Randy Meier and seconded by Don Scott that the Treasurers Reports be approved. The reports were approved unanimously.

Old Business

- a) **Mill Creek gully erosion repair project (active)** – Alan Barrows reported that he had received an update from Leif Hauge stating that he had already obtained the permit from the WDNR. Concerning the schedule, in March he will be expecting the county zoning permit, in April he will start the bidding process, in May he will conclude the bidding process, in June he will obtain the zoning permits from both the

Town and County, in July our funding will become available and he expects to start construction in August. August was chosen because it has the highest probability of being dry. Jim Pindel provided a cost share agreement for this project, which was signed by Al Sikora and passed to Alan to be signed by the proper authority at Waukesha County.

New Business

- a) Fox River Partnership – Tom Slawski of the SEWFRC reported that he has recently been made the President of the Southeast Wisconsin Fox River Partnership. This partnership began through WDNR efforts back in the late 1990's. The group has progressed along and has recently ceased its activities. Tom is here today to solicit funds from the commission for a Fox River Summit planned for next winter. The summit would be like a one day seminar focused on relevant issues with special speakers. One of the benefits of the Fox River Partnership is that its boundaries are defined by the watershed whereas the FRC's boundaries are limited to the participating municipalities in the middle of the watershed. There is a lot of potential for future collaboration among member organizations. The Partnership has its own budget which presently has \$1200 in it. The Partnership has been successful in doing a number of projects most notably the "Recreational Use Map" which is in wide spread circulation. The summit would be geared at fostering integrated water resource management locally among counties and potentially between states. The summit will probably be held locally in Racine County. Historically most of the efforts of the partnership were focused on the upper portion of the watershed. The effort will be to revitalize this group and generate activity throughout the entire watershed. When the topic of funding the Summit came up it was stated that something of a formal request with some written description of what constitutes the summit would be needed so that the commission could vote on accepting the project. Jim Pindel explained that when he generated the agenda, knowing that Tom was requesting funds from the commission, he would have placed his presentation after the next agenda topic of assigning qualifying points to our project acceptance criteria. As such the commission did not vote on funding the Summit, but a simple \$5000 funding request should not take much time to address in an upcoming meeting. Alan Barrows asked if the Partnership was a non-profit organization and Tom said yes that it was a 501 C3 organization.

- b) SEWFRC Project Evaluation Point Assignment – Jim Pindel Jim Pindel passed out paper copies of a PowerPoint presentation explaining where the qualifying point system came from, suggesting point allocations and possible minimum point values required for acceptance of a project by the commission. After reviewing the ten qualifying parameters for a project, the suggested point assignments were reviewed, discussed and amended in that the value assigned to the parameter "Does the proposed project have a good likelihood of successfully meeting the project objectives" was increased in importance from a value of 5 point to 8 points. This modification made the maximum number of qualifying points for a

project 55 points instead of the initial suggested 52 points. After some discussion it was motioned by Don Scott as a starting point that the norm (or standard operating procedure) for accepting a project would be that it meets the qualifications of “Does the proposed project meet the objectives of the FRC Implementation Plan” and “Does the proposed project have a good likelihood of successfully meeting the project objectives” as well as scoring at least 28 qualifying points. The motion was seconded by Ron Peterson and was passed unanimously. It was also the consensus of the commission that these point values be reviewed in a years’ time to see if they need to be adjusted after we have had the opportunity to have employed them on some real proposed projects. The qualification criteria and assigned point values are listed below:

Award Category	Points Assigned
Does the proposed project meet the objectives of the FRC Implementation Plan	10
Does the proposed project meet the need for actions in a plan other than our Implementation Plan	5
Does the proposed project assist in local decision-making or formation of a strategy to protect the quality of the Fox River ecosystem.	5
Does the proposed project protect critical riverine ecosystems or special concern, threatened or endangered species and/or habitat	8
Does the proposed project enhance the knowledge and understanding of the Fox River ecosystem	4
Does the proposed project make use of all the available funding sources, including the acquisition of non-FRC funds	4
Does the proposed project have a level of support from other affected management units or organizations	4
Does the proposed project have a good likelihood of successfully meeting the project objectives	8
The completeness and degree of detail of the Project Application	4
The first time applications of a project by the applicant	3
Total	55

- c) Mukwonago River Restoration within Rainbow Springs – Brian Glenzinski Brian provided a handout to the commission which outlined the location of the project, the sponsor “Kettle Moraine Natural History Association”, the permits required, the storm water and sediment control tactics employed, a description of how the project will be implemented and an estimated budget. Also attached to the handout was an aerial photo of the entire project area depicting the location of the

seven culverts to be removed and four photos of the existing culverts. Brian used a PowerPoint presentation to explain the project specifics. Having listened to our discourse regarding project qualification points, he noted that this project was exactly in line with our acceptance criteria. Brian stated that the State had purchased the Rainbow Springs property some three years ago and this is not the first attempt to reclaim the golf course portion on the property. The project sponsor "Kettle Moraine Natural History Association" raises funds by selling ice, fire wood and other items on state forest lands. This association is very good at leveraging their funds to obtain grant funds from other organizations. It is likely that any funds we provide for this project will obtain matching funds from some other organization. The culverts on the river are definitely an impediment to navigation and stream bank stabilization is required in many areas. Additionally the project will enhance fish and wildlife habitat as well as protect water quality on the river. The presentation included aerial photos going back to 1941 and showed the progression of changes made especially by the construction of the golf course. Brian said that the plan is to completely remove five of the culverts and replace two of them with bridges. There is a master plan being written for this property and will be completed in December. The two bridges will be required to gain access to the main land area. The main goal of the project is to restore the original channel of the Mukwonago River. The work done on this project will not have any effect on the upstream or downstream properties. Addressing the project budget, Brian pointed out that the FRC would be the first contributor to the effort and he was asking for \$75,000. The budget broke down to \$60,000 for removal of the culverts and stream bank stabilization and \$220,000 for the two bridges. The question came up if we could commit more funds than we have available from the upcoming ENUM and the answer was no. However it was suggested by Brian that if we were to say commit \$50,000 to the project we could list the shortfall of \$25,000 as a potential or unfunded project in Waukesha County and hope to get county funding in their next budget cycle. Barb Holtz made a pitch favoring the project based on the quality of the Mukwonago River ecosystem in her municipality. Several commissioners expressed reservations regarding paying for the two bridges being proposed. The problem is that without the bridges or culverts a large area of the Park would be landlocked and generally unusable. If large D shaped culverts are installed to permit access to the land they would prohibit navigation, so it may be that bridges are needed for navigability. It was motioned by Alan Barrows that we commit \$50,000 for the removal of the seven culverts and stream bank stabilization with the contingency that the river is navigable upon completion of the project. The motion was seconded by Randy Meier and passed by all except Francis Stadler who abstained from voting.

- d) Runoff improvement projects – WWMD No one from the WWMD was present, but Jim Pindel said that he had heard from Paul Kling of the WWMD this morning before the meeting who updated him on the situation regarding their projects. The WWMD has identified five remaining runoff projects the Birch/Cedar Lane project estimated at \$75,000, The Tichigan Drive/ Channel Road project estimated at \$80,000 and the Riverside Drive project estimated at

\$85,000. There are two other projects that they identified which need further investigation and so there is no estimated cost for these two projects which are the Elm Island Bay project and the West of Loomis Road Drainage project. The Birch/Cedar Lane project is at the north end of Tichigan Lake where water rushed down into the lake carrying sediment with it. The Tichigan Drive/Channel Road project amounts to about 20 locations where water flows quickly downhill into Tichigan Lake, Conservancy Bay and the Fox River. The Riverside Drive project requires erosion control at about 10 locations where water rushed down from the high ground to the west between houses on the west side of the street. Jim said that Paul Kling has recently accepted the position of major projects coordinator for the WWMD and was still evaluating each of these sites and would eventually involve Engineering Contractors and get more exact cost estimates before the WWMD brings these projects before the commission for funding. All of these projects are in Racine County and will be listed in our 2013 budget as preliminary probable projects to be funded to the extent possible in the 2012-2013 timeframe.

- e) Consideration of expanding the Commission's jurisdiction south to the Illinois boarder Dan Treloar of Kenosha County was present and stated that there had been correspondence back and forth between Jeff Thornton and himself regarding a Memorandum of Understanding (MOU) between Kenosha County and the FRC. Dan said he presented the motion to Jim Kreuser the Kenosha County Executive who signed the MOU wholeheartedly and looks forward to the partnership with the Fox River Commission. The next step will be to get the affected municipalities along the river in Kenosha County to generate and sign MOU's so that we can present them to the state legislators in an attempt to get the Wisconsin Statues amended to include Kenosha County and the river municipalities within the jurisdiction of our commission. Dan also made up a resolution submitted to the County Planning Commission and the County Board for their approval. Dan concluded by saying that they are working on it and expect that we will be able to partner up in the future.

At this point in new business, Francis Stadler brought up a project from the Village of Big Bend for a situation at the Boat/Canoe Launch that we helped to fund couple years ago. At first it was not totally clear whether the project is to replace an existing creosoted timber wall or just to increase/replace the rock riprap protecting the wall. Francis then clarified the situation saying that the Village Engineer said that the wall did not need replacing. The detail provided only lists estimates for the volume and cost of rock riprap. The estimated total cost of the project is \$9,000 and 90% of this project will be listed as a potential project in the 2013 budget for Waukesha County.

Reports and Updates

- a) Eco-System Restoration Project (Waterford Impoundment) – Jim Pindel reported that there have been meetings between Graef (the engineering company hired by the WWMD to prepare the preliminary dredging permit application) and the WDNR regarding the number and location of the sites for sediment sampling.

- Jim also stated that the WWMD on its own has investigated possible grant and funding possibilities and had met with the funding experts at Graef to identify all possible assistance for paying for this large project. Some of the funding options discussed were Tax Increment Financing (TIF), Harbor Assistance Grant, WDNR grants, FEMA grants, opportunities from the Army Corps of Engineers and the possibility that some of the silt could be processed and sold.
- b) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker the Executive Director of the FWA was present and said that much has not changed since he made his last report at our February meeting. Ron mentioned that one of their current dredging projects will result in the creation of a 17 acre park. Ron thanked us for the Wisconsin topsoil they will use to make the park. The unseasonably winter made it difficult for them to do much stream bank stabilization this year. The dredging activities will be shut down soon for the fish spawning season. Ron said that he was looking forward to our extending our jurisdiction down to the Illinois border so we could talk with one voice when applying for federal assistance.
- c) SEWFRC Website – Al Sikora said that he had no updates on the website except that he had made the changes to the section concerning how to apply for a project as requested at our last meeting.

Correspondence –

2/7/2012 Email of Kenosha County MOU sent to Jeff Thornton by Dan Treloar. The MOU is the cooperative agreement between Kenosha County and the Fox River Commission.

2/7/2012 Email from Jeff Thornton to Dan Treloar suggesting that the next step would be to invite the Kenosha County river municipalities to attend our next FRC meeting and encourage them to sign similar MOU's concerning cooperation with the FRC.

Al Sikora said that he had received a phone call from Al Cellarius from the Golden Bay Subdivision regarding the Golden Bay retention ponds. Al Sikora reminded the commission that back in 2004 the commission partnered with the Town of Waterford to dredge those ponds and do some shoreline stabilization. Bob Langmesser headed up this \$50,000 project back in 2004. Al Cellarius contacted Al Sikora wanting to make a presentation to the commission regarding sediment buildup in these ponds, because we already had a full agenda for this month's meeting Al asked Mr. Cellarius to wait until our April meeting to make his presentation. These retention ponds do filter out sediment that would otherwise run into Tichigan Lake. This presentation will be a line item in our next month's agenda. Alan Barrows pointed out that there are state standards for retention ponds that require at least three feet of depth to prevent scouring every time there is a rain event. So Alan pointed out the presenter should advise the depth of water above the silt so that we can decide whether this is water quality or aesthetic issue. If there is an outlet

pipe from the pond then the sediment depth would have to be three feet below the pipe depth.

Miscellaneous Issues –

There were no additional miscellaneous issues.

Francis Stadler motioned to end the meeting and the motion was seconded by Randy Meier, the motion passed unanimously.

Meeting Closed at 2:07 PM

NEXT OFFICIAL MEETING WILL BE Friday, April 13, 2012 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Randy Craig (Town of Vernon)
Robert Bartholomew (Town of Vernon)
Randy Meier (Town of Waterford)
Jon Grove standing in for Chad Sampson (Racine County)
Francis Stadler (Village of Big Bend)
Ron Peterson (Village of Big Bend)
Alan Barrows (Waukesha County)
Jeff Thornton (SEWRPC)
Barb Holtz (Town of Mukwonago)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Don Scott (Town of Vernon) (Vice-Chairman)
Jim D'Antuono (Wisconsin DNR)
Doug Koehler (City of Waukesha)
Dean Falkner (Village of Mukwonago)
Shelley Tessmer (Town of Waterford)

Also present: Bob England, Al Cellarius and Jerry Bonomo from the Golden Bay Subdivision.

At 1:04 PM, 4/13/2012, Chairman Al Sikora called the Commission Meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the March 9, 2012 meeting were reviewed. It was motioned by Randy Craig and seconded by Francis Stadler that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for March 2012 was reviewed. In summary we started with \$30,833.46 in our money market account and made \$11.97 in interest and a payment of \$600 to Waukesha County for the Highway ES launch stone resulting in a final amount of \$30,245.43. It was motioned by Randy Meier and seconded by Ron Peterson that the Treasurers Reports be approved. The reports were approved unanimously.

Old Business

- a) Mill Creek gully erosion repair project (active) – Alan Barrows reported that there wasn't much to report at this time. He did say that the Waukesha County Department of Public Works is now interested in doing the work themselves. Alan had hoped that Jim Ritchie would be present to find out whether the project had to be put out for bids if the county did the work themselves. Alan also said the Leif Hauge

is working on obtaining the zoning permit from the county. Alan said that they were still planning on an August construction phase. When asked if anyone had signed the Cost Share Agreement, Alan said that Dale Shaver had signed it and offered to get a copy to Jim Pindel for our records.

b) Mukwonago River Restoration within Rainbow Springs – No one from the WDNR was present to address this project. It was reported to all that Brian Glenzinski had changed jobs within the WDNR and had moved to Madison WI. Barb Holtz reported that work had already begun on removing the culverts in Park, we were surprised by this activity since grant funded work cannot start before the new grant goes into effect July 1, 2012. Alan Barrows said he would check and did not believe that a county permit had been issued and Jeff Thornton stated that he thought that there were other project funds available which could be spent before our funding is involved.

New Business

- a) Fox River Partnership – Jeff Thornton recapped the report made at the last meeting by Tom Slawski that Tom has recently been made the President of the Southeast Wisconsin Fox River Partnership. This partnership began through WDNR efforts back in the late 1990's. Tom was here to solicit \$5,000 from the commission for a Fox River Summit planned for early this fall. The summit would probably be like a one day seminar focused on relevant issues with special speakers. The Partnership has its own budget which presently has \$1200 in it. The summit will probably be held locally in Racine County, which is sort of centrally located to draw people from both Wisconsin and Illinois to the meeting. After some discussion on how the Summit meets some of the commission's objectives, it was motioned by Barb Holtz and seconded by Randy Meier that we support the Summit by providing the \$5,000 requested by Tom Slawski. The motion passed unanimously. It is expected that this \$5,000 would come from the new grant funds.
- b) Golden Bay Retention Ponds Sediment Problem – Al Cellarius of Golden Bay provided handouts to the commission covering his presentation. The first page was an aerial photo showing how the ponds located in Golden Bay subdivision service the run off from not only their own subdivision but also from Golden Meadows Subdivision, the Town of Waterford Park and an adjacent farm field. The run off from the sediment retention ponds flows into Tichigan Lake. Now this run off is clear clean water. There are two upper ponds and two lower ponds that provide water filtration and sediment collection before the water enters Tichigan Lake. The project that the commission was involved in back in 2004 was the mechanical dredging and lining of the two lower ponds. Al said that these two ponds were still in good condition with very clear water. Al provided aerial views of the upper two ponds with water depth data showing that the ponds

that originally were 25 feet deep have filled in to depths varying from less than 6 inches to 10 feet. So generally there is about 15 to 20 feet of silt to be dredged out. The sediment level in one of the upper ponds is higher than the outlet dam height so sediment is being delivered from this pond to the lower pond. In the other upper pond the sediment level is a few inches below the top of the dam and so the sediment is presently being retained in this pond. Although most of the sediment collected in the ponds comes from Golden Meadows subdivision and the Town of Waterford Park, it is Golden Bay subdivision's responsibility to purge the ponds of sediment periodically. Over the last three years most of the aquatic life has been lost in the upper ponds due to the shallow water levels causing freeze outs. Al said that the two quotes for mechanical dredging came in at over \$100,000 each and so they were inclined to go with hydraulic dredging at a cost of \$46,350. If the 69 Golden Bay residents pay equal shares of this expense it would come to \$672 per home owner. The dredged sediment from the hydraulic dredging method is stored in fiber bags which allow the water to leak out and return to the ponds. Al asked that the commission cover 90% of the hydraulic dredging cost and that the Golden Bay subdivision would be responsible for the other 10% as well as any other additional charges including hauling away of the sediment after it has dried out. Al said that they hoped to implement this project either late this fall or early next spring. Francis Stadler asked how much sediment has collected in the lower ponds since they were cleaned out in 2004. Al said he had not measured it but the ponds were clear and in good condition. Francis said that he was concerned about getting involved in an ongoing maintenance issue. When asked if the costs they have collected included the cost of getting DNR permits, Al said that they were advised by the dredger "Organic Sediment Removal Systems, LLC" that permits would not be necessary since these were private ponds on private land. Alan Barrows commented that the permitting process for hydraulic dredging is a lot simpler than for mechanical dredging. Jeff Thornton said that he suspects that a Chapter 30 WDNR dredging permit would probably be required since the ponds connect to and supply Tichigan Lake. Barb Holtz asked why Golden Bay subdivision hadn't contacted the Town of Waterford to create a tax district to get the maintenance cost shared by the larger group of people who supply the sediment to the ponds. Al said it was mentioned to Bob Langmesser and Bob felt it would be hard to impose an additional tax on people at this time due to the economy. When several of the commissioners expressed concern that this would be an ongoing maintenance issue that we would have to address periodically, one of the Golden Bay representatives said that when the ponds were built 15 years ago the houses in Golden Bay and Golden Meadows subdivisions were not built and so the ponds had to absorb all the construction sediment. Now all the subdivisions are built up and so the rate of sedimentation should be less. As we were trying to wind down the discussion, Jim Pindel read an excerpt from an email he received from Jim D'Antuono this morning suggesting that we put off voting on this project until Jim Ritchie has an opportunity to review the project and determine if it is grant eligible. At that Bob Bartholomew motioned to table this item until next meeting and the motion was seconded by Francis Stadler. The motion carried unanimously.

- c) Runoff improvement projects – WWMD No one from the WWMD was present, and so no report was made.
- d) Consideration of expanding the Commission’s jurisdiction south to the Illinois boarder Jeff Thornton stated that now that we have a Memorandum of Understanding (MOU) with Kenosha County, the next step would be to involve the individual municipalities in Kenosha County in subsequent MOU’s. Jeff pointed out that the upcoming Fox River Partnership Summit would be a good opportunity to involve these municipalities in our commission. After that we will have to get involved with our legislators to get the State Statutes amended to include the Kenosha County municipalities. Jeff suggested that we organize a meeting with the proper legislators sometime this summer to advise them of our intentions. Al Sikora suggested that we invite the appropriate legislators to the Summit, so they know what we are up to.
- e) Proposed 2013 Southeastern Wisconsin Fox River Commission Budget: Jim Pindel provided a two page worksheet to the commission which itemized our income starting with the carry over into 2012 and adding in all the interest accumulated in our Money Market Account for 2012 and 2013 resulting in a total non-grant income of \$35,933.28. The total expenses including website hosting, notification of our public hearing and the cost of the Highway ES boat/canoe launch stone was equal to \$1,038.34. Then adding in the \$200,000 we receive from the new RBA-ENUM in July we have a total of \$235,933.28 of income minus committed expenses of \$76,038.34 giving us a “Future Project Reserve Balance” of \$159,894.94 available for grant projects and operating expenses. The final published budget will show a balanced budget of \$235,933.28 in income and expenses of the same \$235,933.28. When the question came up about whether to list the Golden Bay Retention Ponds as a possible known unfunded prospective project a discussion ensued regarding this project. There was a fear expressed that this might start a president of maintenance of subdivision retention ponds, and that it was more appropriate for those who cause the silt to maintain the ponds. It was pointed out that there is no public access to the ponds so that the general populous had access to fishing or boating. From the photos provided it appears that there are no shoreline buffers or any attempt to minimize the flow of sediment into the ponds. It seemed to be the overall sentiment of the commission was that it would be more appropriate for the commission to spend money on minimizing the flow of sediment into the ponds than routine maintenance cleaning of the ponds. Al Sikora pointed out that depending on the decision of Jim Ritchie and Jim D’Antuono we may not even be able to get involved. The point was made that this project if we get involved may not merit the full 90% cost share. And so it was decided to not add this project to the 2013 budget. Getting back on agenda it was motioned by Randy Meier to approve the proposed budget and the motion was seconded by Francis Stadler. The motion was approved unanimously. Jeff Thornton asked if the next step would be to present this budget to the Counties and Jim Pindel stated that Al Sikora and himself

presented the 2012 budget to the Racine County Executive and the head of the planning and development department and would be willing to do the same thing for Waukesha County. Alan Barrows suggested that we make a similar presentation to Dale Shaver of Waukesha County. Jim and Al said they would be willing to meet with Dale Shaver.

Reports and Updates

- a) Eco-System Restoration Project (Waterford Impoundment) – Jim Pindel reported that there are likely meetings between Graef (the engineering company hired by the WWMD) and the WDNR, but he is not aware of any meetings or communications regarding this project.
- b) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Thornton said that he has nothing to report today.
- c) SEWFRC Website – Al Sikora said that he had no updates on the website except that he was keeping it up to date.
- d)

Correspondence –

3/15/12 Email from Al Sikora requesting putting Al Cellarius on the agenda for the April 13th meeting regarding the Golden Bay Subdivision retention ponds sediment problem

3/26/12 Email from Jim Pindel to all commissioners and friends of the commission listing all known potential new projects. Asking if there are any other projects to be listed on the 2013 Budget.

3/26/12 Email from Kurt Peot stating that the Village of Mukwonago has a stream bank stabilization project that they would like to be considered by the commission.

3/27/12 Email from Violet Razo of Ruckert-Mielke stating that the Village of Mukwonago stream bank stabilization project is estimated to cost \$102,500. She also asked what she needs to do, to be considered.

3/28/12 Email from Jim Pindel to Violet Razo explaining project requirements and also stating that due to limited resources we might not be able to pay a 90% cost share portion.

4/03/12 Email from Brian Glenzinski stating that he has accepted a new position in the WDNR and will be moving to Madison. Someone else will take his place on the existing Rainbow Springs project.

3/21/12 Email from Marie Kumershek with attached letter of appointment from the Town of Vernon for Bob Bartholomew.

Approximately 3/22/12 Mary and Jim Pindel attended a town hall meeting with Mary Lazich and thanked her for sponsoring the commission in the last state budget and asked if she would do the same in the upcoming state budget. She said she would and advised us to get Dave Craig involved as well.

Miscellaneous Issues –

There were no additional miscellaneous issues.

Francis Stadler motioned to end the meeting and the motion was seconded by Randy Meier, the motion passed unanimously.

Meeting Closed at 2:20 PM

**NEXT OFFICIAL MEETING AND PUBLIC HEARING
WILL BE Friday, May 18, 2012 at 1:00 PM. (Meeting
Location: Big Bend-Vernon Fire Station #3, W233 S7475
Woodland Lane, Big Bend, WI 53103.)**

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Don Scott (Town of Vernon) (Vice-Chairman)
Chad Sampson (Racine County)
Francis Stadler (Village of Big Bend)
Ron Peterson (Village of Big Bend)
Alan Barrows (Waukesha County)
Jeff Thornton (SEWRPC)
Barb Holtz (Town of Mukwonago)
Benjamin Heussner standing in for Jim D'Antuono (Wisconsin DNR)
Dean Falkner (Village of Mukwonago)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Randy Craig (Town of Vernon)
Robert Bartholomew (Town of Vernon)
Randy Meier (Town of Waterford)
Doug Koehler (City of Waukesha)
Shelley Tessmer (Town of Waterford)

Also present: Bob England, Al Cellarius and Bob Langmesser from the Golden Bay Subdivision and Violet Razo of Ruekert/Mielke.

At 1:08 PM, 5/18/12, Chairman Al Sikora called the Public Hearing to order.

The only order of business was the review of the Southeastern Wisconsin Fox River Commission Proposed Budget for 2013. The proposed budget was read for the record. Al Sikora asked the non-commission attendees if they had any questions or comments concerning the proposed budget. Bob Langmesser representing Golden Bay Subdivision spoke asking that we give consideration to dredging the ponds in Golden Bay subdivision in the budget. Bob was advised that the Golden Bay project was a line item in the regular meeting agenda and so discussion on this topic was put off until then. Al Sikora then asked three times if there was anyone who wanted to speak in favor of or against the proposed budget.

There were no comments from the Public concerning the budget.

The Public Hearing was closed at 1:15 PM.

At 1:16 PM, 5/18/2012, Chairman Al Sikora called the Commission Meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Proposed Budget for 2013 - The first order of business was to approve the Southeastern Wisconsin Fox River Commission Proposed Budget for 2013. It was motioned by Dean

Falkner and seconded by Alan Barrows that the proposed budget be approved and the budget was approved unanimously.

Minutes The minutes from the April 13, 2012 meeting were reviewed. It was motioned by Chad Sampson and seconded by Ron Peterson that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer’s Report for April 2012 was reviewed. In summary we started with \$30,245.43 in our money market account and made \$10.81 in interest resulting in a final amount of \$30,256.24 Francis Stadler asked for clarification to be sure that the \$30,256.24 that showed up in the money market account and in the non-grant funds was indeed the same money and that we didn’t have twice the \$30,256.24 figure. It was motioned by Francis Stadler and seconded by Don Scott that the Treasurers Reports be approved. The reports were approved unanimously.

Old Business

- a) Mill Creek gully erosion repair project (active) – Alan Barrows reported that the county was working on obtaining permits from the Town of Waukesha. The project is still on schedule for execution in August of this year. The county already has the Chapter 30 permit from the WDNR.
- b) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner who has taken this project over for Brian Glenzinski provided the “Preliminary Stabilization and Sequencing Plan” in hardcopy to the commission. Ben stated that so far the project has amounted to a lot of information gathering. He also said that he has applied for the Chapter 30 permit from the WDNR. The permitting process has started and he is working internally with his colleges to formulate a long term plans for the stream restoration as well as the short term project of culvert removal that we are involved in. Ben stated that he has had input from Tom Slawski of SEWRPC on how to implement this project. Starting tomorrow he will be working with a volunteer group of 30 or 40 from Trout Unlimited to remove a lot of buckthorn and other invasive species along the culvert areas. Next week Ben will be working with some youth groups to get them involved in the project to do some stream monitoring to get a baseline on the flows through the two channels of the stream in this area. They will also do some invertibre sampling and habitat measures and stream mapping. Don Scott asked what they were using to spray the buckthorn after it was cut and the consensus was that it was Fairlon which has a blue dye in it so that you can see what has been sprayed or not. Alan Barrows said that the Waukesha County will be working with them in the areas of erosion control and streambank stabilization through their planning and zoning office. The county in a cooperative venture is sharing their plans with the WDNR so that everyone is on the same page. When asked about the timeline, Ben stated that he expected the work to be done as early as this summer. Just for the record, Jim Pindel made sure that Ben was aware of the fact that no money can be spent from our contribution before July 1, 2012 when the new enumeration goes into effect. Before the meeting Jim Pindel gave a copy of our Cost

Share Agreement, signed by Al Sikora to Ben to be signed by someone from the sponsoring group and the given back to us for our records.

- c) Fox River Partnership – Jeff Thornton clarified the fact that the Fox River Partnership is independent of the SEWRPC, but Tom Slawski of the SEWRPC is the President of the Southeast Wisconsin Fox River Partnership. The partnership is made up of regional municipalities and the WDNR and a number of civilian organizations. The objective of the partnership is to promote the Fox River and maintain the quality of the river environment, very similar to the SEWFRC's goals. SEWRPC has been exploring some initial ideas of focus for the summit which is now expected to be held in January or February of 2013.

New Business

- a) Golden Bay Retention Ponds Sediment Problem – Bob Langmesser the Town Chairman of Waterford addressed the commission. Bob started by pointing out that he was the original chairman of this commission and that he had started this organization. Bob explained how state money flows to the commission, which is something we all already understood, but he wanted to make sure that no one thought that the money came from the WDNR. Bob said that he had a lot of trouble getting money from the WDNR and in fact funded the original dredging project for the two lower ponds with \$100,000 of his own money. Eventually after six months he was compensated by the WDNR without any interest. Bob said that the Golden Bay subdivision ponds project had been approved by the commission some years back as part of a drainage district. Water flows from the north from Golden Meadows subdivision, the Waterford Park and farmland north of there. The subdivision developer was required to install four holding ponds in the Golden Bay subdivision. The upper two ponds were to catch the water and overflow into the lower ponds which were settling ponds, providing the runoff of clean water into the wetlands. Bob said that this does qualify as a project we can do, just like the pond on Beach Drive which is on private property and the commission dredged it out. These are both corridors that need to be kept clean, because a lot of water flows through them into Tichigan Lake. Bob said that the two lower ponds that where originally more than 25 feet deep are more than half full of sediment and that just five years ago they were 25 feet deep. After some recommendations on how we should be promoting ourselves with our local legislators, Bob made the statement that the Golden Bay ponds were an approved project by our commission with the sanction of the WDNR, SEWRPC and Racine County. Bob went on to say that dredging these ponds is an eligible project and he didn't know how Jim Ritchie's email could say that it is not. Bob said that anyone who is in the drainage district should be special accessed for the work on the ponds but that only the Golden Bay people have been special accessed for its maintenance and care. After some discussion on how much sediment exists in all four ponds, Bob said that his purpose in coming to our meeting was to make sure that we understood that our money does not come from the WDNR and that we are not locked into a 90% cost share on every project and that this was an

approvable project. The commission was already aware of the fact that our money comes from a line item in the state budget (through the recreational boating authority) and that we have the ability to choose the cost share percentage on a project to project basis. Francis Stadler asked how much it would cost to dredge the ponds and Al Cellarius referred back to his presentation from our last meeting saying that mechanical dredging would have cost in excess of \$100,000 and that they could get hydraulic dredging done for about \$45,000. So then Francis asked if Golden Bay subdivision expected us to maintenance dredge their ponds every five years. Francis went on to say that he has observed in Canada and elsewhere where people have installed erosion control measures to prevent the sediment from being a problem. When Don Scott asked what hydraulic dredging was, Al Cellarius explained that the contractor uses a barge of some sort and sucks up the sediment without disturbing any aquatic or plant life. The sediment can then be pumped onto a farm field or put into sediment bags and allowed to drain out before hauling the dried sediment away. After an off the topic dissertation about the WWMD's ESR project and the work done in Illinois by the FWA, Bob said we can fund this project because it is a farm drainage corridor and not privately owned ponds. After several attempts to find out who owns the ponds, Dean Falkner suggested to Bob that there has to be some other mechanism to spread out the cost of maintaining these ponds over a larger number of people than just those who live in Golden Bay subdivision. Al Sikora made the statement that as is indicated in Jim Ritchie's email that a project is not grant fundable then we cannot proceed further. Al then deferred to Jeff Thornton to see if he could add anything else. Jeff shed some light on the problem, originally the commission received its money through a line item in the state budget, which flowed directly to the commission to do its work, Now the money is channeled to us differently, our money comes through the Recreational Boating Authority (RBA), which has its own criteria for acceptability of projects. In order to get grant funds we must now comply with the RBA's criteria in addition to our own. So we are now dealing with a slightly different pot of money. When we were an individual line item we were in charge of exactly how these monies were spent, but now it comes through a recognized grant program within the WDNR and so we must abide by the rules of that program. This would seem to explain why we could have approved the dredging of the ponds years ago and now cannot do so. Jeff suggested that the Town of Waterford consider a utility district or a storm water utility serving those subdivisions. Alan Barrows asked if there were opportunities in the watershed to eliminate the erosion that flows into the ponds. After a discussion on how historically the erosion came from Waterford Park and construction in the subdivisions, it appears that the present source of most of the sediment is from the farm fields above the subdivisions. Chad Sampson said that Racine county has programs in place to provide conservation practices on farmlands to prevent erosion. Chad volunteered to go with any of the affected people to the locations where the sediment originates at, to look at the application of grass swales and grass buffers and other measures to eliminate the erosion. Chad said that the county is doing 38 such project this year at a cost of over one

million dollars.

- b) Runoff improvement projects – WWMD No one from the WWMD was present, and so no report was made.
- c) Consideration of expanding the Commission's jurisdiction south to the Illinois boarder Jeff Thornton stated that now that we have a Memorandum of Understanding (MOU) with Kenosha County, the next step would be to involve the individual municipalities in Kenosha County in subsequent MOU's. Al Sikora asked Jeff for his opinion on where we should start and Jeff indicated Rochester, which is in Racine county. This pointed out the fact that we still don't have all the municipalities in Racine county on line. So the next municipalities after Rochester would be Salem and Burlington, then onto Kenosha County.

Reports and Updates

- a) Eco-System Restoration Project (Waterford Impoundment) – Jim Pindel reported that there were meetings between Graef (the engineering company hired by the WWMD) and the WDNR, resolving the number of sediment samples to be collected. Eventually it was agreed that 56 samples need to be taken, although this number could be adjusted after seeing some of the preliminary analysis results. Jim pointed out that he had seen just this morning that Jeff Thornton had issued a SEWRPC memorandum regarding this project and so he asked Jeff to summarize his report. Jeff said that the memo was the report on the data gathering that went on last summer. The report included the depth profiles of the sediment and a proposed dredging scheme for not only the main navigational channel but also for the access channels to the main channel. The report also quantified the amount of material to be removed and all this information has been turned over to Graef, the WWMD's engineering consultant. This report is presently on the SEWRPC website and Jeff expects that it will soon be available on the WWMD website.
- b) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Thornton said that the big news from the FWA was that they are now going out for bids for a major upgrade of the Stratton Locks and Dam. The Stratton Dam is the first major dam on the Fox River after the Rochester Dam in Wisconsin. The Stratton Dam provides most of the water depth in their waterway. The project will provide locks that are capable of handling larger recreational watercraft. This project will be put off until after the summer boating season.
- c) SEWFRC Website – Al Sikora said that he had no updates on the website at this time. Francis Stadler made the request that our agenda be available on the website and after some discussion, it was decided to post the agendas on the website, including the one for the next upcoming meeting as soon as it is available.

Correspondence –

- a. 4/23/12 US Mail Affidavit of Publication for Budget & Public Hearing from Waukesha Freeman.
- b. 4/23/12 US Mail Affidavit of Publication for Budget & Public Hearing from Racine Journal Times.
- c. 5/07/12 Email from Alan Barrows with signed attachment of Cost Share Agreement for Mill Creek gully erosion repair project.
- d. 5/17/12 Email from Jim Ritchie regarding the grant eligibility of the Golden Bay subdivision ponds.

Miscellaneous Issues –

Francis Stadler asked if the correspondence was posted on our website and Jim Pindel said that it was not, but that he could attach the correspondence to the meeting announcement which is usually sent out about 2 weeks before every meeting. This seemed to be agreeable to everyone.

Jeff Thornton informed the commission that next Tuesday he will be making a presentation to all the communities surrounding Lake Winnebago. They are investigating various options for managing that system. One of the options they are considering is forming a commission similar to ours involving the four counties and twenty some municipalities. The meeting will be held next Tuesday at the Menasha Public Library at 10:00 AM.

Francis Stadler motioned to end the meeting and the motion was seconded by Chad Sampson, the motion passed unanimously.

Meeting Closed at 2:28 PM

**NEXT OFFICIAL MEETING AND PUBLIC HEARING
WILL BE Friday, June 22, 2012 at 1:00 PM. (Meeting
Location: Big Bend-Vernon Fire Station #3, W233 S7475
Woodland Lane, Big Bend, WI 53103.)**

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Don Scott (Town of Vernon) (Vice-Chairman)
Chad Sampson (Racine County)
Francis Stadler (Village of Big Bend)
Ron Peterson (Village of Big Bend)
Alan Barrows (Waukesha County)
Randy Craig (Town of Vernon)
Robert Bartholomew (Town of Vernon)
Randy Meier (Town of Waterford)
Doug Koehler (City of Waukesha)
Shelley Tessmer (Town of Waterford)
Jeff Thornton (SEWRPC)
Jim D'Antuono (Wisconsin DNR)
Dean Falkner (Village of Mukwonago)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Barb Holtz (Town of Mukwonago)
Any representative from the Town of Waukesha

Also present: Benjamin Heussner and Jim Ritchie of the WDNR, Don Baron, Dick Kosut, John Bostrom and Paul Kling of the WWMD, Dan Treloar of Kenosha County, Rodney Zuerner of Chiles Landscaping and State Representative David Craig, 83rd Assembly District.

At 1:07 PM, 6/22/12, Chairman Al Sikora called the meeting to order.
The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the May 18, 2012 meeting were reviewed. It was motioned by Francis Stadler and seconded by Dean Falkner that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for May 2012 was reviewed. In summary we started with \$30,256.24 in our money market account made payments for our website hosting and newspaper publications for our public hearing and budget and made \$11.34 in interest resulting in a final amount of \$29,490.64 It was motioned by Randy Meier and seconded by Ron Peterson that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) **Mill Creek gully erosion repair project (active)** – Alan Barrows reported that he had talked to Leif Hauge the project manager who told him he had been in contact with the Army Corps of Engineers regarding what types of permit might be required

because the gully is considered a navigable waterway. Leif found that the project is eligible for a general permit from the Corps, so it has no effect on the plans already made. Alan went on to say that the original plan was to utilize stone from top to bottom on the side slopes of the gully but now the plan has been altered to provide a vegetative soil bag in all the areas above the 100 year storm level. They are now in the process of obtaining pricing for the vegetative alternative from consultants. Construction is still on schedule for this August.

- b) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner stated that they have not had a lot of time to devote to this project. However they did spend 3 days two weeks ago doing a habitat survey of the area. They intend to add elevation data to the survey. Ben is currently working on an application for zoning with Waukesha County. Ben will start on the permitting process in a couple weeks.
- c) Fox River Partnership Summit – Jeff Thornton said they had no update for this meeting. They are just in the very formative stages of the process and the summit is now expected to be held in January or February of 2013.
- d) Special Report – SEWRPC presentation concerning SEWFRC to Lake Winnebago municipalities. To start chairman Al Sikora introduced State Representative David Craig to the commission. David Craig came to our meeting specifically to learn about what we do. So this presentation was very appropriate. Jeff Thornton's presentation amounted to an overview of the Fox River Commission as presented to the Winnebago area municipalities. The presentation was made to the four counties and twenty-one municipalities that surround Lake Winnebago and the local WDNR. The Lake Winnebago communities are in the stage of checking out what their options are. The presentation pointed out that our mission was to develop plans, programs and projects. The commission's duties include gathering data, being a liaison to government units and developing information and educational programs. Our mandate is to selectively dredge the Waterford impoundment, automate the Waterford Dam, do streambank erosion control and facilitate recreational access and safety to the waterway. Jeff outlined the membership of the commission and then outlined the accomplishments of the commission since its inception. Jeff then went on to consider the ongoing issues and recommended responses of the commission. These issues included selective dredging, automating the Waterford Dam, erosion protection, water use and recreational access. Under ancillary issues, Jeff addressed expanding the commission's jurisdiction, funding and partnerships. Discussing emerging issues Jeff pointed out nonnative plants like Phragmites that need to be addressed. Jeff also pointed out our intention to expand our jurisdiction south to the Illinois border. Jeff pointed out our initiative to obtain funding from the Counties and local municipalities as well as our funding stream from the State of Wisconsin budgeting process where we have obtained most of our funds. Jeff finished up by pointing out our affiliation with the WWMD, the Counties and municipalities, the Waterford Sanitary District No. 1, the Waterford Drainage District No 1, the Fox River Partnership, Fox River Cause, Mukwonago River Partnership, and the

Friends of the Mukwonago River.

New Business

- a) Golden Bay Retention Ponds Sediment Problem – No one from Golden Bay Subdivision was present. Al Sikora mentioned that he expected someone from the subdivision to contact the WDNR and possibly report back to us. As it turns out no one contacted either Jim D’Antuono or Jim Ritchie who were both present at the meeting. Jeff Thornton reminded us that with the change in the funding source that has occurred, it is not possible for us to use grant funds for this type of project. It was decided to remove this item from the agenda.

- b) Ecosystem Restoration Project (Sediment Sampling) – WWMD Don Baron of the WWMD made a Power Point presentation to the commission. Don started by pointing out that SEWRPC was very instrumental in the formation of the WWMD. The purpose of the Ecosystem Restoration project is to reestablish a navigational channel from north to south through the Waterford impoundment at a reasonable depth and at varying widths to accommodate safe boating. Additionally other navigational channels will be required to allow access to the main channel by riparian owners. The same situation exists on Tichigan Lake where access in some bays has to be opened allowing owners to access the lake and thus the main channel in the Fox River. There are 1022 riparian owners on the waterway. The presentation included maps prepared by SEWRPC from years back indicating where they thought dredging would be appropriate. These maps have been refined due to the work that has gone on over the last few years. Don made a special point of the fact that much work has been accomplished since the inception of the WWMD to prevent erosion and sediment build up in the impoundment. The idea being that you must first stop the sediment from coming into the impoundment before you go through the effort of removing the existing sediment, otherwise it is a losing battle. Other issues of concern mentioned were carp eradication, safety, structure/habitat preservation and the impact on the Waterford Dam. Phase 1 of this feasibility study was accomplished with the cooperation of SEWRPC to determine exactly how much sediment exists and where. The WWMD hired Graef Engineering who using the data provided by SEWRPC developed sediment sampling plan, a bathymetry map and a calculation of the amount of silt to be removed. One of their next steps will be to locate and estimate the size of potential disposal sites. Don projected the maps of the impoundment indicating the sediment location and concentrations. These maps were a joint effort by SEWRPC, the WDNR and Graef Engineering. The final maps indicated the location of the main navigational channel and all the access channels on the Fox River and in Tichigan Lake. The total cost of the phase 1 & 2 of this feasibility study is \$104,481 and the WWMD has already paid \$39,951 for the work completed. This leaves \$65,600 needed to complete the study. The \$65,040 breaks down to \$33,500 for sampling, \$21,100 for laboratory work and \$11,000 for project management. Using a 90% cost share approach the WWMD would pay \$6,560 (10%) and our commission would provide \$59,040 (90%). The

sediment sampling in the impoundment to be executed by Graef Engineering amounts to 31 sampling locations above the hard pan and 14 locations above and below the hard pan. All of the samples then have to be analyzed by a certified laboratory. Don went on to project the details of the sampling plan.

When Don opened the presentation up for questions, Shelley Tessmer asked what type of dredging would be used. Don responded that this has not been determined at this time. One of the things Graef Engineering is charged with doing is to investigate all different means of dredging. When the dredging plan is completed, the dredging method(s) will be determined. Francis Stadler asked the question, how long it will be before we have to dredge the impoundment again. Don responded that it depends on how much sediment comes down the river from the north and how often we get large floods like in 2008 which flushes silt down into the impoundment. Don also said that the WDNR would issue a maintenance dredging permit good for 5 years, which will help to keep the impoundment clean. Jim Pindel added that the impoundment has existed for 185 years, now that the WWMD has stopped most of the erosion into the waterway and we the SEWFRC have funded numerous erosion control projects over the last several years north of the impoundment and all the river municipalities have initiated storm water abatement programs, there is no reason to believe that this time it should take more than 185 years to require re-dredging. Then Francis asked how many riparian owners there were and Don answered there are 1022 owners with an estimated property value of \$500,000,000. Don also said that if the project goes forward, the WWMD would be looking for local, state and federal funding. Don also made the point that it would not be fair to have just the riparian owners pay for the dredging when anyone else can come in and make use of this public waterway. Francis stated that he was concerned that if our commission gave all our money to this project then there would not be any funds available for erosion control or other worthy projects north of the impoundment. Don clarified that he was only seeking funding for this phase 2 of the feasibility study and Jim Pindel added that we are hoping for additional grant funds in the next state budget. At this time Al Sikora asked that we evaluate the qualification points by our newly installed point system. Jim Pindel then reviewed all 10 points and with the commissions consent, we awarded 47 out of the possible 55 points to this project. This easily meets the requirement of a minimum of 28 points for qualification. This project also meets the two requirements that it meets the objectives of our commission and that it has likelihood of being completed successfully. Jim Pindel then reviewed the financial consequences of providing the \$59,040 being requested by the WWMD. We presently have 3 \$125,000 of undedicated grant funds available. \$8100 of that is expected to be used by the village of Big Bend for some shoreline reinforcement at their boat launch. Taking that and the \$59,040 for the WWMD will leave us with only \$57,860 for other grant eligible projects. We are only aware of one eminent project, that being the shoreline restoration by the village of Mukwonago on the WE Energies property. If the village would come to us for the expected \$92,250 cost share we would have a shortfall of \$34,390. A discussion then ensued about whether we should be

paying for repairs on a WE Energies property. Dean Falkner asked that besides his own efforts other organizations like us or the WDNR should try to get WE Energies to repair their own property. Further action regarding WE Energies will be taken by the commission. When asked Jim Ritchie stated that from the WDNR's perspective this feasibility study and working toward navigability make this very much a grant eligible project. Shelley Tessmer made a motion that we sanction this project at a 90% cost share level and the motion was seconded by Randy Meier. The motion passed unanimously except for Don Scott who abstained from voting because he missed too much of the meeting.

c) Consideration of expanding the Commission's jurisdiction south to the Illinois border Jeff Thornton said that he had nothing to report at this time. Jeff said that at previous meetings we said that we would contact the downstream municipalities in Racine and Kenosha counties to establish memorandums of understanding like we have recently established with Kenosha County. Dan Treloar said that he will have to report back to Kenosha County that we have not contacted anyone as of now. The conclusion was that we need to get started probably with Rochester.

Reports and Updates

- a) Eco-System Restoration Project (Waterford Impoundment) – No report was necessary since the WWMD made its presentation previously.
- b) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Thornton said that one point that he thought of during the WWMD presentation was the fact that the Stratton Dam and locks just south of the Wisconsin boarder is run by the Army Corps of Engineers and so if we extend out domain down to the Illinois border we might get some support from the Corps seeing our activities affect their dam.
- c) SEWFRC Website – Al Sikora said that he had no updates on the website at this time.

Correspondence –

- a. 5/24/12 CC of email from Jeff Thornton to attendees of meeting regarding Lake Winnebago with attached copy of Jeff's Power Point presentation about the SEWFRC.
- b. 5/28/12 Email and US mail to Scott Gunderson requesting his support for funding for our commission in the 2013 – 2014 State Budget
- c. 5/28/12 Email and US mail to Senator Mary Lazich requesting funding for our commission
- d. 5/28/12 Email and US mail to Representative David Craig introducing the SEWFRC, inviting him to attend our June meeting and requesting his support for funding for our commission in the 2013 – 2014 State Budget.
- e. 5/29/12 Email from Kelly Cornelius of the WWMD to Al Sikora requesting a slot in our June agenda for an ESR committee presentation requesting funds for sediment sampling.

- f. 6/7/12 Email from Representative David Craig stating that he will attend our June meeting to learn more about the SEWFRC.
- g. 6/8/12 Email from Senator Mary Lazich stating that she will work with the WDNR, the leadership in the legislature and the governor's office to help secure funding for our commission.

Miscellaneous Issues –

Jim Pindel asked the question when we are going to meet with the counties to request funding for the commission. Both Chad Sampson for Racine County and Alan Barrows for Waukesha County said they would contact their supervisors and set up appropriate meetings for Al Sikora and Jim Pindel to attend.

John Bostrom of the WWMD addressed the commission and thanked us for the support we are giving to the Phase 2 sediment sampling project.

Jim Ritchie reminded us that we have to submit a formal grant application. Jim Ritchie said he would provide the required form to Jim Pindel in the next week or so.

Randy Meier motioned to end the meeting and the motion was seconded by Chad Sampson, the motion passed unanimously.

Meeting Closed at 2:38 PM

THE NEXT OFFICIAL MEETING AND WILL BE Friday, July 27, 2012 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Chad Sampson (Racine County)
Francis Stadler (Village of Big Bend)
Alan Barrows (Waukesha County)
Randy Craig (Town of Vernon)
Randy Meier (Town of Waterford)
Doug Koehler (City of Waukesha)
Shelley Tessmer (Town of Waterford)
Barb Holtz (Town of Mukwonago)
Dean Falkner (Village of Mukwonago)
Jeff Thornton (SEWRPC)
Jim D'Antuono (Wisconsin DNR)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Don Scott (Town of Vernon) (Vice-Chairman)
Ron Peterson (Village of Big Bend)
Robert Bartholomew (Town of Vernon)
Mary Pindel (Town of Waterford – Alternate)
Any representative from the Town of Waukesha

Also present: Jim Ritchie of the WDNR, Dick Kosut, John Bostrom and Paul Kling of the WWMD, Pat Loew a resident of Town of Waterford and Michael Schwar a resident of the Town of Vernon.

At 1:04 PM, 7/27/12, Chairman Al Sikora called the meeting to order.
The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the June 22, 2012 meeting were reviewed. It was motioned by Randy Craig and seconded by Francis Stadler that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for June 2012 was reviewed. In summary we started with \$29,490.64 in our money market account and made \$10.02 in interest resulting in a final amount of \$29,500.66. It was motioned by Randy Meier and seconded by Francis Stadler that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) **Mill Creek gully erosion repair project (active)** – Alan Barrows made a Power Point presentation which pictorially reviewed the entire construction phase of the project. Alan started out by pointing out that the project had been scheduled for this coming August, but since we had the drought conditions were favorable to accomplish the project earlier. The construction was

accomplished two or three weeks ago. A later slide showed that the work was accomplished between July 9th and July 20th. Alan said that the work was done by the Waukesha County DPW staff and that they used a vegetative soil bag product above the rock riprap which was a small change in the plan. One of the initial slides showed the location of Mill Creek in relationship to our area of jurisdiction and Alan pointed out that Mill Creek flows into Pebble Brook which then flows into Vernon Marsh and finally into the Fox River. Waukesha County owns a strip of land that was dedicated to them a number of years ago. It has about a 200 acre watershed of mostly agricultural land which flows down to a tributary of the Mill Creek. During the 2008 flood and storms the area next to Partridge Lane was washed out and the intent of this project was to eliminate and cover over this erosion and slowdown the runoff to eliminate new erosion. One of Alan's slides showed the water flow across this area 20 hours after a rain storm in 2010. The project amounted to applying stone up to the 100 year flow line, this turned out to be 18" diameter stone due to the high flow rates anticipated. Then vegetative soil bags were placed above the 100 year flow line. The original project was budgeted at \$30,000 with the SEWFRC providing \$20,000 or a 67% cost share amount. Alan then proceeded through the slides with showed laying of the geotextil fabric, placement of the 18+" rock on the fabric and the installation of the vegetative soil bags anchored by stakes and covered with a slurry of prairie grasses, wood fibers and some soil. It did not rain during the entire construction phase and they were able to get water from a neighbor to water the vegetative area. A slide taken a couple weeks later showed some green coming up in the vegetative area. Al Sikora asked if he could get a copy of the Power Point presentation to post some of it on our website. Shelley Tessmer asked for a clarification on the soil glue that was used to paste the slurry together with the soil bags and Alan explained that it is a commercially available substance similar to a coagulant; there are apparently several different substances available. Francis Stadler asked how long the soil bags will last and Alan explained that the bags are photo biodegradable and are expected to last at least five years by which time the plants should have taken over holding the ground together.

- b) Mukwonago River Restoration within Rainbow Springs – Jim D'Antuono indicated that Benjamin Heussner was on vacation and had not given him a report. Alan Barrows said that Ben had provided him with some erosion control material but that he had not had time to review it yet.
- c) Fox River Partnership Summit – Jeff Thornton said they had nothing new to report. They are still expected to hold the Summit in January or February of 2013.
- d) Ecosystem Restoration Project (Sediment Sampling) – WWMD John Bostrom of the WWMD reported that the sediment sampling had gotten off to a good start and it is expected that the sampling should be completed next week. Once all the samples are taken they will then be sent out for analysis. Then a

report will be assembled and submitted to the WDNR. When Shelly Tessmer questioned the number of samples taken, John explained that 15 samples were taken in the first phase of sampling and an additional 41 samples are required by this phase for a total of 56 samples.

New Business

- a) Consideration of expanding the Commission's jurisdiction south to the Illinois border Al Sikora said that we need some volunteers to make contacts with the people in the new municipalities we want to consider joining us. Al thought that we should start with Rochester and move south from there. Chad Sampson suggested that we contact John Shotner in Rochester. Chad volunteered to contact John Shotner and see what would be the best way to proceed. Al asked Jeff Thornton what we would do if a municipality refused to participate in the commission and Jeff said we could just simply pass them up and get whoever was interested. Jeff also said that he has heard through the grapevine that some of the downstream municipalities are now interested in our commission. John Bostrom of the WWMD pointed out that at their meeting last night a Water Guard Deputy Conservation Warden named Karen Stoll addressed their district and had just completed a series of presentations to municipalities and or groups along the Fox River starting at Burlington and going south to the Illinois border. She apparently experienced cooperation from the five game wardens along the way and the municipalities involved possibly indicating that they may be open to cooperation with our commission as well.

- b) Sunday July 1, 2012 Milwaukee Journal Sentinel article "Clock is ticking for talks on water" indicates only point of contention regarding City of Waukesha getting Lake Michigan water is whether to include the City of Pewaukee and towns of Delafield, Genesee and Waukesha. Should we advise the Milwaukee Journal Sentinel of the dire consequences to the Fox River if water is diverted away from the Fox River except during flood conditions? Jim Pindel stated that he put this item on the agenda and referred to the 7/1/12 article in the Milwaukee Sentinel stating that the only point of contention regarding diversion of water back to Lake Michigan instead of to the Fox River was whether the water would be used for the City of Waukesha only or include the other four municipalities listed above. He then pointed out another Milwaukee Journal Sentinel article dated 7./20/12 which said that the deal was off because the WDNR could not approve this pact unless it included not just the City but also the other four municipalities involved. He also stated that the CBS evening news on 7/25/12 reported that someone on the Milwaukee common council proposed two applications, one for just the City and another for the other four municipalities. Jim advised the commission that the City of Waukesha proposed supplying 110% return water to Lake Michigan and not providing any discharge to the Fox River except in heavy storm or flood conditions, then they would discharge unwanted water into the Fox River to minimize flooding and damage in the creek they would normally discharge into which eventually drains into Lake Michigan. Jim was questioning whether we

had to do something now, an editorial or some action with the news media to make them aware of the fact that the City of Waukesha's request gravely affects the Fox River. Jeff Thornton pointed out that the commission's implementation plan actually quotes language out of the regional water supply plan that documents a potential impact on the Fox River, particularly under drought conditions as we are presently experiencing. The flow from the purification plant discharge at the Waukesha down stream flow gauge during current conditions could amount to 90% of the flow. Presently the City is drawing water from both the deep and shallow aquifers and diversion of the water from the shallow aquifers is an issue of concern. Jim Pindel asked Jim D'Antuono for any input he could provide and Jim D'Antuono said that he is not directly involved. He went on to say that Milwaukee is concerned with urban sprawl and including them in this expansion would open the floodgates to more development in these areas. He pointed out that the Waukesha plant discharges 10,000,000 gallons per day and that there is additional discharge from Sussex and Brookfield also contributing to the flow in the river. Also there all the streams and ground water that adds to the system. Jim made a point of the fact that there was a Fox River before all the treatment plants existed. Jim said it was misleading to say that the decision on City only or all four additional municipalities was the final decision point, all the Great Lakes States and two Canadian provinces must pass on the plan before it can go forward. He did go on to say that it was appropriate for the commission to go on record to say that we have a legitimate concern that losing 10,000,000 gallons of flow per day would have an adverse impact on the river especially on exceptionally dry conditions as we are experiencing. Francis Stadler asked how many treatment plants discharge into the river and Jim D'Antuono said that the Waukesha, Sussex, Brookfield and Mukwonago treatment plant discharge above the Waterford impoundment. Jim Pindel pointed out that our implementation plan states that there are 10 public and 4 private treatment plants above the New Munster flow gauge in Kenosha County. He also reminded the commission that at our last meeting he reported that he received a report from the Illinois DNR that the normal flow from Wisconsin into their Fox Waterway was 800 cubic feet per second and this year it was down to 200 cubic feet per second. At this point Jim Pindel asked if the commission felt there was anything we should do right now to address this situation. Jeff Thornton asked where is the Environmental Assessment (EA) concerning this diversion of waters. Jim D'Antuono said he has not heard that it was published so it must still be in process. After some discussion it was decided that it would be best if we waited for the Environmental Impact Statement (EIS) were this commission would have the ability to testify concerning the impact on the Fox River. Jim D'Antuono said that he could find out about the status of the EIS and report to us at our next meeting. When Barb Holtz asked about the recharging of the deep aquifer if the City stops pumping its water from there, Jim D'Antuono pointed out that the engineering firm hired by the City claims that when the deep aquifer refills it will drain back into Lake Michigan, so they are not diverting water from the Great Lakes. Jim D'Antuono ended by saying he will not only check on the status of the EIS but ask the person in charge what would be the appropriate steps to be taken by our commission

regarding this issue. Jim Pindel asked Jeff Thornton if there were any means of removing the radon from the water instead of diluting it or replacing it with Lake Michigan water. Jeff did say there were chemical means of removing the radon and Dean Falkner pointed out that a water softener does the job but it is not an approved method of radon level compliance.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Thornton said that he had no update from the FWA at this time.
- b) SEWFRC Website – Al Sikora said that he had no updates on the website at this time, except that he asked Alan Barrows to get him a copy of the Power Point presentation he made earlier so he can update out website. Alan advised that he will update the website regarding the location of our projects on the map of our jurisdiction.

Correspondence –

- a. 6/26/12 Emails from Jim Pindel to Randal Craig, Dean Falkner, Doug Koehler, Barb Holtz, Don Scott and Francis Stadler asking for updates on their Letters of Appointment.
- b. 6/29/12 Email with attachment of Town of Vernon Board meeting of 4/19/12 reappointing Don Scott to the commission for 3 years.
- c. 7/1/12 Email from John Bostrom of WWMD thanking us for committing the 90% cost share to the Eco System Restoration (sediment sampling) project.
- d. 7/6/12 Email from Jim Pindel to Jim Ritchie of WDNR asking about the status of our new ENUM. Jim Ritchie replied the same day saying he has processed the application and we are now waiting on Madison to take action.
- e. 7/9/12 Email from Bobbi Woppert Clerk of the Village of Big Bend stating that Francis Stadler and Ron Peterson were reappointed to the commission.

Miscellaneous Issues –

Jim D'Antuono made us aware of the fact that the WDNR had been involved in work on the Rochester dam just south of our area of jurisdiction. They had installed a cutoff wall and the repairs are completed. So now the dam is slowly refilling probably at about 60% full right now.

Jim Pindel then asked Jim D'Antuono about the fact that at a previous meeting it was stated that there is an USGS flow gauge at the Rochester dam and we were wondering why there wasn't a gauge at the Waterford dam. Jim D'Antuono pointed out that there is a cost share arrangement regarding these gauges. Jeff Thornton said that the SEWRPC would cooperate in helping to write grant applications for assistance in the cost share, but that the Regional Planning Commission does not provide funds. Jeff thought that the

USGS would cost share 50% of the cost bringing the cost to us to about \$10,000 to \$12,000 for the device and installation and \$6000 annually for maintenance.

Jim Pindel said that the Mukwonago Streambank restoration project on the WE Energies property came up at the last meeting and asked Dean Falkner and Jim D'Antuono who had both indicated that they would look into this issue, if they had any feedback. Dean said that he was still having trouble finding out who exactly to contact regarding this issue within WE Energies. It appears Dean is getting the run around. Jim D'Antuono said that he contacted someone who would be able to give him the name of the proper person to contact, but he has not heard from him thus far. Both Jim and Dean will follow up on their leads. Jim D'Antuono suggested that we invite the person in authority for this project from WE Energies to one of our meetings so we can hash things out. This project will be added to the agenda for next meeting.

Francis Stadler pointed out that per our implementation plan the term for a commissioner from Big Bend is two years, which coincides with the election of board members.

Francis Stadler motioned to end the meeting and the motion was seconded by Randy Meier, the motion passed unanimously.

Meeting Closed at 1:55 PM

THE NEXT OFFICIAL MEETING AND WILL BE Friday, August 17, 2012 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Chad Sampson (Racine County)
Francis Stadler (Village of Big Bend)
Alan Barrows (Waukesha County)
Randy Craig (Town of Vernon)
Randy Meier (Town of Waterford)
Barb Holtz (Town of Mukwonago)
Dean Falkner (Village of Mukwonago)
Robert Bartholomew (Town of Vernon)
Jeff Thornton (SEWRPC)
Jim D'Antuono (Wisconsin DNR)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Don Scott (Town of Vernon) (Vice-Chairman)
Doug Koehler (City of Waukesha)
Ron Peterson (Village of Big Bend)
Shelley Tessmer (Town of Waterford)
Any representative from the Town of Waukesha

Also present: Dick Kosut, John Bostrom and Don Baron of the WWMD, Mark Mittag of CH2MHill Water Business Group representing the City of Waukesha, Ron Barker of the Illinois Fox Waterway Agency, Dan Treloar of Kenosha County and Michael Schwar a resident of the Town of Vernon.

At 1:03 PM, 8/17/12, Chairman Al Sikora called the meeting to order.
The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the July 27, 2012 meeting were reviewed. It was motioned by Francis Stadler and seconded by Randy Meier that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for July 2012 was reviewed. In summary we started with \$29,500.66 in our money market account and made \$9.70 in interest resulting in a final amount of \$29,510.36. A second sheet was added to the report to track the income and outflow of funds in the new ENUM – 18. Francis Stadler asked if we didn't always get \$250,000 per grant and it was affirmed that was the norm but in the last budget cycle, just getting back into the State budget we only received \$200,000. It was motioned by Randy Meier and seconded by Francis Stadler that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) Mill Creek gully erosion repair project (active) – Alan Barrows said that he has been visiting the site frequently and the grass is starting to grow very well now that we have had some rain. Jim Pindel asked if we would be receiving a bill from the County and Alan responded that we should see a bill probably before our next commission meeting.

- b) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner sent an email to Jim Pindel which included a progress report and an attachment of the Project stabilization and sequencing plan. This email was forwarded by Jim Pindel to all commissioners since the 27 page plan attachment had many pictures and data, so it was up to each commissioner to review the plan electronically by themselves. Benjamin's report stated that the ACOE has completed our permit and it was in the mail. The WDNR chapter 30 general permit will be finished next Tuesday and he hopes to obtain the remaining permits in the next week or so. Ben is looking into the possibility of using the WDNR fisheries management group to implement this project. The Fisheries Management staff has the heavy equipment and labor force to complete the job. The project will be executed in four stages. Referring to the Project stabilization and sequencing plan, Jim Pindel pointed out that it included Site Stabilization notes including all best management practices employed, silt fences, stone tracking pads, heavy construction traffic limited to a single route, no earthen material left staged beyond a single working day, all in-stream work accomplished "in the dry", disturbed bank areas to be immediately seeded with an annual cover crop, disturbed banks will be uniformly graded to match upstream and downstream banks and that disturbed areas within the soil disposal area will be seeded within 7 working days. Jim Pindel also pointed out that the total area to be disturbed amounted to 86,398 square feet.

- c) Fox River Partnership Summit – Jeff Thornton said they had nothing new to report at this time.

- d) Ecosystem Restoration Project (Sediment Sampling) – WWMD John Bostrom of the WWMD reported that the sediment sampling had been completed last week. There were a total of 41 samples in phase 2 of the project. The samples have been sent off to the test lab and they are now waiting for the lab results, which should be available in a week or so. Graef the engineering firm hired by the WWMD to take the samples and have them analyzed will be communicating with the WDNR to analyze and interpret results.

New Business

- a) Consideration of expanding the Commission's jurisdiction south to the Illinois border Chad Sampson said that he had talked to Jon Schattner from Rochester this morning and that he stated that the Village of Rochester has interest in our commission and that they would like to have someone from our commission come

to their next Board Meeting on 9/10/2012 at 7:00 PM to make a presentation. We would be the first ones on the agenda. Jeff Thornton volunteered to make the presentation, or part of it, that he prepared for the Winnebago municipalities concerning our commission. Al Sikora and Jim Pindel volunteered to attend with Jeff Thornton. Jim Pindel pointed out that he had copied Jon Schattner with the meeting invitation including the attachments in case Jon wanted to attend today's meeting. Apparently Jon was not available, so called Chad instead. Chad said he would email Jon to advise him that we would make the presentation.

- b) Possible request for grant funds for Mukwonago shoreline restoration: Dean Falkner said that he and Jim D'Antuono both contacted WE Energies resulting in a meeting with them this morning. Dean said they were interested in seeing what we have to say and that Jim D'Antuono had contacted one of their biologists. The area that we are involved with is next to the dam and is in many respects protected from wind and waves and motorboat wakes. Although there are places that need some help, much of the shoreline is protected and it looks like a less extensive restoration is required. During the course of discussions it appeared that less costly alternatives exist that would equally protect the river. Dean thought that a cooperative effort among some of the organization in the area could come up with a project that would benefit all at a lower cost. Jim D'Antuono added that he had met with the woman who manages the property and had reviewed the plan Ruekert/Mielke designed for the restoration. Her assessment was that the plan could use another look and that something less aggressive could do the job. Some of the invasive species could be a source of the problem instead of solving the problem. They went on to discuss less intrusive work possibly involving volunteer help, like from the Friends of the Mukwonago River. WE Energies did not rule out paying for some of the work that needs to be done. One of the major problems with the site is the fact that there is cabling and underground utilities that cannot be interfered with, so changing the slope of the property is not a viable option. She said that she has to go back and talk to her people and Jim suggested that the Village of Mukwonago needs to touch base with their Village engineer and dust off the plan and come up with something that is viable of a lesser scale. Jim also pointed out that geese are a problem at the site, there is goose manure everywhere and washing into the river, a very significant source of nutrients. Jim went on to say that the dam is going to be fixed. He reminded us that there was a threat of the dam failing during the 2008 flood. There is a design that has been approved to provide more capacity through the dam and increase the berm of the earthen portion of the dam. Possibly we could do some of this dam work in association with the shoreline restoration. Dean Falkner mentioned that there is a potential project near River Park where the storm sewer water hits very hard. Dean would be looking for some of the savings from this project being used here. Jim Pindel pointed out that he had received a notice from Violet Razo of Ruekert/Mielke stating that they would need \$92,250 for the project and that we have already spent \$19,560 in 2010 for the engineering the existing plan. Jim expressed concern that we are now going to be asked to pay more money to change a design that has already been approved. Dean pointed out that if the

project can be accomplished at a fraction of the \$92,250 we would still be far ahead. Alan Barrows asked if Dean could find out from the Village and/or Ruekert/Mielke if the AutoCAD drawings from the original design were available. If so, Waukesha County could modify these drawing to the new less invasive design. As a result of this discussion it was decided to remove the \$92,250 from the expected allocation of grant funds from our new ENUM.

- c) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Pindel started out by stating that at the last meeting Jim D'Antuono was asked to find out the status of the environmental assessment that was in the process of being developed. It turns out that it is really the Environmental Impact Statement (EIS) that we are waiting for. Jim D'Antuono said that he had talked to the office director in Madison, who is managing the WDNR's role in this issue his name is Eric Ebersberger. Eric reported that there is outstanding information still required from the City of Waukesha. They are continuing to review their options as to where the water will come from and how they will return it. So until this is settled and they get the required information from the City of Waukesha they cannot complete the EIS. There will be a two months review of the technical information in the EIS once they have all the information. Eric said that there will be no hearing or public input until this process is completed and Jim D'Antuono estimated this wouldn't be until November or December of this year. There is a 45 day comment period after the EIS is published, that would be the appropriate time if the commission wants to make comment. Mark Mittag responded that there are some issues that need to be sorted out but they expect to get the required information to the WDNR for the EIS during September of this year. Barb Holtz asked if the EIS would address the effects on the Vernon Marsh and Fox River. Mark responded that the EIS is a comprehensive evaluation of all the different water supply alternatives that the City of Waukesha has evaluated including shallow aquifer wells near the Fox River in the Vernon Marsh area as well as some other wells further west of the City as well as Lake Michigan water supply alternatives. The EIS does include potential impacts on the Vernon Marsh and the Fox River. Mike Hahn of SEWRPC stated that their involvement was to create a water supply service area plan for the City of Waukesha. Mike provided a handout and map of the service area for the group to help clarify some things for people. Jim Pindel asked for clarification on exactly what the City proposed to the Great Lakes Commission, was it to return the exact same amount of water that was taken or was it to return 110% of the water taken from Lake Michigan and is it true that no water will be discharged into the Fox River except in flood conditions when the discharge would be detrimental to the Fox River. Mike said he was not familiar with the 110% requirement but that Mark would have to address this issue. Mike pointed out that as reflected in our resolution; SEWRPC's recommendation was active water management during high and low water conditions. Mark clarified that the agreement was to return 110% of the water taken from Lake Michigan and that this was in review with the WDNR and there will be minor modification as to how the return flow will be handled. Flow would be diverted to the Fox River if

there are concerns for flooding in Underwood Creek or the Menomonie River. Mark stated that the WDNR requested continuous flow to Lake Michigan so that is why the discharge to the Fox River would be discontinued. There is an issue with 'out of basin' water flow into the Great Lakes Basin, so the city is working on eliminating leakage into the sewer system from the Fox River Basin to keep our water out of their basin. Jim Pindel pointed out that at our last meeting it was reported that the discharge from the City water treatment plant was 10,000,000 gallons per day and that under the present dry (drought) conditions this represented a very substantial portion of the Fox River's flow. Mark said that they had prepared an environmental impact statement which looked at the effects of reducing or eliminating the discharge from their plant and that the maximum effect even during low flow situations was two inches of water depth. This data was based on several years of historical data. Mark indicated that he felt that this was not a significant reduction over the width of the river. Barb Holtz asked if there was an energy cost comparison between pumping water from the deep aquifer as done presently and the energy required to pump water to and from Lake Michigan. Mark stated that it was cheaper to pump water back and forth to Milwaukee than pumping from the deep aquifer. He also said he didn't have the figures for pumping back and forth to Oak Creek or Racine. There are three shallow aquifer wells north of Vernon Marsh which would be maintained as emergency backup water sources in case the Lake Michigan supply was unexpectedly interrupted. Barb Holtz asked how far will this water supply area extend. Mike Hahn explained that as an area wide water quality management planning agency are required by state law to delineate a water supply service area plan under certain conditions, such as when a municipality like the City of Waukesha requests a new or increase withdrawal of water from any source. That is why a water supply service area plan was developed for the city of Waukesha. The water supply service area has to be consistent with the sanitary service area, which dictated much of the expanse of the city's water service area. There are some minor differences between the two service areas. At the end of the day it was decided that we would wait for the EIS to be issued to see what action if any we needed to take. Refer to Ron Barker's comments below in "Reports and Updates" section to see the Fox Waterway Agency of Illinois take on this topic.

- d) Report on the Meeting with Racine County Executive: Jim Pindel reported that Al Sikora and he met with Jim Ladwig and Geoffrey Greiveldinger his Chief of Staff on 8/15/2012. The following points were discussed: Review of SEWFRC 2013 proposed budget. Jim Pindel reported the split between projects (money) between Racine & Waukesha Counties. Racine County – 12 Projects, \$536,179 (56.29%), Waukesha County – 11 Projects, \$416,300 (43.71%). 6 project locations are unknown. Jim Ladwig requested an explanation of the four projects listed under Racine County as unfunded projects. We advised Racine County attendees of \$59,040 grant approved for WWMD ESR sediment sampling. We advised Racine County attendees that we intend to extend our jurisdiction to Illinois border. Presently the Village & Town of Waterford are the only Racine County municipalities. Jim Ladwig asked would it be better to allocate funds to

SEWFRC or to WWMD. Jim Ladwig pointed out that presently the County Budget amounts to a \$2.4M deficit; however he said that they would consider us for funding, but not to be too hopeful. Al Sikora added that Jim Ladwig consulted with Geoffrey Greiveldinger to see if our funding could be included in bonding.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker of the Fox Waterway Agency of Illinois stated that he and the Agency were very concerned with the diversion of City of Waukesha water treatment plant discharge from the Fox River to Lake Michigan. Ron pointed out that the two inches of depth loss estimated by Mark Mittag was not a negligible amount it is a huge amount and would have detrimental effects on the Fox Waterway in Illinois. The FWA is currently having their engineers study the effects that this decrease in flow will have on the waterway down to and through the Illinois River. The two inches of water loss is a lot of recreational use loss and financial loss along the river. Businesses go downhill quick when water recreation goes down. The FWA is looking forward to a reasonable winter not a warm one like last year where the wetlands didn't freeze up and vegetation go dormant, so they could do their work. A major project that they have started working on is the re-meandering of the Fox River from the state line to grass lake. This will be about a \$30,000,000 project. Jeff Thornton asked about the status of the Stratton Dam project. Ron replied that the project has been approved and that they are going to replace the gates on the dam and modernize the lock from the upper to the lower river. The bonds for the project are being sold right now; construction is expected to start in fall of 2013 with the work being completed by January 2015.
- b) SEWFRC Website – Al Sikora said that he had no updates on the website at this time, except he asked Alan Barrows about the information and PowerPoint presentation on the Mill Creek project that he was supposed to send to him. Alan said that when Leif Hauge the project manager found out that this was being sent to be included on our website he wanted to add some additional slides and pictures. As soon as Leif finishes the updates it will be sent to Al Sikora.

Correspondence –

- a. 7/30/12 Email from Barb Holtz with Town of Mukwonago Town Board Meeting Minutes of 4/18/2012 attached. Shows that Barb was appointed to the SEWFRC for one year term.
- b. 7/31/12 Email from Chad Sampson providing contact information for Village of Rochester.
- c. 8/15/12 Email from Benjamin Heussner regarding the Mukwonago River restoration in Rainbow Springs project. This email with plan attachment was forwarded to all commissioners and discussed during the meeting.

- d. 8/17/12 A letter of appointment from the Village of Mukwonago was handed over to us for Dean Falkner

Miscellaneous Issues –

Jim D'Antuono pointed out that he had been given two assignments at our last meeting. The first being to find out about the presentation made by the WDNR Water Guard at the WWMD meeting held on 7/26/12 regarding invasive species. This presentation came about because of an invitation to Karen Stoll of the Water Guard from the WWMD. The second item concerned a new gauging station installed at the Rochester dam. Jim D'Antuono explained that there are a number of gauging stations on the Fox River below the Waterford dam and several of them are quite new. The next gauge downstream from Waterford is at Rochester and was installed in April 2011. This gauge is being co-funded by the USGS (60%) and the Norway drainage district (40%). The maintenance cost is about \$3,000 per year and the equipment and installation cost is somewhere between \$6000 and \$7000. There are two gauges on the Wind Lake system, one upstream and one downstream of the dam, one of those was also newly installed in February 2011. There is another gauge at the Muskego dam and that one has operated since the mid 1980's and their cost share is on the order of \$4100 per year. Jim D'Antuono pointed out that the costs above give us just an approximate idea of what gauges might cost us. These gauges have been installed primarily to minimize the impact on farmers in the drainage district when there is a heavy or excessive rainfall. With this data for dam operators can anticipate the inflow of water and make the appropriate adjustments. Jim D'Antuono passed some information on the gauges to Jim Pindel and clarified that the gauges are both level and flow gauges. The information available from these gauges is available in real time on the USGS website. Jim Pindel pointed out that we have a capital budget but no operating budget, so we could pay for the equipment and its installation but we have no way of covering the ongoing maintenance costs. Consensus was that the maintenance costs would have to be paid by municipalities or organizations that benefit from the data being gathered. Ron Barker pointed out that the FWA uses the data from the New Munster gauge to predict very accurately when flood levels will crest during flood conditions. Jim D'Antuono asked if we thought it would be beneficial to have someone from the USGS make a presentation to the commission on the equipment and its costs. It was not decided if the presentation should be made to the commission alone or possibly at the upcoming Fox River Partnership Summit.

Francis Stadler motioned to end the meeting and the motion was seconded by Randy Meier, the motion passed unanimously.

Meeting Closed at 2:31 PM

THE NEXT OFFICIAL MEETING AND WILL BE Friday, October 12, 2012 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Don Scott (Town of Vernon) (Vice-Chairman)
Doug Koehler (City of Waukesha)
Ron Peterson (Village of Big Bend)
Chad Sampson (Racine County)
Francis Stadler (Village of Big Bend)
Alan Barrows (Waukesha County)
Barb Holtz (Town of Mukwonago)
Dean Falkner (Village of Mukwonago)
Robert Bartholomew (Town of Vernon)
Mike Hahn (SEWRPC)
Jim Ritchie (Wisconsin DNR)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Randy Meier (Town of Waterford)
Randy Craig (Town of Vernon)
Shelley Tessmer (Town of Waterford)
Any representative from the Town of Waukesha

Also present: John Bostrom of the WWMD, Ron Barker of the Illinois Fox Waterway Agency and Michael Schwarz a resident of the Town of Vernon.

At 1:00 PM, 10/12/12, Chairman Al Sikora called the meeting to order.
The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the August 17, 2012 meeting were reviewed. Corrections to the minutes were made by Mike Hahn. Mike pointed out that on page 5 it was Mark Mittag not Mike Hahn who stated that the WDNR requested continuous flow to Lake Michigan. Also near the end of the same paragraph where it stated that there were minor discrepancies between the two water service areas, Mike said it should state minor differences instead. It was motioned by Bob Bartholomew and seconded by Mike Hahn that the minutes as corrected be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer’s Report for August and September 2012 was reviewed. In summary we started with \$29,510.36 in our money market account and made \$21.87 and \$28.74 in interest and a deposit of \$100,000 (the cash advance from ENUM-18) resulting in a final amount of \$129,560.97. Barb Holtz asked who was the sponsor for the Ecosystem Restoration project and where was it being done. She was told that the WWMD was the sponsor and the work was to be done in the Waterford Impoundment. It was motioned by Ron Peterson and seconded by Dean Falkner that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) Mill Creek gully erosion repair project (active) – Alan Barrows reported that he submitted the Grant Payment Request paperwork to Jim Pindel just before the meeting began. Alan said that they were able to run hoses from a neighbor's house to the project to water the new vegetation during the drought conditions. The grass has greened up nicely and is looking good. The project appears to be a success. Alan also said that he took pictures of the project and has provided them to Al Sikora for our website.
- b) Mukwonago River Restoration within Rainbow Springs – Jim Ritchie said that he had a report from Benjamin Heussner. Since our last meeting in August there had been considerable correspondence between Ben and SEWRPC concerning a number of technical details which resulted in a meeting between the WDNR and the SEWRPC staff. All the areas of concern were resolved to everyone's satisfaction. The project started last week and as of yesterday afternoon two of the culverts have been removed. The low flow conditions have been very favorable to getting the project done. They were able to borrow four pumps from the Public Works Departments of Brookfield, Mukwonago and Muskego saving the WDNR considerable money and time on the project. The remaining five culverts are expected to be removed in the next week. From the two culverts already removed they have observed improvement in the stream meandering, stream velocity and exposed sand and gravel substrate. Ben has taken photos and video of the project and will present them at a future meeting.
- c) Fox River Partnership Summit – Mike Hahn said there was nothing new to report at this time but there will be in the future.
- d) Ecosystem Restoration Project (Sediment Sampling) – WWMD John Bostrom of the WWMD reported that all the sediment sampling has been completed. Graef the engineering firm hired by the WWMD has organized all the test analysis of the samples into a report that has been submitted to the WDNR. They are now in the process of waiting for the WDNR to complete their review of the test data and the WWMD expects to hear something from the WDNR by the end of this month. It is expected that this project will be completed by the end of this month or in early November at the latest. The early reports were positive and work seems to be going on well between Graef and the WDNR.
- e) Big Bend Erosion Control Project (at Boat/Canoe Launch) – Francis Stadler brought us this project for consideration by the commission at this point of the meeting. Francis explained that rather than repairing or replacing the wooden retaining wall the project is now to add additional rock riprap along the edges of the boat launch. On pictures of the launch provided by Francis it could be seen that the rock riprap does not go all the way up to the top of the launch. Francis reported that under high water conditions the river rises all the way up to the top of the ramp and so the unprotected soil can wash away or erode into

the river. Barb Holtz questioned why the Village needed \$9000 for rock riprap and both Alan Barrows and Chad Sampson said that the proposed additional riprap was probably more in the \$1000 range. It was decided to table this project until our next meeting to give Francis and Ron a chance to get a better handle on the cost and scope of the project and to confirm that it is indeed an erosion control project.

New Business

- a) Consideration of expanding the Commission's jurisdiction south to the Illinois border Al Sikora reported that Jeff Thornton, Jim Pindel and himself attended the last Village of Rochester board meeting. At this meeting Jeff Thornton delivered the same Power Point presentation that he made at one of our recent commission meetings. The presentation was well received and the board indicated that they were enthusiastic to join our commission. To this end, the board requested that Jeff provide them with a draft of a MoU that they could approve and get on board with us. We did advise them that this process will take years, since a change in the State Statutes would be required to change the area of our jurisdiction. Since we are working from north to south the next municipality would be Burlington and so Chad Sampson was asked to provide the contact information for Burlington to us so we can continue onwards. It was also stated that we need to make a list of all the municipalities along the river that we must engage. Al ended up by saying that once we have MoUs from all the municipalities we can approach the State Legislature to amend the statutes.
- b) Possible request for grant funds for Mukwonago shoreline restoration: Dean Falkner asked Alan Barrows if he had heard anything new concerning this project. Alan said that he was pretty sure he had received the digital file from Ruckert/Mielke but has not had a chance to look at it yet. And so he doesn't know where things are headed right now. Alan did say he thought the plan was to revise the previous design to make it whatever WE Energies really wants to do. Dean asked if Alan had the contact information for the person at WE Energies who is now involved. Alan said he did not and so Dean said he would forward it to him. Dean indicated that it would be good for Alan and he to make contact from time to time to make sure things are moving forward.
- c) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Mike Hahn gave an update on what has happened since our last meeting. Mike reported that the City of Waukesha and the City of Oak Creek have worked out a draft or tentative agreement for Waukesha to purchase Lake Michigan water from Oak Creek. On a separate track and completely coincidental the City of Oak Creek had made a rate request from the Public Service Commission (PSC) regarding a rate increase for one of their wholesale customers the City of Franklin. The gist of the PSC ruling was that the City of Franklin would be paying more than residence in the City of Oak Creek and the PSC would not allow that. Since the City of Waukesha would also be a wholesale

customer the ruling regarding the City of Franklin would also affect the City of Waukesha. So it looks like the residents of Oak Creek will be paying higher rates to support Franklin and in the future Waukesha as well. Since this could be a deal breaker, as it stands right now the Water Utility Administrator will not sign the agreement until this issue is resolved. This affects the economics of the sale of water to the City of Waukesha and so is a delay in Waukesha getting Lake Michigan water. Mike mentioned that just before the meeting Barb Holtz showed him a copy of a letter from the Mayor of the City of Milwaukee to the Mayor of the City of Waukesha offering Milwaukee as a possible source of Lake Michigan water sighting possible cost savings buying from Milwaukee instead of from Oak Creek. Mike pointed out that these are developments but not bringing things closer to a resolution. Barb Holtz stated that the letter outlined cost savings but indicated that it would require reconsidering the expansion of the service area. Mike pointed out that the WDNR will not complete the Environmental Impact Statement until the source of the Lake Michigan water is known so things are on hold right now.

- d) New Method of distributing Correspondence. Jim Pindel pointed out that with it being two months since our last commission meeting and there was an abnormal amount of correspondence, there was too much to assemble and send to the commissioners at the time of issuing the meeting announcement. The file size of the .pdf file of all the correspondence was over 14 Megs. Some of the commissioner's fire walls rejected the email (attachment) because it was too large. In the future Jim said he would forward all correspondence to all commissioners as soon as it arrives. A potential problem is that everyone will receive a lot of email than they are used to seeing. He will organize a 'group' in Outlook and just forward it as it comes. If anyone sends an email that they don't want circulated immediately, they should start out by stating it should be held till later or not posted at all. After consideration of posting all correspondence on the website or developing a FTP server, it was decided for now to just forward all emails to everyone.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker of the Fox Waterway Agency of Illinois stated they had removed all 748 buoys from there system this last week. The water depth being 8 “ lower than normal this last year caused some additional problems with boaters hitting rock piles. They are setting up for a major dredging project this winter in two of their bays, hoping that if there is enough frost they can work in February and March to remove an estimated 68,000 cubic yards of sediment. The agency has set up a market for the dredged sediment; it is being used extensively by most of the Public Works Departments in their area, five different landscapers and the Illinois DOT. Ron pointed out that high quality black soil is becoming a scarce commodity and is being sought after. Ron pointed out when they just got started they had to pay \$65 per load to have the sediment removed. Later they went to having people

pick it up for free; and to finally selling it for a profit. This went from an \$180,000 loss to a \$120,000 profit, a \$300,000 swing. There is another little lake on the west side of McHenry County that is setting up for dredging next summer, they are already getting requests from Counties further west of them for the dredged material. Nobody is making top soil, Mother Nature takes 100 years to do it and they simply collect it off the bottom of their lakes. Ron finished by saying that they would give us any support we needed toward out expansion to the Illinois border.

- b) SEWFRC Website – Al Sikora said that as far as he knows the completed projects section is as complete as it can be. The current projects section still needs some editing and some of the newer projects we have been talking about are not on the site as of now. Al asked that anyone who has time look at the website and let him know how complete everything is.

Correspondence –

- a. 8/21/12 Email from Ben Heussner asking about our 8/17/12 meeting and asking if he should pursue a MoU between the Kettle Moraine Natural History Association and the WDNR.
- b. 8/21/12 Email from Jeff Thornton to Jim Pindel and many others outlining the technical issues the SEWRPC has with the Mukwonago River Restoration within Rainbow Springs as proposed by Ben Heussner.
- c. 8/23/12 Email from Jim Pindel to Al Sikora and Jeff Thornton stating that he didn't know what the proper channel would be to address the technical issues regarding the Mukwonago River Restoration within Rainbow Springs and that he didn't think we needed to be involved with a MoU on this issue.
- d. 8/23/12 Email from Jim Pindel to Jeff Thornton stating that he and Al Sikora agreed that the Rainbow Springs technical issues would be best served by Jeff representing both the SEWRPC and SEWFRC and working directly with Ben Heussner.
- e. 8/27/12 Email from Ben Heussner responding to all the points in Jeff Thornton's email of 8/12/12 outlining the technical issues SEWRPC has with the Rainbow Springs project.
- f. 8/28/12 Email from Jeff Thornton to Senator Mary Lazich and Representative David Craig thanking them for participating in the WWMD's boat trip reviewing the Waterford Impoundment.
- g. 9/5/12 Email from Alan Barrows providing narrative for the Mill Creek drainage way improvement project.
- h. 9/5/12 Email from Alan Barrows providing narrative for the CTH "ES" gully repair project.
- i. 9/11/12 Email from Ben Heussner with attached Memorandum of Agreement between the Kettle Moraine Natural History Association and the WDNR.
- j. 9/11/12 Email from Jeff Thornton with attached draft copy of MoU between Village of Rochester and the SEWFRC.

- k. 9/12/12 Email from Jeff Thornton to Chad Sampson summarizing the discussions from a meeting held on 9/11/12 regarding the Automation of the Waterford Dam.
- l. 9/12/12 Email from Jeff Thornton to Ben Heussner outlining the SEWRPC's technical requirements for the Mukwonago River Restoration within Rainbow Springs.
- m. 9/14/12 Email from Dean Falkner trying to instigate and coordinate the Mukwonago River shoreline project at the WE Energies site.
- n. 9/5/12 Email from Jim Pindel to Francis Stadler stating that he could not find the documentation Francis provided to him after the meeting before last regarding the Big Bend erosion control project at the boat/canoe launch. The email further outlined what was needed for the presentation to the commission.

Miscellaneous Issues –

There were no miscellaneous issues.

Francis Stadler motioned to end the meeting and the motion was seconded by Doug Falkner, the motion passed unanimously.

Meeting Closed at 1:55 PM

THE NEXT OFFICIAL MEETING AND WILL BE Friday, November 30, 2012 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Don Scott (Town of Vernon) (Vice-Chairman)
Doug Koehler (City of Waukesha)
Jon Grove substituting for Chad Sampson (Racine County)
Francis Stadler (Village of Big Bend)
Alan Barrows (Waukesha County)
Barb Holtz (Town of Mukwonago)
Randy Craig (Town of Vernon)
Robert Bartholomew (Town of Vernon)
Randy Meier (Town of Waterford)
Jim D'Antuono (Wisconsin DNR)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Dean Falkner (Village of Mukwonago)
Ron Peterson (Village of Big Bend)
Shelley Tessmer (Town of Waterford)
Any representative from the Town of Waukesha

Also present: Jim Ritchie, Benjamin Heussner, Christina Wolbers of the WDNR, Tom Slawski of the SEWRPC & Southeast Fox River Partnership, Dan Treloar of Kenosha County and Michael Schwar a resident of the Town of Vernon.

At 1:00 PM, 11/30/12, Chairman Al Sikora called the meeting to order.
The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the October 12, 2012 meeting were reviewed. It was motioned by Doug Koehler and seconded by Randy Meier that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for October 2012 was reviewed. In summary we started with \$129,560.97 in our money market account and made \$33.02 in interest resulting in a final amount of \$129,593.99. . It was motioned by Randy Meier and seconded by Francis Stadler that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) **Mill Creek gully erosion repair project (active)** – Alan Barrows reported that the County had received the check from the SEWFRC and would certainly be cashed soon. Alan also reported that the hoses that had been used during the dry conditions to get the vegetation going had been removed and the grass/vegetation was doing well. Alan said he thought that the project should be considered completed at this point and we decided to remove it from the

agenda as soon as the check clears the bank. Alan did say that they will continue to monitor the project site to make sure everything goes well.

- b) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner made a Power Point presentation providing an update of what has been accomplished and what the future plans are. The project objective was to improve navigability, provide bank stabilization, enhance wildlife and fisheries habitat and to protect and enhance water quality. Ben then enumerated the permitting, zoning and surveys required and completed. The equipment and materials required included two dump trucks, two excavators, a skid steer, aqua-barriers, sandbags, fieldstone (70 tons), jute mats, waddles, seed, straw, three six inch bypass pumps, a dewatering trash pump, brush bundles and large woody structures. The work already accomplished was done at culvert #1 the most downstream culvert and culvert #7 the most upstream culvert. These were the first ones done because the river had to be completely bypassed around them to do the work in dry conditions. The conditions this last September/October were ideal because of the drought conditions making it easier at this time to bypass the river than would be possible normally. Culverts #2 through #6 can be bypassed using the alternate stream channel. Along with the photo slides showing some of the work being done, there were also before and after pictures showing the existing culverts #1 and #7 and photos of the streambank after the removal and shoreline restoration. Ben pointed out the importance of building partnerships with local government, Trout Unlimited, Friends groups, Educational Institutes and the WDNR. Future plans for the project include installation of log jams and brush bundles where culverts #1 and # 7 were located, removal of culverts #2 through #6 including the removal of sediment and stabilization of the streambank, involvement of schools and volunteer groups as well as fisheries and mussel sampling. Randy Meier asked when the project is completed will they abandon the alternate or back channel and Ben said not immediately because there are flood plain issues in this area of the river. Ben said they will let the area have some time to repair itself and then see how it behaves before they make any long term decisions about the back channel. Barb Holtz asked if they had taken precautions when using Buckthorn in the brush bundles because if the berries float downstream they will replant themselves. Ben thought that the Buckthorn had dried out sufficiently to prevent this but noted that they will take care in this regard in the future.
- c) Fox River Partnership Summit – Tom Slawski was present and made a report. Tom provided a handout to all the commissioners which outlined the Summit objectives of
- a. Re-establishing the existence of the Southeast Fox River Partnership and develop a framework to support ongoing efforts within the watershed.

- b. Begin a dialogue on shared challenges concerning recreation, economics, sustainable flows, surface water-groundwater interactions, sediment, and ecosystem services.
- c. Develop relationships/build trust among stakeholders (individuals, organizations and states) of the Fox River watershed.
- d. Identify commonalities, project successes, and future challenges facing communities within the watershed.
- e. Create a declaration/agreed statement of key issues on important questions and/or Current & Emerging Issues between the states of Wisconsin and Illinois.

Tom expects to charge a \$20.00 advanced registration fee to encourage people to show up for their commitment. The location for the event will be Veterans Terrace at Echo Park in Burlington WI. The proposed date for the all-day event is Friday March 22, 2013. After some discussion the date was agreed upon by all. Tom then went through a preliminary agenda for the Summit. Of special interest to the commission is a speaker from the commission during the morning session. Tom was very keen on getting a top notch Keynote Speaker and will try to get Jerome Delli Priscoli who is well known nationally and internationally for his work in river basin organization. Tom provided a synopsis for Mr. Priscoli. One of Tom's hopes is that through the shared declaration coming out of this summit we will be able to leverage funds from both Wisconsin and Illinois; this would include local municipalities and counties as well.

- d) Ecosystem Restoration Project (Sediment Sampling) –No one from the WWMD was present and so Jim Pindel advised that as far as he knew all the data from the sediment sampling had been given to the WDNR and now they were in the process of analyzing the data. The results of the data should be what can be done with the sediment. Jim D'Antuono agreed that this is the situation at this time.
- e)

New Business

- a) Consideration of expanding the Commission's jurisdiction south to the Illinois border Al Sikora reported that Chad Sampson had advised him of the name and contact information for the City Clerk for the City of Burlington and the Clerk for the Town of Burlington, Al said that he had talked to the Clerk for the Town of Burlington and she seemed to be very interested in what the commission has to offer. The town clerk suggested that we meet with the town and city at the same time. The goal is to make a presentation at the Burlington town hall with the City present. Jeff Thornton volunteered to do the same presentation he made to the Village of Rochester. Al reported that he had sent an email to both Clerks this week without a response, so he will follow up by phone next week.

- b) Possible request for grant funds for Mukwonago shoreline restoration: Dean Falkner was not present. Alan Barrows said that he had received a short email from Dean and he was not certain what the context of the revisions to the design are. Alan did say that he received the AutoCAD files from Ruckert Mielke and they are fine and he has printed them out, but needs clarification on what the changes will be, so he needs some direction on what WE Energies wants to do.
- c) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Pindel started by saying that he read an article in the Milwaukee Journal/Sentinel stating that a deal was close between the City of Waukesha and Oak Creek, for Oak Creek to sell Lake Michigan water to Waukesha. Subsequently another article in the Journal/Sentinel stated that a deal had been made. Our concern is that especially in a year like this last one where the water levels are so low, the 10,000,000 gallons per day that Waukesha's water treatment plant discharges into the Fox River is the majority of the flow. If this water or 110% of this water is sent to Lake Michigan we would lose our navigability and recreational use. After some discussion, it was decided that Jim Pindel would fashion an email to send to Eric Ebersberger pointing out that we want to be sure that the Environmental Impact Statement (EIS) not only considers the effect on the environment of the conveyances of the water to and from Lake Michigan but also the effect on the Fox River. It was further decided that this email would be first sent with appropriate explanation to the WWMD and the Fox Waterway Agency of Illinois, imploring them to send similar supporting correspondence to Eric Ebersberger. Jim D'Antuono made the suggestion that the email should ask Eric Ebersberger to have a staff member attend one of our meetings as soon as the EIS process starts to explain the process and hear our concerns. This will of course be implemented. Bob Bartholomew said that from the farmer's perspective low flow was desirable because high flow/ water level caused crop damage. Jim Pindel pointed out the that proposal from the City of Waukesha was to return 110% of the volume taken from Lake Michigan under normal circumstances, but to dump water into the Fox River under high flow or flood conditions, sort of a worst case scenario. Bob thought that better control of the Waterford dam would be a better help to his situation. It was noted that automation of the Waterford Dam was part of our Implementation Plan but that at two meetings ago it stated that at a meeting between Racine County and SEWRPC it was decided that economically this was not a good idea, because it would cost Racine County to implement this automation and they would still have to have people visit the dam twice a day to visually inspect the dam condition for debris or other problems. Probably the only way we could address the dam automation would be from a storm water of flood control point of view. Jeff Thornton reiterated that there was no financial benefit to the County to implementing automation and that the first attempt failed partially due to the fact that the telemetry system failed twice due to lightning strikes. Another consideration was the fact that if they dropped the water level in anticipation of rising water level and the water did not rise, and then those using the river for navigational purposes would complain. Jeff Thornton stated that he had asked the

Milwaukee Metropolitan Sewage District if Underwood Creek and the Root River were capable of handling the return flows from the Waukesha water treatment plant and they told him that they were both capable of handling the flow. Alan Barrows said he asked the same question and received the same answer.

- d) Christina Wolbers Aquatic Invasive Species Specialist: Christina (Tina) introduced herself as the Aquatic Invasive Species Specialist from the Plymouth office of the WDNR and she had recently started in this position. She does educational outreach and monitoring in the eastern portion of the state. She intends to focus on organizations such as ours and offer her services as far as doing educational workshops or presentations as required. She works with youth groups and does work that promotes clean waters as well as watercraft inspection programs. She will be doing an intern program with the WWMD this coming summer. There is an early protectors program which uses volunteers to find new invasive species and map them out. Tina brought along numerous pamphlets and brochures which she offered to those in attendance for informational and educational purposes. Jeff Thornton pointed out that the recent survey of the Fox River showed some new growths of phragmites an invasive species. This comment brought about the question of who is responsible for the removal of such a new invasive species. At the end of the day it is probably the responsibility of the landowner, who can be assisted by local municipalities or organizations such as ours. Tina mentioned that there are grants available through her office to assist as well. She pointed out that they like to take a watershed approach rather than addressing one particular infestation, because it will re-infect itself if upstream infestations are not eliminated.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker of the Fox Waterway Agency of Illinois was not present. Jeff Thornton said SEWRPC had nothing to report at this time.
- b) SEWFRC Website – Al Sikora said that he had nothing to report at this time except to ask Ben Heussner for a copy of his Power Point presentation so he could use part or all of it for the Website. Ben responded that he has already sent a .pdf file of the presentation to the commission.

Correspondence –

- a. 10/17/12 through 10/22/12 Emails to/from Jim Ritchie confirming we can pay for Mill Creek Gully Erosion repair project and with Alan Barrows confirming who to send the check to.
- b. 11/13/12 and 11/16/12 Emails to/from Jim D'Antuono regarding diversion of City of Waukesha water treatment plant discharge.

- c. There was phone calls and emails back and forth between Al Sikora and the City and Town of Burlington in an attempt to set up a meeting to introduce ourselves.
- d. Jim Pindel reported that he had called Bob Langmesser of the Town of Waterford requesting new letters of appointment for Mary Pindel and Shelly Tessmer.

Miscellaneous Issues –

There were no miscellaneous issues.

Francis Stadler motioned to end the meeting and the motion was seconded by Randy Meier, the motion passed unanimously.

Meeting Closed at 2:07 PM

THE NEXT OFFICIAL MEETING AND WILL BE Friday, January 11, 2013 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)