

Commission members present:

Dean Falkner (Village of Mukwonago) (Chairman)
Katelyn Bratz (Town of Mukwonago)
Alan Barrows (Waukesha County)
Chad Sampson (Racine County)
Andy Buehler (Kenosha County)
Doug Koehler (City of Waukesha)
Robert Bartholomew (Town of Vernon)
Jim Schneider (Village of Waterford)
Francis Stadler (Village of Big Bend)
Jeff Lang (Town of Burlington)
Jim Bergles (City of Burlington)
Dale Buser standing in for Tom Slawski (SEWRPC)
Jim Ritchie (Wisconsin DNR)
Rachel Sabre standing in for Michelle Scott (Wisconsin DNR)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Wayne Jensen (Village of Rochester)
Andrew Lois (Town of Wheatland)
Ken Miller (Town of Waukesha)

Also present: Paul Kling of the WWMD, Rebecca Ewald of the Village of Waterford, Geoff Parrish of Graef and Michael Schwar of Stoney Point Hydrology.

At 1:08 PM, Chairman Dean Falkner called the SEWFRC meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the November 11, 2016 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Doug Koehler. The minutes were approved unanimously.

Treasurer Reports – Jim Pindel only reviewed the highlights of changes in the November and December treasurer's reports. We started the month of November with \$74,292.11. We received \$12.21 in interest bringing our Money Market account to a balance of \$74,304.32. The only change to the non-grant funds was that it listed the \$3000 we allocated to the AIS detection, prevention and outreach for Waukesha County and the \$300 we allocated to the AIS Summit. In the grant funds an overrun of \$105.53 was added to the Wood Drive erosion control project, the Malchine farm field erosion control project was brought down by \$6000 because of a federal grant Chad was able to obtain. Four new projects approved at our last meeting were added leaving us with available grant funds of \$6,194.47. Katelyn Bratz pointed out that the treasurer's report listed the Nature's Classroom project at \$29,965.00, but the actual project cost we agreed to was \$29,650. This additional \$315 makes the available grant funds equal to \$6,509.47. Reviewing the December 2016 treasurer's report showed that we paid \$30 to stop payment on a check that was lost in the mail, \$17,105.53 for the Wood Drive project and

\$24,000 for the Malchine farm field project. With \$11.42 in interest this leaves us with an ending balance of \$33,180.21 in our Money Market account. Jim Pindel pointed out that we are in the second half of our grant cycle, where we have to wait for a check back from the WDNR for larger payments since we have used up the entire \$100,000 cash advance we received against ENUM-20. It was motioned by Chad Sampson and seconded by Dave Brown that the treasurer's report as corrected be accepted. The motion carried unanimously.

Old Business

- a) Fox River Partnership Summit: Tom Slawski was not present but sent an email to Dean Falkner and Jim Pindel making a short report. Tom said that the registration for the Summit is up and running on line. Tom also said that Al Sikora of Waterford Design Technologies was kind enough to redesign and resurrect Tom's defunct website. Tom also pointed out he has gotten a speaker from the WDNR to address "Water Quality Changes". Jim Pindel added that he hoped this speaker would identify the matrix used to measure and monitor water quality. Alan Barrows added for the sake of the new members on the commission, that we will reimburse the registration fee for any commissioners and alternate commissioners who attend the summit. We said we thought that the preregistration fee was \$35.

- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that the restoration project at the WE Energies site is on track. There are 5 moving parts to the project and so they are going through the legal paperwork to get everyone signed up so that the project can get going as soon as the ground thaws out in spring. When the snow melts they will get diggers hotline on site to identify what utilities are present and where they are. Alan said that he intends to make a GIS map of the diggers hotline flags so that he has a record of where the utilities are. Alan said that the only ground work to be done is that the contractor wants to bring in a mini-excavator to place to 2 lowest courses of bags, which will be stone filled, to establish the base for the buildup of additional courses going back up the bank. The equipment that will be on site will be small and Alan expects the diggers hotline and work to start sometime in April 2017. Alan is planning a preconstruction meeting for all the different participants involved and everyone is welcome. The meeting will make everyone aware of all that will be going on and try to answer any questions that might come up. Alan said that he expects the project to be completed by the end of May and realizes that they have a deadline of June 30th to qualify for ENUM-20 funding. Jim Ritchie pointed out that we have not requested any extensions to ENUM-20 and could request and obtain an extension if needed. The letter of permission from WE Energies will have to be extended for another year so that the contractor can gain access to the property to do maintenance for the year after project completion. The contractor will install a drip irrigation line but will not install a pump. The irrigation line will be used if needed to water the native plantings. Dean Falkner pointed out that when a project like this one involves many entities like WE Energies, the Village of Mukwonago, Waukesha County, the WDNR and SEWFRC the additional paperwork and coordination takes a long time. This project has been in

the making since 2007.

- c) Wood Drive Erosion Control Project – Chad Sampson said that both the Wood Drive and Malchine farm field projects are completed now thanks to a warm November allowing the work to get done. The projects went along pretty well until they ran into some utilities they didn't expect. They also ran into a 5 foot diameter bolder that had to be dug out and relocated. Chad said that when the subdivision either Fowlers Bay or the one right next to Fowlers Bay put in a pond they broke into a drain tile that flows for over a mile crossing SHW 164 and eventually empties into a wetland. They found that the tiles uphill from the pond were in good shape, so they reconnected to the tile and installed new tile that went around the pond and some trees eliminating the runoff of silt filled water into the Fox River. There is now a grass swale that runs from SHW 164 all the way down to the Fox River. The private driveway that runs through there has been enhanced with 3 culvers and raised up so that the water cannot overrun it and wash it out like it used to do. The work is done, the contractor has been paid and if there are any problems with the drainage tiles discovered this coming summer the contractor will come back and fix the problems. Both landowners are extremely happy and we can take these projects off the agenda. Jim Pindel reminded Chad that we still need all the documentation called for on the cost share agreement, so we can close the project out and get reimbursed by the WDNR. Going over the items required on the Cost Share Agreement, Jim Pindel said that he didn't like the title "Construction and Planting Certification form" because for our purposes it is a sign off by the project sponsor that the project is completed to his/her satisfaction. Jim Pindel suggested changing the title to "Project Completion Acknowledgement" which was agreed to by all. In the past we just accepted the verbal statement by the project sponsor that the project was complete, this way we have a written sign off for our records that the project is complete.
- d) Malchine Farm field Erosion Control – This project was covered in the Wood Drive project above.
- e) ESR Project disposal sites environmental impact: Paul Kling referred to this project as phase 5 of the overall dredging permits application for the Waterford impoundment. For the sake of the new members on the commission Paul explained that the sediment from the impoundment will be pumped into the gravel pit on the Super Mix property and be used to reclaim some of the gravel pit area. The engineering design for the gravel pit area is ongoing and nearly ready for submission to the WDNR. Paul Kling asked Geoff Parish of Graef to explain exactly where we stand on getting the disposal site permit application turned in. Geoff said that the permit application will be submitted soon as a "low hazard exemption" permit seeing the material being deposited does not represent a significant threat to the environment. There are some metal and nutrients like ammonia and nitrogen which will not represent a significant threat to surface or ground water or the air. The application document is about ready for submittal to the WDNR and should be submitted before the next SEWFRC meeting. Jim

Pindel pointed out that this project is completely independent from the Dredging Permit Application project which was completed using ENUM-18 and ENUM-19 funds. So he has a new Cost Share Agreement to be signed by Paul Kling and Dean Falkner, which was executed right after the meeting.

At this point Geoff Parish brought up the fact that Graef has had discussions with the WDNR regarding whether the removal of phosphorus could be marketed or traded with entities such as water treatment plants to offset their discharge of phosphorus into the Fox River. Geoff said that the WDNR has established a ratio for crediting phosphorus dredged out of a river at about 1/3 of the volume removed and that amount can be used as a credit against the discharge from a water treatment plants. Geoff said that it gets a bit more complicated than that because you have to calculate how much of the dredged phosphorus eventually gets back into the river. So Geoff said that there is marketable value to the phosphorus that will be removed from the Waterford impoundment. Geoff was wondering if any of the waste water treatment plants were interested in paying something toward the dredging in the Waterford impoundment in exchange for phosphorus credits so that they could possibly fall into compliance without expensive additions to their treatment plants to get to compliance. Jim Pindel pointed out that we intended to leave this topic for miscellaneous issues at the end of the meeting, but since it has already come up, he pointed out that he forwarded the emails from Brian Schneider of Graef concerning this issue to all the commissioners as well as the attachment which listed the cost of \$5,800,000 for the Burlington treatment plant and \$6,400,000 for the required improvement to the Western Racine County Sewage Treatment plant for them to get to compliance. These estimates were made by James E. Kleinschmidt PE in 2013. Jim Bergles of the City of Burlington said that they do not have any agreement with the WDNR for trading phosphorus credits against their phosphorus discharge into the Fox River. Also the city does not have an established TMDL, so any contribution to the Waterford impoundment dredging would be money wasted since there is no vehicle for getting benefit for the phosphorus removal. To get some sort of agreement in place with the WDNR was estimated by Jim Bergles to take at least 2 years and the agreement would have to be in place before the phosphorus was dredged out. Dean Falkner said that the important thing here was that we communicated with the waste water treatment plants that this was an available option, so for now we have at least made them aware. It was asked if the WDNR required testing of the wells in the area around the Super Mix site before the disposal of the sediment started and Geoff Parish said that it had not been asked for.

- f) Schuetze Playground Storm Water Abatement: - Doug Koehler said that the work has been completed on the project. Doug said that the grading is completed and some if not all of the planting has been completed. It was pointed out that all of the work had to be completed by 12/31/16 to get EMUM-19 funding. Doug said that he did not know where they were on getting the documentation ready for submittal. Jim Pindel said that legally they have 6 months to get the paperwork in

to us, but the sooner the better. Doug said he told them that it had to be in by the end of last year. Doug said he will prod them again.

- g) Graefenauer Shoreline Restoration (Tree Removal): Alan Barrows said that the tree cutting has not happened yet. He said it should be done soon because the conditions are right, the ground is frozen. Alan said that he expects that the tree removal will be accomplished before our next meeting.
- h) Nature's Classroom groundwater protection - erosion control: Katelyn Bratz. Katelyn said that the entire project is complete. Katelyn then projected photos of the project site; we could see the condition of the project site before, during and after the completion of the project. Katelyn said that all the documentation was complete and has been emailed to Jim Pindel. The photos included a picture of the rain garden after they planted it, the south area after it was cleared and planted with native woodland plants, an area of the site where Nature's Classroom bought native plant plugs and planted them along the waterway and before and after photos of the east slope of the project, Katelyn said that the entire project area was 9.7 acres, some of which was cleared before our project started. Katelyn said we should be able to remove this item from the agenda, but Jim Pindel will not remove it until he passes the documentation to Jim Ritchie and Jim Ritchie informs him that the project can be closed out. Katelyn finished by telling us they were using a new technology consisting of a kit like an industrial black bag, which is used to cover the stump of cut buckthorn bushes/trees all the way to the ground, preventing any light from reaching the stump. The process is supposed to completely kill off the buckthorn and its roots.

New Business

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

Jim Ritchie said that after our last meeting he sent the request of information concerning this issue to their Bureau Director and attorney for answers and he has not heard from them so far. Jim Ritchie said that he will push for answers before our next meeting. Jim Ritchie said that in an initial discussion with their attorney he indicated that the state statutes would probably not be clear on some of these issues. Jeff Lang asked what we would be doing differently if we needed to comply with the open records statutes. Jim Ritchie indicated that he thought that our posting of our agenda on our website likely puts us in compliance. Jeff Lang

said that he thought that the statute had recently been modified to allow this method of compliance. The consensus of the group was that we feel we are probably in compliance and Dean Falkner pointed out that he really hopes we are in compliance because the officers are responsible for making us compliant. Dean Falkner said that he had a discussion with Tom Slawski and Jim Ritchie which centered on the fact that our statute is so vague that we might be able to assume or include an area like the entire Mukwonago River without including all the municipalities along the way. Dean concluded by saying this might be a discussion for another meeting.

- b) Mukwonago Park Shoreline Restoration – Alan Barrows said he has not talked to Steve Brunner, but he did pass along the amount of money our commission allocated to his project. Steve said it was great and he will work with it. Alan said that they will order the native vegetation sod about 6 weeks before they need to install it.
- c) Village of Waterford East Shore river bank Restoration: - Rebecca Ewald. Rebecca said that there was nothing new to report on this project. Chad Sampson asked if any of the \$6000 he returned to the commission after getting the federal grant funds for the Malchine project would be diverted to the Village of Waterford project. Jim Pindel said that if he takes the \$6000 returned against the Malchine farm field project adds the \$300 for the AIS Summit that we moved to non-grant funds, add the \$315 we over allocated to the Nature's Classroom project and then subtract the \$105.53 overrun on the Wood Drive project we are left with \$6,509.47 still available in ENUM-20 grant funds. Jim Pindel asked the commission for any suggestions on how we should use this money. After minimal discussion Chad Sampson motioned that we evenly split the available funds between the Village of Waterford East Bank Restoration and the Waukesha County Mukwonago Park Shoreline Restoration. The motion was seconded by Dave Brown and the motion passed unanimously.
- At this point Dean Falkner brought up the fact that he has firsthand experience on the amount of erosion at the East bank site and other areas of the Fox River. He said it was an amazing amount of about 2000 tons per day of suspended solids that is erosion that is put into the Fox River at high erosion event times. The usual suspended solids run about 10 mg/ liter but at the Village of Waterford project area the suspended solids were measured at 40 mg/liter. Considering a normal flow of 175 cubic feet per second times the amount of suspended solids this comes down to a large quantity of material going down the river, which must affect the municipalities downstream. Dean said that the 2 locations where they measured/estimated the 2000 tons per day were where the Fox River crossed CTY L and CTH I. To illustrate how much material this is, Dave Brown said that a quad-axle truck can carry 24 tons of material, so we can imagine how many truckloads of dirt we would need to haul this material away. Dean Falkner said that the magnitude of these values help to show how much an adaptive management program and/or a 9-Key Elements Plan is needed for the Fox River. Dean said he will bring the data to our next meeting which will show how much

- we need to apply for funding for either or both of these plans to fix up the river. Jim Pindel said that it was unfortunate that Tom Slawski was absent, because some graphic depicting these large amounts of material entering and running down the river would be of great interest to the people who attend the Fox River Summit.
- d) Aquatic Invasive Species (AIS) Summit: Kathy Aron. Jim Pindel said that he left this item on the agenda only because he wanted us to move the \$300 from grant to non-grant funds so that Kathy Aron did not have to process all the documentation required by our cost share agreement for just \$300. He also said that it would save Jim Ritchie and himself from having to process it. Alan Barrows motioned that we move this project to non-grant funds and the motion was seconded by Bob Bartholomew. The motion carried unanimously.
- e) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that he already covered this topic earlier during the discussion of the Village of Waterford East Bank Stabilization Project.
- f) Gauges: Why do we want more? What kind of gauges? When do we want them? Who will pay for the hardware, installation and maintenance? Tom Slawski was not present and Jim Pindel said that since our last meeting he received an email from Paul Kling of the WWMD stating that he was interested in getting a gauge installed north of the Waterford impoundment so they could document the effects of the impending Waukesha diversion. Jim Pindel said that he passed this request onto Tom Slawski who agreed that this was a good idea and said he would prepare something for this meeting. At this point Dale Buser who is standing in for Tom Slawski representing the SEWRPC spoke up saying he had some information on this topic. Dale said that NOA has a stage gauge in the Waterford impoundment located just north of the Waterford dam. He passed around a map that showed the location of the gauge. This gauge is continuously monitored by NOA and this might be an option for measuring the change in flow due to the diversion. It would be possible to develop a rating curve for the spillway and so this could be a good measure seeing a federal agency is already continuously measuring the water level at this point. Dale also passed out some “Surface Water Data Viewer Maps” that show abandoned USGS gauging sites and Dale said it would be cheaper to reestablish any of these sites than starting a new from scratch. Dale said many of these locations already have rating curves developed, which would be less work than starting with a new location. Dale pointed out that there is a lot of data being collected and hidden away by different organizations, such as lake management districts who want to correlate water level with shoreline erosion. During some discussion of just what we want to measure to get the best results of change due to the diversion, Dale Buser said that putting the gauge as close to the diversion point as possible would give the best data. Dean Falkner asked in rating curve had been developed at the gauge on the Waterford impoundment and Dale said probably not and probably not for the one just

downstream in Rochester.

- g) Consideration of expanding our jurisdiction west to include Eagle Spring Lake: Dean Falkner stated that we already covered this topic and that we will hope for some answers at our next meeting.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Tom Slawski
Tom Slawski was not present, but Jim Pindel reported earlier that he received an email from Tom in which he said that Joe Keller the Executive Director of the Fox Waterway Agency (FWA) hosted and participated in the latest Fox River Water Trail meeting. At that meeting Joe told Tom that the FWA has had many struggles over the last year including their main office getting flooded. Also they are dealing with funding issues since the state of Illinois has still not passed a budget. Tom said that Joe is looking forward the Fox River Summit for a chance to catch up with some of our members on ways that we might be able to collaborate on future projects.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie said that the only thing he has is that the City has applied for a Safe Drinking Water Loan Program funding for what should be an expensive project to run pipes from Oak Creek to Waukesha and back again to the Root River. This is a low interest program available from the state which has to be in place long before construction starts.
- c) Progress toward designation as a “National Water Trail” – Village of Waterford. Rebecca Ewald said that they have started to move the meeting locations around and the last one was held at the Fox Waterway Agency of Illinois. Right now they are starting to apply for grant funding to develop a website and promotional materials.
- d) SEWFRC Website – Al Sikora was not present and so no report was made.

At this time Dale Buser of SEWRPC said that he brought with him a Scope of Services for the 2017 lower Fox River Survey that SEWRPC proposed to our commission. Dale provided 5 paper copies of the Scope of Supply and Jim Pindel said he would scan the document and email forward it to all the commissioners. Dean Falkner said that we would review the Scope of Supply and discuss it at our next meeting. Jim Pindel said that all of the work had to be accomplished by 6/30/17 to be eligible for ENUM-20 grant funds. Dale said this was probably not possible because SEWRPC felt that late summer or early fall would be the best time to do the survey when the water levels would probably be lower than before the end of June. Jim Ritchie pointed out that we could apply for a 6 month extension of ENUM-20 which would allow for this survey to be completed within an allowable time frame.

Correspondence –

- a) 11/14/16 Email from Jim Pindel confirming the exact amounts we have allocated to Waukesha County, Village of Waterford and SEWRPC to use all of ENUM-20
- b) 11/14/16 Mark your calendars notification for today's meeting
- c) 11/28/16 Emails between Jim Ritchie, Jim Pindel and Rebecca Ewald concluding in message to Rebecca that Cost Share Agreement will define what she must do to get funds.
- d) 12/01/16 Email with letter attachment from Jim Pindel with letter of support for the AIS detection and outreach for Waukesha County
- e) 12/05/16 Email correspondence between Jim Ritchie and the Village of Waterford Engineer informing him that there is no special WDNR paperwork required only the SEWFRC Cost Share Agreement.
- f) Email from Jim Pindel with attached letter to Racine County Executive stating how the 2016 allocation was spent in Racine County

Miscellaneous Issues –

There were no miscellaneous issues except for the discussion on the possible impact on downstream water treatment plants due to the removal of 1,000,000 lbs. of phosphorus from the Waterford impoundment when the dredging is completed. This discussion occurred earlier in the meeting and is list above.

Jim Schneider introduced himself as the Village of Waterford's commissioner replacing Al Sikora. Jim said he is a trustee of the Village and has been involved with the Drainage District regarding the drawdown of the Fox River in the Village and other issues. Jim said that there was a bill before the legislature last year intended to limit the power of drainage districts. It was assembly bill AB63. It did not pass because there were too many northern districts that felt there were issues they could not work with. This bill has been reworked a couple of times and will be before the legislature probably this coming session. There was a public information meeting concerning this bill this last Wednesday and Jim was in attendance. There were 55 people in attendance from the Corps of Engineers, the WDNR and others. Jim said that one of the issues that will not be changed is that the local farmers will appoint the drainage district board. Another issue in this legislation is annexation; the district cannot annex a municipality without the municipality's permission. One of the main issues is that the drainage districts want the ability to do drawdowns without going through the permitting process with the WDNR. The last issue that was discussed is assessment. Right now the drainage districts have the right to access municipalities and individual as they see fit. Jim said that the WDNR will not permit the drainage district from drawing down the Fox River in the Village of Waterford anymore.

Chad Sampson said that our champion for getting state grant funds in the past has been Senator Mary Lazich, who is now retired. Chad asked if anyone had any ideas of how we should contact in the state legislature to be our champion. Jim Pindel said that he

emailed a letter to Senator Mary Lazich before she retired asking her who she thought might champion our cause and had no response. The feeling of the group was Senator David Craig would be the logical choice, seeing that he is replacing Senator Mary Lazich. Jeff Lang said that now we have the new member municipalities in Racine and Kenosha counties, we should reach out to the legislators representing these new municipalities asking for their support. Rebecca Ewald made the suggestion that we make a resolution sent to all our member municipalities requesting them to send their own resolutions to the legislators requesting funding for the commission. This was the legislators would see requests for funding from multiple sources. This would put on record the request for funding from all the municipalities. It was the consensus of those present that we will follow this action plan. Jim Schneider said that some of the legislators told him that they get very little requests or communication from their constituents, so the more we can get our request for funding in front of them the better our chances. Jim Schneider also said that we should ask members of the boards of the member municipalities to personally request funding for our commission.

When choosing a location for the next commission meeting, the City of Burlington offered to host the next meeting and the Village of Waterford offered to host the following meeting.

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

Meeting Closed at 2:30 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
February 17, 2017 at 1:00 PM.** (Meeting Location: Town of
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,
WI 53103.)

Commission members present:

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

Commission members absent:

Ken Miller (Town of Waukesha)
Rachel Sabre (Wisconsin DNR)

Also present: Katelyn Bratz Town of Mukwonago and Dan Treloar Kenosha County.

At 1:00 PM, Chairman Dean Falkner called the SEWFRC meeting to order.
The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the January 13, 2017 meeting were reviewed. Barb Holtz pointed out that she was not listed as absent from the meeting. Jim Pindel pointed out that Katelyn Bratz was listed as the representative of the Town of Mukwonago so the minor omission was overlooked. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Jim Schneider. The minutes were approved unanimously.

Treasurer Reports – Jim Pindel only reviewed the highlights of changes in the January 2017 treasurer's reports. We started the month of January with \$33,180.21. We received \$5.64 in interest bringing our Money Market account to a balance of \$33,185.85. The only change to the non-grant funds was the \$5.64 in interest resulting in the net non-grant funds available being \$22,448.08. It was motioned by Alan Barrows and seconded by Doug Koehler that the treasurer's report be accepted. The motion carried unanimously.

Old Business

- a) Fox River Partnership Summit: Tom Slawski pointed out that it was exactly 21 days until the summit, which of course is March 10th. Tom said that the final

speakers were signed up and the program and agenda were set. Tom said he has about 75 attendees signed up so far and there was an obvious lack of attendees from the commission. Tom said this number of attendees at this date was encouraging and was hoping that we might exceed the normal attendance of about 120. Tom made a pitch to the commissioners to get the word out and promote attendance. Tom said he has 2 paid exhibitors, Michael Schwar and Applied Ecological. Tom pointed out especially to the new commission members that we reimburse commissioners the \$35 attendance fee. Jim Pindel added that he thought that alternate commissioners should be reimbursed as well. Jim pointed out that what the alternates would learn and the networking they would experience would make them better and more knowledgeable members of the commission. Jim Pindel motioned that we extend the reimbursement to the alternate commissioners and the motion was seconded by Alan Barrows. Francis Stadler asked how will the alternate commissioners know that they will be reimbursed, since only 1 alternate commissioner was in attendance. Jim Pindel said he would get an email out or just add a note to the “mark your calendars” email sent out right after our meetings. Alan Barrows pointed out that the Friends of the Pewaukee River are reimbursing their members who attend to encourage attendance.

- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that since our last meeting another set of paperwork has passed through all the different organizations that are involved in the project. Alan said he thought that all the paperwork has been signed by all the participants. Alan said that he contacted the contractor and asked him to avoid the last week in June because he will be out of town for training that week. Actually Alan would like the project completed by the June 30th deadline for ENUM-20. The next step will be a preconstruction meeting which should happen in April. Alan said he will have diggers hotline go through the property before the preconstruction meeting to make sure there are no surprises.
- c) Wood Drive Erosion Control Project – Chad Sampson said that he sent (emailed) all the documentation for the Wood Drive and Malchine Farm field to Jim Pindel, so the projects should be complete and closed out. Jim Pindel said that he received the emails from Chad but the documentation in both cases was only 1 page long and he noted that that page in one case said page 1 of 15 and the other email had a similar indication that more should have been there. Chad also said that he indicated that more after photos would be sent and Jim Pindel said that he read that in Chads emails but had not received the additional photos. Chad said that he would resend all the documentation and photos and this time if Jim Pindel doesn't get the complete package he will call Chad to advise him.
- d) Malchine Farm field Erosion Control –This project was covered in the Wood Drive project above.

- e) ESR Project disposal sites environmental impact: No one from the WWMD was present. Jim Pindel said that there had been a meeting regarding the low hazard waste at the disposal sites, but he was not able to attend. Jim also said that there was a public meeting to be held by the WDNR to discuss the disposal of dredged materials by the WWMD in the three disposal sites. Jim Pindel did not remember the date of the meeting, but on the next day (2/18/17) Jim forwarded the email notification to all the commissioners which stated that the meeting will be held at the Town of Waterford Hall at 5:00 PM on February 23, 2017. Jim Ritchie pointed out that this was one of the last steps in the permitting process.
- f) Schuetze Playground Storm Water Abatement: - Doug Koehler said that he told their department to get the paperwork together so that they could get the rest of the grant funds from the SEWFRC. The project cost was \$25,000 and we provided a \$12,500 cash advance to help them get started and we are still holding the final \$12,500 waiting for completion of the items required on the cost share agreement. Doug said he will continue to push the City to get the paperwork out. Alan Barrows explained that the project was originally headed up by David Burch who made the presentation to our commission to get the funding and at that time he was an employee of Waukesha County. Since then David has retired and is still involved in the project representing the Park Foundation. Dean Falkner asked if there was someone else that needed to be contacted to get the job done. Alan said that it is still probably David Burch who is still working for the nonprofit Park Foundation to improve the property owned by the City of Waukesha.
- g) Graefenauer Shoreline Restoration (Tree Removal): Alan Barrows said that the tree removal, which is phase 3 of the project, has been completed. However Alan has not seen any invoice for payment from the contractor. Once Alan gets the invoice he will again provide a proof of project completion document and we should be able to close this project out. Alan said that he spoke to Tom Graefenauer today and he was very pleased with the work that had been done.
- h) Nature's Classroom groundwater protection - erosion control: Katelyn Bratz. Katelyn was present but Jim Pindel spoke up saying that Katelyn had provided all the documentation to him and he needs to organize and review it and then send it off to Jim Ritchie for final approval.

New Business

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

Jim Ritchie said that it has taken awhile but he now has a meeting scheduled with the WDNR's lawyer this coming Thursday in Madison to get our questions answered. So we should hear the results at our March meeting.

- b) Mukwonago Park Shoreline Restoration – Alan Barrows said that the project will be done by one of their new landscape architects who works for Steve Brunner, her name is Vicky Jensen. She is the one who will be working with the WDNR to pull the permits for the shoreline restoration. The plan is to get the work completed before the swimming season starts which is probably sometime in June.
- c) Village of Waterford East Shore river bank Restoration: - Rebecca Ewald. Rebecca Ewald was not present. Jim Pindel said that he prepared and signed a Cost Share Agreement and delivered it to the Village for Rebecca. Rebecca indicated that the village president would sign the agreement after it was reviewed by the board.
- d) Aquatic Invasive Species (AIS) Summit: Kathy Aron. Jim Pindel said that he forwarded an email from Kathy to all the commissioners stating that the summit was successful and he advised Kathy that all she needed to do was provide an invoice showing that she paid more the \$300 and some proof of payment and we will give her a check for the \$300 we agreed to. Tom Slawski said that SEWRPC attended the summit and has provided draft minutes of the summit back to Kathy Aron and Craig Helker of the WDNR. And now SEWRPC is working on summarizing the results of the summit to report it back to Kathy, Craig and everyone else.
At this point Jim Ritchie mentioned on a related topic that the \$3000 that we committed for the AIS detection, prevention and outreach for Waukesha County helped in getting WDNR grant funds for this 3 year project. Alan Barrows added that they were able to obtain a total of \$10,000 from sources like us and lake management groups to help fund Brad Steckart's work for the next 3 years. Alan said that they are working with SEWRPC to develop a strategic plan for this AIS program. They have maps of every water body in Waukesha County and listing of the known current locations of invasive species in those water bodies.
- e) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that this was a topic for the future and so we will not belabor the point now.
- f) Gauges: Why do we want more? What kind of gauges? When do we want them? Who will pay for the hardware, installation and maintenance? Tom Slawski said that with all the work he has been putting in on the summit he has not been able to focus on gauges. Tom said that after the summit he will look into it and that there will be a speaker at the summit from NOAA and they monitor their gauges looking at flood prediction and other things. Tom said that he talked to them

about partnering on some new gauges, but the problem always comes down to the fact that we can fund the cost of the gauges and installation but cannot fund the maintenance and monitoring. We need to find someone who can cover these ongoing charges.

- g) Consideration of expanding our jurisdiction west to include Eagle Spring Lake: Dean Falkner said that this topic might well be resolved at our next meeting after Jim Ritchie meets with the WDNR lawyer this coming Thursday.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Tom Slawski
Tom Slawski said that he had nothing new to report. However Joe Keller and some of his staff will be attending the summit and this should give us an opportunity to network with them.
At this point Tom Slawski asked if we intended to have a display at the summit and Alan Barrows said that we would. Tom asked if it showed the new and expanded area of jurisdiction. Alan said that he intended to get the map laminated so it stands up better. Tom said he would send the newest and best copy of the map to Alan, which will be laminated. Dan Treloar pointed out that if the display board listed the Town of Salem and the Village of Silver Lake, they no longer exist and have combined themselves into the Village of Salem Lakes. Jim Pindel asked Dan Treloar to send him contact information on the newly formed Village of Salem Lakes, so he could contact them and ask them to appoint a commissioner for our commission.
Dean Falkner then asked on a related issue, what is the status of the SEWRPC survey of the expanded territory of the commission. Tom Slawski said that he saw the emails from us indicating that we generally agree with what SEWRPC is proposing and so now Tom will have to formalize the proposal and draft it into a letter that he will send to Dean for signature. Dean will get 2 copies of the letter; he should sign one and send it back to Tom. Tom said that even though he intended to wait until later in the year to do the survey, there is preliminary work which can be done. He said that Clement Abongwa of Kenosha County has done some preliminary surveys and has identified some areas of erosion. This work includes some cross sections and identifies road crossings. Tom said that he wanted to incorporate the age of these structures in report after the survey. If for example a bridge was due for replacement it would affect the priority of the projects to be undertaken. SEWRPC will study Clément's work and keep it in mind when they do their survey. Jim Pindel said that he will add the survey to the agenda under New Business, so we keep it in mind.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie said that the City has hired an engineering firm to design the pipelines to and from Lake Michigan as well as to work on easements and other technical details. This work will take many months. On a related issue, Jim Ritchie said that the City of Waukesha has just completed a

renovation of their water treatment plant. He was there for a plant tour and was very impressed with the technology and scale of the project. The City received a clean water grant from the WDNR, which Jim Ritchie oversees just as he oversees our grants. As part of that responsibility Jim does some inspection tours of the facility. Jim Ritchie said that it was about a \$40,000,000 project and is just about complete.

- c) Progress toward designation as a “National Water Trail” – Village of Waterford. Rebecca Ewald was not present. Alan Barrows said that the next meeting of the Water Trail group will be held next Tuesday at the Waukesha County Administration Building. Alan said that he thought that the Village of Waterford people intended to talk to the City and County people about extended the Water Trail north into Waukesha.
- d) SEWFRC Website – Al Sikora was not present but Alan Barrows said that there is an interactive map of our area of jurisdiction on the website which was still showed the old boundaries. He said he will update this map in the near future.

Correspondence –

- a) 1/19/17 Email from Jim Pindel “Mark your calendars” for today’s meeting
- b) 1/25/17 Email from Kathy Aron stating that the AIS Summit was a success
- c) 1/31/17 Email from Dean Falkner with corrected calculation for suspended solids in the Fox River.
- d) 1/31/17 Forward of flyer for 2017 Fox River Summit
- e) 2/06/17 Forward of flyer announcing keynote speakers for 2017 Fox River Summit
- f) 2/06/17 Email from Jim Pindel with final allocations of ENUM-20 grant funds
- g) 2/06/17 Forward of email with attachments regarding Wisconsin’s 2016 water quality report.

Miscellaneous Issues –

At our last meeting, during miscellaneous issues, Rebecca Ewald of the Village of Waterford suggested that we develop a resolution and send it to all our member municipalities requesting them to send resolutions to their legislators asking for increased funding for our commission.

Jim Pindel provided paper copies of a Preliminary Draft of Resolution No. 01-2017. Jim went on to review the resolution which started by stating we are a duly constituted government body with responsibilities to protect and enhance the Fox River for recreational use and boating safety for its member river municipalities. It then goes on to point out that when Governor Scott Walker signed SB 548 into law we added 1 new county and 6 municipalities to our membership increasing our area of responsibility by 70%. It also went on to point out that the last grant we received ENUM-20 in the 2015-2017 state budget was all used up (allocated) by December 2016 leaving us to operate for

the last 7 months of the budget cycle without any grant funds available. Barb Holtz point out that the resolution mentions the Town of Salem and the Village of Silver Lake which no longer exist. Jim Pindel said that is what is specified in the state statutes and said that he would just add a comment in parenthesis stating that they are now the Village of Salem Lakes. Alan Barrows asked Jim Ritchie if the SEWFRC was listed in Governor Scott Walker's state budget. Jim Ritchie said that he looked at it and didn't see anything but in the past our grant funds were added by the legislature when it worked on the budget. Jim Ritchie said that if he learns anything he will send it to Jim Pindel who will advise everyone else.

Francis Stadler expressed concern that the new county and municipalities have not brought any projects to us for funding and thought that if they don't show any need this might hurt our chances at additional funding. The municipalities present stated that they were still in a learning mode and getting a feel for how we operate. Jeff Lang said that the town of Burlington had things that needed to be fixed but was aware of the much greater need of help for erosion control and storm water abatement down stream of them. Dan Treloar said that Clement Abongwa of Kenosha County had at least \$2,000,000 worth of streambank restoration projects under study or in design. So it looks like the need is there and just hasn't come to the surface so far. Dean Falkner said that the survey that SEWRPC will conduct this coming summer will identify many places where erosion control is required along the Fox River, just as the survey by Graef Engineering did in Waukesha and Racine counties. Dean pointed out that identifying the locations is the first step then we have to address designing the fix and getting buy in from the land owners before we can apply grant funds to fix the situation. Dean said he is using Michael Schwar to engineer some of the problem areas in Waukesha County so we can approximate the costs. Dean emphasized the fact that controlling the erosion is proactive instead of the reactive measures by the WWMD and the FWA of dredging the silt out. After some discussion it was pointed out that we are about to get to our budgeting process and at that time we need a list of identifiable projects from everyone including the new membership. This list of projects with estimated costs will be used in the letter requesting support that Jim Pindel sends every budget cycle to our legislators in an attempt to get appropriate funding. It was motioned by Jeff Lang and seconded by Jim Schneider that we approve the resolution with the clarification of identifying the Village of Salem Lakes. The motion passed unanimously. Jim Schneider said that he hoped that all the municipalities would use our resolution to form their own resolutions and send them to their legislators to get us the support we need. Jim said that is what the Village of Waterford will do.

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

Meeting Closed at 1:58 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
March 24, 2017 at 1:00 PM. (Meeting Location: Village of
Waterford Hall, 123 N. River Street Waterford, WI 53185)**

Commission members present:

Dean Falkner (Village of Mukwonago) (Chairman)
Barb Holtz (Town of Mukwonago) (Vice-Chairperson)
Leif Hauge (Waukesha County)
Chad Sampson (Racine County)
Doug Koehler (City of Waukesha)
Lee Manthey (Town of Vernon)
Jim Schneider (Village of Waterford)
Francis Stadler (Village of Big Bend)
Jeff Lang (Town of Burlington)
Jim Bergles (City of Burlington)
Wayne Jensen (Village of Rochester)
Tom Slawski (SEWRPC)
Jim Ritchie (Wisconsin DNR)
Rachel Sabre (Wisconsin DNR)
Shelley Tessmer (Town of Waterford) (Alt) (Secretary/Treasurer)

Commission members absent:

Jim Pindel (Town of Waterford) (Secretary/Treasurer)
Ken Miller (Town of Waukesha)
Andrew Lois (Town of Wheatland)
Andy Buehler (Kenosha County)

Also present: Katelyn Bratz Town of Mukwonago (Alt/V.P.) and Dan Treloar Kenosha County.

At 1:10 PM, Chairman Dean Falkner called the SEWFRC meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the February 17, 2017 meeting were approved. It was motioned by Jeff Lang that the minutes be approved and the motion was seconded by Jim Schneider. The minutes were approved unanimously.

Treasurer Reports – Shelley Tessmer reviewed the highlights of changes in the February 2017 treasurer's reports. We started the month of February with \$33,185.85. We received \$5.09 in interest bringing our Money Market account to a balance of \$33,190.94. The only change to the non-grant funds was the payments for the AIS Summit, but the check amounts of \$300.00 and \$3,000 are being allocated from the non-grant fund. The \$5.09 in interest resulting in the net non-grant funds available being \$22,453.17. It was motioned by Dean Falkner and seconded by Jeff Lang that the treasurer's report be accepted. The motion carried unanimously.

Old Business

- a) **Fox River Partnership Summit:** Tom Slawski pointed out that attendance was the highest so far with over 170 people attending. He received positive feedback

from everyone, except for one issue of there not being enough parking. Next year he will address this issue by placing signs for people to know where they can go to park in the overflow lot. He is in the process of working on a newsletter to provide a way for the attendees to contact the presenters as well as make people aware of the topics were discussed. Once everything clears he will get the necessary paperwork to Jim Pindel for reimbursement. He is in the process of gathering all of the paper work for Jim Ritchey in order to receive reimbursement. Next year's Summit will be held on March 23, 2018, and he is working expanding the program and getting different presenters for next year. Jeff Lang asked Tom if he would be sending out the power point presentation to everyone on the SEWFRC. Tom said currently, the power point presentation is posted on their website **foxriversummit.org** for anyone to view it. Jeff would like Tom to send out an email to everyone. The Fox River Partnership has already sent out an email to many individuals with the Summit presentation. To prevent individuals from receiving too many emails they are looking to try constant contact list. People can receive information as well as unsubscribe to the information. The Commissioners would like a link on their website for people to view the Summit Presentation. There was discussion on the presenter Nick Baker who was from the UW Extension and gave valuable information on cover crops use and their effectiveness and he identified a farmer watershed group in Southeastern WI and Northern IL as well as how to work with farmers. It might be a good idea to have him come to a meeting and present for us. Dean noted the fact that farmers do care, and it is just a matter of working with one another for the same goal. There was a brief comment on waste water management which highlighted the importance of farmers working together with municipalities for adaptive management methods.

- b) Mukwonago River shoreline restoration at WE Energies Site. Dean informed the Commission everything has been signed. Leif reported for Alan Barrows that since our last meeting the Letter, Contracts and all paperwork have been signed by all the different organizations that are involved in the project. Alan will be holding the preconstruction meetings in last week in April or first week in May and the project will be complete by the end of June.
- c) Wood Drive Erosion Control Project – Chad Sampson said the project is complete and he submitted all of the paperwork to Jim Pindel. He will keep an eye on the project this spring to make sure the grass is growing.
- d) Malchine Farm Field Erosion Control –This project along with the Wood Drive project above is complete at this time. Chad is getting the paperwork into Jim Ritchey. Shelley Tessmer commented on an issue that is reoccurring near the Malchine farm project. She noticed shoulder of highway 164 has about a four-foot-long patch that is breaking up and slightly sinking the site is 50 feet before the pipe that is sticking out of the ditch of highway 164. She asked him to have Gail from the DOT look into it.

- e) ESR Project disposal sites environmental impact: No one from the WWMD was present.
- f) Schuetze Playground Storm Water Abatement: - Doug Koehler said they are working with the parks department staff and assembling all paperwork to be sent in and they are waiting for reimbursement.
- g) Graefenauer Shoreline Restoration (Tree Removal): Leif reported for Alan Barrows stating the tree removal which is phase 3 of the project work is done. However, there was an overpayment for phase 1 made to the contractor, and they will have adjusted the invoice of phase 3 to account for that overpayment. Currently, they have not received an invoice for payment from the contractor.
- h) Nature's Classroom groundwater protection - erosion control: Katelyn Bratz reported the work is complete and all of the paper work has been submitted to Jim Ritchey. Jim Ritchey commented that he has the paperwork and we can go ahead and make final payment. Commission will send a check for reimbursement for this project.
- i) New Business
 - a) How do we handle interpretations of Wisconsin State Statutes regarding:
 1. **Can we expand our jurisdiction to include the Mukwonago watershed without the municipalities and counties?** Jim Ritchey commented he discussed the issue with an attorney who oversees several of our water programs. These are all questions in regards to the statute which is chapter 33. The questions stem from the revision of the statute, and the statutes were not specific on most of these questions. When that happens then it is subjected to attorney's interpretations of the statute. Can we amend the boundaries and extend our map without having agreements, and it is interpretation that it is not the intent of the statute to not have an MOU from a municipality in order for it to be included in this organization? It is possible to include another municipality but you would have to have an agreement such as a MOU and a representative present. We could not fund a project in a new town unless it was part of the Commission and had a representative within this organization.
 2. **Can we include a municipality without its county?** Jim Ritchey consulted with the WI DNR attorney and found that we can include a municipality without its county because it states in chapter 33.56 paragraph 5, allows the commission to expand to other municipalities.
 3. **How do we interpret "residents of the river county"?** Jim Ritchey consulted with the WI DNR attorney and found that resident is stated as someone who is actually living in the county. Therefore, to be a representative for this organization you need to be a resident within the county you are representing.

4. Do we have to pay to publish our budget & public meeting notice? Jim Ritchey did not receive definitive answers for this. There are other attorneys that work on these items. There is suggestion under the guidelines for public meeting laws states the budget of an organization must publish their budget in a newspaper of record, but did find if meeting minutes' needs to be publish. Jeff Lang pointed out the intent of that is directed for a municipality, but since we are not a municipality we should not have to pay for each municipality our budget and minutes. Jim replied it is specific for our budget to be published in the county newspaper, but is not sure if the minute's need to be published. Jim Bergles said the waste management district and other organizations do publish their minutes, but we are not a taxing authority, therefore we may not need to publish our minutes. Jim will try to get more clarification on this item.

5. Are we bound by the Open Meetings Law? Jim Ritchey commented that he thinks it would be better if the municipalities' attorneys would clarify this for the Commission. He stated he looked at the WI Open Meeting Laws and felt this organization falls under municipality status but was not absolutely sure if the commission is required to publishing meeting minute and agendas. He only found that it specifically states the SEWFRC needs to publish our budget in the newspaper of record for each county. Jim stated that you do not have to publish your exact agenda. Jeff Lang mentioned that there was a ruling that the internet is considered a public posting. He felt we are already doing one of the three public postings and we could designate the other two. Jim informed the members that he found the commission is required to meet at least quarterly, and currently we exceed that requirement. We may consider in the future reducing the amount of meetings to reduce the amount we spend on publishing our information. The publishing cost is paid by the non-grant funds. Francis Stadler suggested a portion of the funds from each county like Racine County could be taken out, and allocated to the cost of their publishing. Chad Sampson noted he would have to check and see if this is something the funds could be used for.

6. Should we hire an attorney? After a discussion between the commissioners, it was decided we would hold off on hiring an attorney until Jim Ritchey would again contact the attorneys at the WI DNR for further clarification on whether or not we have to follow open meeting policies of publishing our meeting minutes. Since our organization does not have taxing authority, does not levy funds, and only disperse funds, it was suggested we may not be required to publish our meeting minutes. Jeff Lang commented our organization operates by receiving funds from other organizations with taxing authority that have allocated funds to us by approval from their budget meeting. Due to the budget meeting minutes of other organizations that allocate funds to us, our organization may not be required to follow all of the guidelines within the open meeting laws. Jim Ritchey informed us that he looked at another commission in Madison, WI and found they did publish their meeting minutes and follow the guidelines of the open meeting laws. They are a state-wide organization and have their minutes published in one newspaper of record. The additional expense of hiring an attorney may be needed,

but it is an expense the commissioners want to avoid. They rather pursue other options to have their questions answered.

Jim Ritchie said he will again contact the WDNR's lawyer and get our questions answered. We should hear further clarification at our April meeting.

- b) Mukwonago Park Shoreline Restoration – Leif Hauge reported they held their first meeting to start the project and handed Shelley Tessmer a copy of the cost share agreement. The project will be done by the end of June.
- c) Village of Waterford East Shore river bank Restoration: - Rebecca Ewald. Rebecca Ewald was not present. Jim Schneider reported that they are working on developing the design of the parking lot to expand them and they are looking to start working on this portion of the project in April. The portion of this project that addresses restoration and erosion control will begin in October. The parking portion of this project is priority since next year they are going to redo the section of highway 20 that starts at the Shell Gas Station, goes past First Street, and ends at Milwaukee Avenue. Within this project there is a volunteer group that wants to clean up the island that is in the river.
- d) SEWRPC Survey for Waterford Dam to the Illinois Border – Dean reported he spoke with Jim Ritchie and it could be extended to meet the deadline. Dean asked Tom how much work does SEWRPC have because the one thing that would be beneficial along with the survey is to do a 9 key Element study. However, Dean is not aware of what SEWRPC resources are. What resources does SEWRPC have at this point to complete this task as well as what ability does it have to take on more studies? Tom replied with a one year extension of ENUM 20 SEWRPC would have the resources to complete the survey, but the scope of the project was one the first item we needed to identify, and we did not set a deadline for the study to start. Dean asked the question does the commission want to view the survey contract before we sign it? Jeff Lang wanted clarification that the Erosion and Invasive Species Study means the SEWRPC Survey Study, and the answer was yes. Tom commented on that items will be in the survey and he explained the survey will contain new information such as potential load sources throughout the watershed, incorporating up stream sites and in context to the downstream sites and reprioritizing the sites. Kenosha County has more infrastructure sites in jeopardy such as roads way sites that are parallel to the river. These sites are a new dynamic to the priority site list. The cost of the survey is \$27,000 dollars. It was motioned by Francis Stadler that the commission signs the survey contract with SEWRPC without it viewing the contract at the next meeting, and the motion was seconded by Jeff Lang. The motion was approved unanimously.
- e) Aquatic Invasive Species (AIS) Summit: Kathy Aron. Tom Slawski commented that he was in contact with Kathy and she is working on coordinating workshops to share information for AIS with starry stone wart being a noteworthy topic for

this summit. Some of the information Tom shared was on what applicators are doing in regards to monitoring for a completed project. The recent monitoring consists of finding how many plants have infested new areas. Some other information they are gathering is how many new plants are present, how many bulbils are present in the sediment from winter. They found one bulbous can produce 5 to 7 plants. Unfortunately, they are finding thousands to millions of these bulbous in the sediment. Meaning once you have this species it reproduces quickly making getting rid of it extremely difficult. They were hoping by managing the area they could reduce the amount of infestation. Their monitoring shows their management effort is not effective at reducing the population. It is most effective to keep it out of the water. The best solution is not to acquire it.

- f) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that since we expanding our jurisdiction, this organization may want to consider looking into doing the 9 Key Element Study. SEWRPC has done quite a bit of work for us already, and will be working on the miles of river going all the way down to the Illinois boarder. In terms of the 9 Element Plan, that would be a new initiative. Dean was wondering if SEWRPC would have the staff to work on a 9 Key Element Plan? Tom replied it is possible task for SEWRPC to do, but he would need better clarification on what parts of the watershed would be included in the plan since the challenge of this plan stems from the huge watershed to be studied. Tom stated that the county representatives may be working on updating their Land Resource Management Plans and believes there may be some symmetry when we are looking at loads and load reduction goals. SEWRPC could potentially partner with the counties for this information, and we could work with one county at a time on this plan. Especially since the area of this study consist of thirty-one HUC 12 size areas which is enormous. Dean commented that he was thinking of only including three HUC 12 areas to begin the 9 Key Element Plan. Tom informed the commission that they are working on a 9 Key Element Plan in Oak Creek’s watershed and the scope of the plan is much smaller, maybe a third of the size of what this scope would be, and the plan’s cost is roughly \$300,000 dollars. The 9 Key Element Plan is being funded through the Great Lakes grant, and this watershed does not qualify for that funding resource. Dean commented that earlier conversations in regards to the three HUC 12 areas, the 9 Key Element Plans were estimated to cost roughly \$40,000 each, since many of the sites that are impaired have been identified within other studies. It is a matter of obtaining the funds to fix those impairments by doing a 9 Key Element Plan. Jeff Lang wanted to know what is a HUC 12. Rachel Saber defined the term as the Federal standard number for measuring a watershed and they use a Hydrological Unit number or HUC # for each watershed. The number indicates how large the watershed is, therefore the larger the number the smaller the watershed. The Fox River itself is a HUC 8, and within that HUC 8 watershed there are five HUC 10s, and within those HUC 10s there are normally five HUC 12s. The plan includes all of the tributary streams that come into the watershed or Main River to give you all the information

necessary to actually know what is going on in terms of loads coming in and where they are coming from. She studied the Pewaukee, and Sussex watersheds. In 2014, 2015 she studied the Pebble Creek watershed and the upper Fox River and expanded her study to include a few more HUC 12 watersheds as well as the tributaries throughout the area. There is quite a bit of data that is available, and suggest the best way to start is with the areas that have already been assessed and work from there. Last year she has worked her way down the HUC to Honey Creek and Sugar Creek which are in Walworth County. Tom commented that one of the tools the WI DNR can use is their Surface Water Data Viewer which is their interactive tool that is online. The WI DNR has load data on this that shows you the calculated loads by sub basin throughout the watershed, and as we look at the upper and lower Fox River surveys we can incorporate this data and compare the erosion sites up stream and look at our new erosion sites down stream in order to identify overall where the loads are coming from throughout the entire survey areas of the Fox River. Looking at this data will give us a comprehensive idea of how the land based loads and stream bank erosion loads effects the watershed. Tom suggested a 9 Element plan would help further identify load issues, and also suggested targeted cost share for an area in a county in their watershed. Shelley Tessmer asked how did Oak Creek obtain the funds for their \$300,000 9 Key Element Plan? Did they apply for a grant? Tom replied it was grant money from a combination of sources, but most of the funding for this plan came from the Great Lakes Initiative Grant. Unfortunately, the Fox River does not qualify for it, since our river is not a tributary to Lake Michigan. She also asked if there was a specific grant the SEWFRC could apply for in order to receive a grant to pay for a 9 Key Element Plan. Tom replied SEWRPC partnered with the municipalities, and they were the ones that applied for the grants to begin the project. Dean commented that it was his understanding if we were going to do a limited area, the 9 Key Element Plan would cost \$40,000. The areas Dean has in mind are the two or three identified HUCs as opposed to doing a 9 Key Element Plan on the whole surveyed area of the Fox River. These identified HUC areas already have large amounts of data such as phosphorus and sediment loads, due to the current monitoring that has been done on the Fox River within these HUCs. He again points out due to monitoring done this past year on the Fox River, the data shows there is a whole lot of erosion and sediment movement that is headed down to the impoundment. We have already defined those areas through the GRAEF study, and it is his understanding that there is more information out there in relation to this watershed. With the smaller area to be studied, and by collecting the different data or putting the pieces of the puzzle together for a comprehensive 9 Key Element Plan we could afford a \$40,000 plan. If we could leverage the money out of 319-D for the 9 Key Element Plan, we would be able to pull our resources and tackling many projects. If we could leverage both Federal and State money we could get a lot more accomplished. Most of the monitoring shows the Fox River is meeting criteria; however the data coming from Waukesha going to Mukwonago shows higher values.

- g) Gauges: Why do we want more? What kind of gauges? When do we want them? Who will pay for the hardware, installation and maintenance? Tom Slawski said he does not have an update on the gauges. Shelley Tessmer asked Tom a question in regards to what kind of gauge the commission was pursuing, since there was a presenter at the Fox River Summit that discussed using an automatic gauge for his data. She wanted to know how much is an automatic gauge? Jim Schneider commented that the cost of having a gauge is not the device itself, but to maintain it can cost up to \$10,000 to \$40,000 dollars a year. Jim Ritchey commented that there is a grant available to purchase the gauge, but not the cost of operating, maintaining or paying for the collected samples to be tested. Dean asked Jim Bergles if he is doing anything with the flow metering in Rochester? Jim Bergles replied the Jefferson Street Bridge will be rebuilt next year; therefore the flow meter and depth gauge will be upgraded next year. In regards to who maintains it, Jim replied we maintain it, and they have a contract with the USGS. There have been no major repairs to the equipment, only had to replace an air cylinder once or twice a year. Jim Bergles gave an approximate cost for the gauge to be \$1,200 dollars. The data from the gauge can be read by logging into a website on line, and is obtained by cellular communication. Jim did not know the cost of collecting the cellular information. Jeff Lang commented that the cost of the Burlington gauge is roughly \$20,000 per year. Jim Bergles commented that the gauge is located on the Waterford Dam. Chad Sampson was not sure as to the cost of the gauge by the Waterford Dam. Jim Schneider replied that they contact out for this service, and they report to the Racine County Drainage District. Dean was wondering if Tom Slawski would be able to calibrate out the unit in order to be able to come up with a flow rate. Since the stage is already measured and we have communication, you would not need much more data to mathematically do a conversion to CFS. Dean is considering the future impact of the Waukesha diversion plan, and would be nice to have the flow monitoring information before that takes place in order to see what the effect to the flow from that change will be. Currently we have looked at loading in different places, and we really cannot calculate a decent load at Waterford even though we have the load information and the concentration of items. Unfortunately, we do not know the flow because all we have to use is stage information, and we would like to know if SEWRPC could look into that conversion information for us.
- h) Consideration of expanding our jurisdiction west to include Eagle Spring Lake: Dean Falkner stated Jim Ritchey answered this question earlier in the meeting, and we could extend our jurisdiction as long as the township petitioned to be a part of the commission, and the commission agrees with their participation.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Tom Slawski Tom Slawski said that he had nothing new to report other than they had three representatives attended the Fox River Summit. Jeff Lang volunteered to attend future meetings on behalf of the commission.

- b) **(This item was not discussed at the meeting)** Dan Treloar pointed out that if the display board listed the Town of Salem and the Village of Silver Lake, they no longer exist and have combined themselves into the Village of Salem Lakes. Jim Pindel asked Dan Treloar to send him contact information on the newly formed Village of Salem Lakes, so he could contact them and ask them to appoint a commissioner for our commission.

- c) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie does not have a new update to report on.

- d) Progress toward designation as a “National Water Trail” – Village of Waterford. Rebecca Ewald was not present. Jim Schneider said that Rebecca is holding on going meetings, and feels they are roughly a year or so away from the whole process coming together. Shelley Tessmer commented that Rebeca wanted to make us aware that there will be a Paddle Sport Company located behind the village hall, where they will be renting kayaks, double kayaks and canoes starting in May. Information for this is located on their website. The students from Waterford High School will be building the shed to store all of her equipment. Look on the Village website for information. Jeff Lang commented if anyone is interested in kayaking the Millerd E. Fillmore Memorial Canoe race is coming up in spring held by the Burlington High School. Jeff Lang will let us know the date.

- e) SEWFRC Website – Al Sikora was not present. Dean commented that he would like Al to put a reference link for the Fox River Summit power point presentation on our website.

Correspondence – Dean had everyone read the correspondence information listed in the minutes.

- a) Leif Hauge handed Shelley Tessmer the Cost Share Agreement for the Mukwonago Park Shoreline Restoration

Miscellaneous Issues –

Jeff Lang commented in regards to the Resolutions the Town of Burlington passed legislation asking to fund the commission. Jeff Lang recommends, since we have not heard back from Senator Lazich, that we might have another champion for us we should encourage and reaching out to Samantha Kerkman, who represents Kenosha County as well as suggested inviting her to our next meeting. Jeff suggested sending their resolutions to her as well as their local representatives. He informed us that she sits on the budget committee, and if she is not able to help us she may recommend someone else. Jim Schneider commented that he feels David Craig is in support of the commission. Chad Sampson mentioned that the Joint Finance Committee is going around the state and to listen to a two-minute summary from organizations in need of funding from the state’s budget. They are going to be at State Fair Park on April 5, 2017. Chad suggested that it

would be a good idea for the commission to have a representative to go down there and give them our two-minute summary of why they should support our organization. Does the committee take prepared statements? Chad replied yes, many people bring a prepared statement to this meeting.

Jim Schneider commented that the WI DNR issued a permit for the temporary draw down of the impoundment above the dam to kill the invasive species. They are going to take the water down five feet. The draw down will start on October 1st, 2017 and the water needs to be back up by March 1, 2018. They are hoping to have a cold winter in order to freeze the sediment up to twelve inches, which should kill the invasive species.

In conjunction to the above draw down, the Racine County Drainage has a proposal to the WI DNR to do a draw down the Rochester Dam remove the water in the Wind Lake canal. This would allow them to do one year of mechanical dredging on the remaining six or seven miles of the canal. From Wind Lake to the Fox River there is only twelve inches of pitch, and the county has not dredged it in 50 years.

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

Meeting Closed at 2:40PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
April 21, 2017 at 1:00 PM. (Meeting Location: Burlington
Public Works, 2200 S. Pine Street, Burlington WI 53105)**

Commission members present:

Dean Falkner (Village of Mukwonago) (Chairman)
Katelyn Bratz (Town of Mukwonago)
Alan Barrows (Waukesha County)
Chad Sampson (Racine County)
Doug Koehler (City of Waukesha)
Bob Bartholomew (Town of Vernon)
Jim Schneider (Village of Waterford)
Jeff Lang (Town of Burlington)
Jim Bergles (City of Burlington)
Ken Miller (Town of Waukesha)
Andy Buehler (Kenosha County)
Tom Slawski (SEWRPC)
Jim Ritchie (Wisconsin DNR)
Rachel Sabre (Wisconsin DNR)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Francis Stadler (Village of Big Bend)
Wayne Jensen (Village of Rochester)
Andrew Lois (Town of Wheatland)

Also present: Don Baron, Paul Kling of the WWMD, Shannon Haydin, Fay Amerson of Walworth County Land use and Resources and Jayne Jenks of Waukesha County.

At 1:07 PM, Chairman Dean Falkner called the SEWFRC meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the March 24, 2017 meeting were approved. It was motioned by Jim Schneider that the minutes be approved and the motion was seconded by Doug Koehler. The minutes were approved unanimously.

Treasurer Reports – Jim Pindel reviewed the highlights of March 2017 treasurer's reports. We started the month of March with \$33,190.94. We made a payment of \$300 to pay for the AIS Summit and deposited the \$10,000 Racine County allocation and received \$6.29 in interest bringing our Money Market account to a balance of \$42,897.23. The only change to the non-grant funds was the payments for the AIS Summit was marked as paid not just allocated. The \$10,000 Racine County allocation plus the \$5.09 in interest resulting in the net non-grant funds available being \$32,459.46. It was motioned by Jeff Lang and seconded by Jim Schneider that the treasurer's report be accepted. The motion carried unanimously.

Old Business

- a) **Fox River Partnership Summit:** Tom Slawski said for the 2017 Summit that all the checks have cleared and he provided the paperwork to apply for reimbursement. Tom provided a copy to Jim Ritchie and after the meeting

- provided a copy to Jim Pindel for the SEWFRC records. The Summit went a little over budget by \$241.46 and Tom said that the Fox River Partnership had the funds to cover the overage. Jim Pindel asked Tom if he wanted to increase the budget for the 2018 Summit and Tom said that he will work with the \$5500 we have provided this year for next year. Tom pointed out that tomorrow is Earth Day and passed around flyers for the Waukesha Green Team and the Friends of Vernon Marsh who are looking for volunteers tomorrow to help with cleanup projects. Tom pointed out that these activities were mentioned at the 2017 Summit and if anyone wanted to help, please do so.
- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that they have a preconstruction meeting set for May 2nd at the Village of Mukwonago Hall. The contractor will be there as well as Dean and Alan and representatives of WE Energies. This will be a kickoff of the project at least from an organizational viewpoint. Then the contractor can mobilize whenever he is ready and the project will move forward.
 - c) Wood Drive Erosion Control Project – Project complete and off of agenda.
 - d) Malchine Farm Field Erosion Control – Project complete and off of agenda.
 - e) ESR Project disposal sites environmental impact: Don Baron of the WWMD they are still waiting for the low hazard permit to be approved. Don said the WDNR said they will get an answer to the WWMD next week, after which the WWMD can sign a contract with Super Mix for the largest of the disposal sites. Jim Pindel asked if the WDNR had a time limit on when they had to respond and Don said that the WDNR required additional verification of the locations of the private water wells near site #2. Don said he personally measured the well locations. Chad Sampson reported that he had been contacted by the WDNR concerning some of the wells and also about the design of the retentions system in the disposal sites. Don Baron said that once they get the low hazard permit, they can get Graef working on the redesign of the disposal sites to meet the new requirements as specified in the permit. Chad added that for the Super Mix site the final reclamation plan that was submitted to the county had to be reworked to be in compliance.
 - f) Schuetze Playground Storm Water Abatement: - Doug Koehler said he spoke to Dave Bursh who now works for the Friends of the Waukesha Parks and he had collected all the labor and material costs and we should see these numbers and the request for reimbursement come through next week. Jim Pindel reminded everyone that we have a deadline of 6/30/17 for the closure of all paperwork regarding ENUM-19.
 - g) Graefenauer Shoreline Restoration (Tree Removal): Alan Barrows said that all the work was completed and he had the final invoice for phase 3 with him. The invoice included a credit for the over-payment on phase 1 and Alan gave the

- invoice to Jim Pindel who needs to issue a check to EC3 for the work that they have done. This will close this project out.
- h) Nature's Classroom groundwater protection - erosion control: Project complete and off of agenda.
 - i) Mukwonago Park Shoreline Restoration – Alan Barrows said that they are planning a preconstruction meeting for this project. He said that he did not have a date for when the project will start and there is an administrative step required because the County Board has to sign off on the project. Alan said that all of the work is expected to be completed by the end of June this year. Alan added that Katelyn Bratz said that Nature's Classroom students were interested in volunteering to do some work on this project.
 - j) Village of Waterford East Shore river bank Restoration: - Jim Schneider said that the overall projects got started last week with work on the infrastructure of streets and sewers. The next step will be to fix up the parking lot near the fire stations. The actual shoreline restoration is not expected to be done until late summer. Dean Falkner said that they had done some water quality sampling above and below the dam recently and the water quality was much worse below the dam, where this restoration will occur.
 - k) SEWRPC Survey for Waterford Dam to the Illinois Border –Tom Slawski said that an agreement was signed between SEWRPC and SEWFRC, so now that the project is official SEWRPC is starting to schedule work. Dean Falkner offered his help on a volunteer basis with the project and said that he now is back in charge of the Village of Mukwonago lab and so would be able and willing to test the waters that flow into the Fox River from all the different tributaries along the way. This might identify problems, contamination, at its source coming into the Fox River.
On what turned out to be a slightly different topic, Jim Pindel said that he talked to Shelley Tessmer this morning and that she volunteered to take water samples to give to Dean. Dean explained that these samples would be from an area along STH 164 near Beach Road where the pavement on STH 164 is sinking and there is evidence of erosion and silt flowing down into Tichigan Lake.

New Business

- a) How do we handle interpretations of Wisconsin State Statutes regarding: In all of these cases, Jim Pindel read his interpretation of the meeting minutes and what had been agreed to in the past. In all cases the interpretation listed after each item below was verified by the commissioners present.
1, Expansion of the Commission: From the 3/24/17 meeting minutes, we can expand our membership to include additional River Municipalities. The municipality must request membership and provide a MoU stating their desire for

membership and support for our goals and objectives as stated in our SEWFRC Implementation Plan: 2011 – 2020. Upon receipt of the MoU the commission will vote to accept or deny membership of the municipality. Upon acceptance the new municipality will appoint a commissioner and preferably an alternate commissioner to the SEWFRC. Apparently we can include a municipality without including the County in which it resides.

2, How do we interpret “residents of the river county”: Residency is defined as actually living in the county.

3, Do we have to pay to publish our budget & public meeting notice?

Reviewing the 3/24/17 meeting minutes it appears that the discussion got off topic questioning if we had to publish our meeting minutes. The conclusion was that we do not have to publish our meeting minutes. Regarding paying for the publication of our “Budget and Public Meeting Notice” required by state statute, this item was not resolved. Since we have always paid for the publications in the past, we will continue to pay for them unless we are advised that we do not have to pay for them.

4, Are we bound by the Open Meetings Law? The consensus was that we need to publish our agenda ahead of time and our minutes after they are approved. We believe that we are in compliance by posting our agendas and minutes on our website.

5, Should we hire an attorney? The decision was made to hold off on hiring an attorney and see what further information or clarifications Jim Ritchie might provide.

- b) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that he has been in discussions with Tom Slawski regarding how to get started. Dean said that we need a budget to fund the development and a request from a governmental group to get started. Tom Slawski said that in order to develop a budget you first have to define the work that needs to be done and that can be a large effort. So in short you have to know what has to be done before you can say how much it will cost. Tom said that he has recently been involved in the submission of two 9-key element plans and pointed out that one of the most difficult parts is that you have to show how you will accomplish each step of the plan. Tom said it might be good at this time to share the details and intricacies of these two plans with the commission, so that we all understand the complexity of what we are getting into. Tom went on to say that one of the most challenging items is putting together an integrated team of individuals, agencies, municipalities and counties who will be responsible to accomplish each item within the 9-key elements plan. Tom really wanted us to understand what a large commitment it would be for the commission to undertake the 9-key elements plan. It is not only developing the plan but continually checking that things are being accomplished and modifying the plan and constituent parts as necessary forever. Dean said that his efforts have been concentrated from the Mukwonago Park down to the Waterford impoundment because a 9-key element plan would then open the dredging project in the Waterford impoundment to federal 319D funding. After some discussion it was

agreed that 319D funds can in fact be used for dredging. Dean said that it makes sense to attach the soil erosion and streambank restorations which caused the sediment in the Waterford impoundment in the first place. Tom Slawski added that no one has accounted for what is coming off the landscape all along the way into the river. Tom said that when you consider the volume of water coming down the river and how much sediment is in it, shoreline erosion can only account for a small portion of the overall sediment load in the river. Tom said that the agricultural runoff and urban runoff can be calculated. Tom Slawski warned us that if our intent is to develop the 9-key elements plan to get 3129D funding for the Waterford impoundment dredging, the scope of the 9-key plan gets very large because there are about 25 HUC-12 units that feed into the river system above the impoundment that would all have to be included. Tom suggested that maybe it is time to bring Andrew Craig of the WDNR back to help us formulate exactly what we can and should do. At this point Dean suggested that he and some others get into the details of what to do and how to accomplish it and the thought of forming a subcommittee came up and it is likely Dean will look for volunteers for the subcommittee in the future.

- c) Gauges: Why do we want more? What kind of gauges? When do we want them? Who will pay for the hardware, installation and maintenance? Tom Slawski said he has not had a chance to look into the gauges topic. Dean asked Tom if there was anyone he could talk to, to get information on how to calibrate for example the gauge at the Waterford dam to determine flow from the water height gauge. Jim Pindel pointed out that Leif from the SEWRPC who stood in for Tom a few meetings back seemed pretty knowledgeable in this regard. Tom then said he had some contacts at USGS who also could be of assistance. Dean said having a flow meter to track the flow of the river before and after the possible Waukesha diversion could be very helpful.
- d) Consideration of expanding our jurisdiction west to include Eagle Spring Lake: Dean Falkner said that a blank MoU was provided by Tom Slawski to Tom Day for his use in preparing a MoU by whichever municipality is involved and he doesn't know where things have gone since then. Jim Pindel cautioned the group that if and when Tom Day shows up with a MoU and requests membership in the commission, we need to be prepared to vote on acceptance or rejection.
- e) Request for funding for Road Salt Workshop: Jayne Jenks Jayne started out by passing out her proposal, which detailed the project description, it needs and a cost breakdown. Jayne is requesting that we fund the consultant fee for the two consultants who run the workshop. The consultants developed the workshop while working in Minnesota. Minnesota has a certification program and this consultant company developed it for them. The workshop is 5 hours in length and is being co-sponsored by Waukesha, Walworth, Kenosha and Racine counties. Jayne is looking for the commission to fund the cost of the consultants to do the workshop at a cost of \$3000, the balance of the costs would be shared equally by the participating counties. Jayne pointed out that on page 56 of our

Implementation Plan it states the chlorides are an emerging issue of concern. Chlorides are specifically mentioned in the Pewaukee and Mukwonago River protection plans. Jayne pointed out that there is no method or plan to remove chlorides from ground water or surface waters and so the best plan of action is to prevent them by managing its use. The workshop teaches the attending DPW's about how to control and minimize the distribution of road salt to save money and the environment. At this point Jayne passed out copies of a report "Pewaukee River at Capitol Drive Chloride Monitoring Data Summary". On the back side of the report were graphs which showed that the Pewaukee River regularly exceeds the chloride standards limit. Another feature Jayne pointed out about what is done in the workshop is a maintenance practices survey where they check off what practice they already do or expect to implement after learning about it in the workshop. There was considerable discussion about the over application of salt by contactors and supermarkets on parking lots and this seemed to be an issue that needed to be addressed. The Project Acceptance Criteria was reviewed by the commission and this application received 50 out of a possible 55 points and met all the requirements of the criteria. It was motioned by Jeff Lang and seconded by Alan Barrows that we fund this workshop from ENUM-20 grant funds. The motion passed unanimously. The tentative date for the workshop is October 24, 2017 and possibly at the Veterans Terrace in Burlington.

- f) Review of the Preliminary draft of the 2017-2018 SEWFRC Budget: Jim Pindel provided copies of his worksheet (spreadsheet) used to organize all the actual and estimated income and expenses for the 2017-2018 fiscal year. Jim explained that since there is no way to know what the carry over balance will be in July, he tracks from January 1, 2017 to June 30, 2018. The actual and estimated non-grant income came to \$32,631.07. In a similar manner the actual and estimated non-grant expenses were listed and came to \$15,397.01. Looking at grant income, we are still working on both ENUM-19 and ENUM-20 which gives us an income of \$400,000. The total of the grant expenses (completed and active projects) came to \$385,186.89. The total grant and non-grant income came to \$432,631.07 and the total grant and non-grant expenses came to \$432,631.07, giving us a balanced budget. There is a future project reserve balance of \$32,047.17 which are grant and non-grant funds still available for projects and operating expenses. Jim Pindel also provided a draft copy of the 2017-2018 budget, as it would be published in the newspapers of record for Kenosha, Racine and Waukesha counties. The last item in the published budget is Anticipated Potential Grant Fund Projects by county. The total for the three counties came to \$2,765,000, with \$2,000,000 of that sum being assigned to assist with the dredging costs for the Waterford impoundment. That being said, it still shows that there are \$765,000 needed for named projects in the three counties. Jim Pindel said that he felt this number was deceptively low. Jim asked the commissioners to provide the name, location and cost estimate for all the other projects they have on their radars, so we can show the counties and our state legislators just how much work we still need to accomplish. The larger this number is the more inadequate the \$200,000 grant we have been getting the last two state budget cycles appears to be. Tom Slawski

pointed out that the 2018 Fox River Summit was not included and asked that we add it in at \$5,500. It was motioned by Jim Schneider that the proposed budget be accepted and the motion was seconded by Chad Sampson. The motion carried unanimously.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Lang said that at our last meeting he had agreed to be our representative to the FWA. As it turned out their last board meeting was 2 days before our last FRC meeting. Jeff said their next meeting will be next week and he intends to attend.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie does not have a new update to report on. Jim Pindel said that he heard on last night's news that a group for over 100 organizations or municipalities challenged the diversion in court and they lost out.
- c) Progress toward designation as a "National Water Trail" – Village of Waterford. Dean Falkner asked if everyone received the email forwarded by Jim Pindel to all commissioners regarding the Water Trail. The email was a request by the Village of Waterford initiated by Barbara Messick asking organizations, municipalities and anyone else to send letters of support or resolutions supporting the National Water Trail initiative.
- d) SEWFRC Website – Al Sikora was not present. Jim Pindel asked Alan Barrows if he did the work he said he would do at the February 2017 meeting. Alan said he had to change the map of our boundaries from the original one to the present one which extends all the way to the Illinois border. It was suggested that the membership list needed to be updated. Chad Sampson said that the before and after photos of the Machine Farm Field and Wood Drive projects have not been posted.

Correspondence –

- 3/13/17 Email from Jim Pindel sending Resolution 01 – 2017 to all municipality and County members.
- 3/16/17 Email from Rebecca Ewald with attached Village Resolution 820 and Senator David Craig's response.
- 3/21/17 Email from Jayne Jenks requesting to be on agenda to seek funding for Road Salt Workshop.
- 4/5/17 Emails between Tom Slawski and Jim Ritchie concluding with the fact that ENUM-20 can be extended to 6/30/18 and therefore SEWRPC can do the lower Fox River survey submitting the final report by 6/30/18.
- 4/20/17 Forward of an email from Barbara Messick with attached sample resolutions and letters of support for the National Water Trail initiative.

Miscellaneous Issues –

Jim Schneider pointed out that the WWMD has a meeting next Thursday night 4/27/17 at which there will be a vote regarding the drawdown of the Waterford impoundment, even though this is a hot and very contested issue, there was very little discussion on the matter. Jim Schneider asked if we should rework the resolution we made a year ago on this matter and Jim Pindel said that the resolution as stated last year still stands. Dean Falkner said that the WWMD's website has a great deal of information regarding the drawdown available to everyone. Dean also expressed some concern about how the drawdown would affect the water sampling downstream of the impoundment. When the question of exactly when the drawdown would occur, Don Baron said that it would go from mid-September to mid-March. Jim Schneider said that in the stretch of the Fox River that was drawdown so the drainage district could work on the Wind Lake channel, it has taken 2 years for some game fish to start being caught in this stretch of river. It is still not back to the fishery it used to be. Dean Falkner asked Jim Bergles if they would be sampling water through October. Jim Bergles said that last year they sampled throughout the winter where that had ice free open water. Jim said a decision on sampling this winter has not yet been made.

Jim Schneider said that he talked to Representative Chuck Wichgers last week about funding for our commission. Jim said Representative Wichgers said he would try to help us. Jim Schneider told the commission that it was important for all of us to make as much contact as possible with our legislators to encourage them to get us more funding.

It was motioned by Jim Schneider to close the meeting and seconded by Bob Bartholomew to end the meeting and the motion carried unanimously.

Meeting Closed at 2:43PM

THE Public Hearing and NEXT OFFICIAL MEETING WILL BE Friday, May 19, 2017 at 1:00 PM. (Meeting Location: Town of Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

Dean Falkner (Village of Mukwonago) (Chairman)
Katelyn Bratz (Town of Mukwonago) (Vice Chairperson)
Alan Barrows (Waukesha County)
Chad Sampson (Racine County)
Doug Koehler (City of Waukesha)
Bob Bartholomew (Town of Vernon)
Jim Schneider (Village of Waterford)
Jeff Lang (Town of Burlington)
Ken Miller (Town of Waukesha)
Wayne Jensen (Village of Rochester)
Dale Buser (SEWRPC)
Rachel Sabre (Wisconsin DNR)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Francis Stadler (Village of Big Bend)
Jim Bergles (City of Burlington)
Andy Buehler (Kenosha County)
Andrew Lois (Town of Wheatland)

Also present: Don Baron, Dave Spurlock of the WWMD, Michael Schwar of Stony Point Hydrology and a woman from the Town of Vernon.

At 1:04 PM, 5/19/17, Chairman Dean Falkner called the Public Hearing to order.

The only order of business was the review of the Southeastern Wisconsin Fox River Commission Proposed Budget for 2017 - 2018. This is the second budget based on a July 1 to June 30 fiscal year. For the record Jim Pindel stated that the notice of Public Hearing and the Proposed Budget was published in the 3 newspapers of record, namely the Waukesha Freeman, the Racine Journal Times and the Kenosha News. The proposed budget was read for the record. After reviewing the budget, Jim Pindel notified the commissioners and non-commissioners present that when the commission votes on acceptance or rejection of the budget during the SEWFRC meeting to be held right after the Public Hearing, he will make a motion to increase the allocation for the dredging of the Waterford impoundment from \$2,000,000 to \$3,000,000 as requested by the WWMD. Jim Pindel went on to say that there was a meeting attended by the WWMD, the Town and Village of Waterford and State Representative (83 Assembly District) Chuck Wichgers to discuss funding of the dredging of the Waterford impoundment. The plan is to request \$3,000,000 in four consecutive state budgets to have the state fund the dredging using the SEWFRC as the conduit for getting the money to the WWMD to maintain the Waterford impoundment and Fox River. Chairman Dean Falkner then asked the non-commission members present if they had any questions or comments. Dean then asked the public a second and third time if anyone wanted to speak in favor or against the proposed budget. There were no comments from the Public concerning the budget. It

was then motioned by Jeff Lang and seconded by Jim Schneider that the public meeting be closed and so the meeting was closed.

The Public Hearing was closed at 1:15 PM.

At 1:15 PM, Chairman Dean Falkner called the SEWFRC meeting to order.

The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Approval of the 2017 -2018 SEWFRC Proposed Budget

As Jim Pindel indicated during the Public Hearing, he motioned that we change the request for allocation for the dredging of the Waterford Impoundment from \$2,000,000 to \$3,000,000 as requested by the WWMD. The motion was seconded by Chad Sampson. The motion passed unanimously. Ken Miller asked what the \$413,000 for the 2016 Streambank Inventory Report Site #4 was about. Jim Pindel said that he received a list of potential projects for Kenosha County from Andy Buehler which included a pretty well completed engineering design for this location, which was identified in Kenosha County's 2016 report. Dean Falkner added that this project and all the others itemized in the Potential Grant Projects listed at the end of the budget have to be submitted to the commission for approval before we can assign grant funds to them. Rachel Sabre asked why the Parking Lot and Sidewalk Salting Workshop didn't show up in the budget. Jim Pindel said that it came up after we approved the proposed budget and that it and likely many other projects that we are not aware of can and will be funded by the commission. Chairman Dean Falkner asked for vote in favor of accepting the budget and the budget was approved unanimously.

Minutes The minutes from the April 21, 2017 meeting were reviewed. It was motioned by Jim Schneider that the minutes be approved and the motion was seconded by Doug Koehler. The minutes were approved unanimously.

Treasurer Reports – Jim Pindel reviewed the highlights of April 2017 treasurer's reports. We started the month of April with \$42,897.23. We made payments of \$280 to reimburse 8 commissioners for attending the Summit; we paid \$29,650 for the nature's classroom project, \$5,500 for the 2017 Summit and \$865 to complete the Graefenauer tree removal project. We received a payment of \$95,364.89 against EMUM-19 from the WDNR. We received \$14.55 in interest bringing our Money Market account to a balance of \$101,981.67. The only change to the non-grant funds was the \$14.55 in interest resulting in the net non-grant funds available being \$32,474.01. It was motioned by Jim Schneider and seconded by Bob Bartholomew that the treasurer's report be accepted. The motion carried unanimously.

Election of Officers

Jim Pindel pointed out that Barb Holtz who is now an alternate for Katelyn Bratz for the Town of Mukwonago is the Vice-Chairperson of record and since she is now an alternate we need to elect someone else to this post. Alan Barrows nominated Katelyn Bratz for Vice-Chairperson and the nomination was seconded by Jim Schneider. Katelyn was elected unanimously. Jim Schneider nominated Dean Falkner for Chairman and Jim Pindel for Secretary/Treasurer and the nomination was seconded by Ken Miller. Both

were elected unanimously.

Old Business

- a) Fox River Partnership 2018 Summit: Tom Slawski was not present and Dale Busser said that he had not talked to Tom regarding the next Summit.

- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that the contractor is mobilizing on Monday to get started on the project. Actually the work has already been started. The brush and trees along the bank have been removed and the tree stumps have been treated with Rodeo an environmentally friendly herbicide. Materials for the project will start showing up next week. Alan said that there had been some question concerning the need for additional rip rap and so he went on site and checked and found one spot where there was a hole about 6" deep. So there is the possibility that in this spot they may need to add a second course of stone filled bag. Alan said that when they checked for underground utilities they discovered a new underground conduit. The contractor will have to protect this conduit with possibly timber mats or steel plates. Alan said that he has dedicated 4 of the 5 work days next week to be on site for this project. Alan said that there is a no trespassing or private property sign that shows up in a 2000 aerial photo right on the shoreline and now that sign is 12 feet out into the river. This shows how much to the shoreline has disappeared over the last 17 years.

- c) ESR Project disposal sites environmental impact: Don Baron of the WWMD said that they had a meeting with 7 members of the WDNR on May 8th which lasted 2 hours. The WDNR people told them that they could either reject the low hazard material application or the WWMD could retract it. The problem seems to be that the ammonia level in the sediment is expected to be 13 mg/L whereas the acceptance criteria is less than 9.7 mg/L. Don said that they checked the acceptance level dictated by the EPA and found that it was 30 mg/L. Don said he thought that the WDNR should have made the aware of this restriction and now the WDNR will not allow them to provide a liner at the Super Mix site because it might fail. So now the WWMD will have to reapply for the low hazard material application. Don said that he just received an email from the WDNR listing 8 or 10 items that need to be addressed in the new application. Don said that the low ammonia level requirement seems to be unreasonable considering the EPA's acceptance level. This requirement for a new application submittal will cost a great deal of engineering hours and expense. Don said that the fear is that when they resubmit the application the requirements will change again and they will be back to square one again. Don went on to say that there is a concern with contamination of residential wells near the Super Mix site. Don said that originally the WDNR said that they needed to be 1200' from any private wells, which happens to be the case and that a berm has to be put in. Now the new WDNR people involved say that the disposal site is too close to the private wells. Don pointed out that they have been working for this low hazard permit since last June and had hoped to get it done early enough to get bids to find out how much

the project will really cost so that they could have a vote among the riparian owners in September of this year. With this new delay it is most likely that a vote on approving the dredging of the impoundment will have to be put off until the spring of 2018. Dave Spurlock said that they went to Janesville to meet with Paul Ryan's staff to see if they could get some support on a federal level for the dredging as well as get some support from Paul Ryan to encourage the state to support the dredging project. They tried to get Paul Ryan's staff to be aware of the problems the delays in getting all the required permits has caused. For example, two of the earlier permits have expired before we have this last low hazard material permit. Don ended up by saying that they are waiting on a proposal from Graef Engineering to see how much the new permit application will cost and then they probably will come to our commission for further funding. Ken Miller asked what kind of response they got from Paul Ryan's office and Dave Spurlock said that he expects a response in the next week on what has happened on the federal level and what influence they could provide on the state level. At this point Dave said he is feeling positive about what to expect from Paul Ryan's office. Dean Falkner asked if Don would provide him with the requirements the WDNR is asking for regarding the liner and proximity to private water wells. Don said he would forward that information to him.

- d) Schuetze Playground Storm Water Abatement: - Doug Koehler said that he thought that all the paperwork had been sent to Jim Pindel the last week of April. Jim Pindel said that he has not seen anything. Doug was surprised and said he would look into it. Jim Pindel pointed out that this paperwork had to be processed by the end of June and time is getting short.
- e) Mukwonago Park Shoreline Restoration – Alan Barrows said that they are going through the approval process. This week it was approved by the Land Use Committee and next Tuesday it goes before the County Board for approval. As soon as the approvals go through the project will get underway.
- f) Village of Waterford East Shore river bank Restoration: - Jim Schneider said that the overall project is underway, including the parking lot, and the project seems to be about 3 – 4 weeks ahead of schedule. Dean Falkner asked if there were any plans to do anything with the little islands just downstream of the dam. Jim Schneider said he thought the only thing they would do is remove some of the invasive species on the islands.
- g) SEWRPC Survey for Waterford Dam to the Illinois Border – Dale Buser said that they would be waiting for a low water level situation to do the actual survey, which usually occurs in late August or September. Dale said that SEWRPC is doing some of the deskwork right now. They are identifying all the streams that flow into the Fox River along the way and intend to check the water quality of these streams, especially checking on their sediment loads. Dale said that SEWRPC is releasing a report in the near future itemizing all the unincorporated streams and lakes in Kenosha County ranking their amount of human influence and their sensitivity to human influence with regard to a number of factors. The

water bodies will be categorized as either protection, enhancement or restoration. Some of the streams in the study are in the Fox River watershed and the study will identify what form of management strategy would be best for each one.

- h) Parking Lot and sidewalk Salting Workshop: Jayne Jenks Jayne was not present to make a report. Ken Miller asked for the date of the workshop and was told it will be on October 24th 2017.

New Business

- a) How do we handle interpretations of Wisconsin State Statutes regarding: The only item left unresolved is do we need to pay to publish the budget and public hearing notice. Katelyn Bratz said that she talked to her sister who is an attorney and she would be willing to look into this issue for us. Jim Pindel said that our implementation plan references an article in the state statutes that say the newspapers must do the publication for free, but that article references another statute which makes it look like we must pay. Katelyn asked Jim Pindel to send her the reference in our implementation plan referencing the statute article.
- b) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that he has been in discussions with Tom Slawski about the plan and Tom indicated that he was buried in work until at least July 1st. After that time Dean and Tom will get working on organizing the subcommittee to work on the plan. Dean said he will send out a request for participants and when they are available. Based on this data the initial organization meeting will be planned. Alan Barrows mentioned to Dean that one of the most important and early points to be addressed is whether Federal 319 funds are available if the 9-Key Elements Plan is completed. Dean said that Andrew Craig is one of the key people who will be invited and he should have some insights regarding 319 money.
- c) Gauges: Why do we want more? What kind of gauges? When do we want them? Who will pay for the hardware, installation and maintenance? Dale Buser said that at the moment SEWRPC does not have the staff to convert a staff gauge to a gauging station. Dale said thinking about our situation he thought that the Rochester site has good potential because there is a long period of record for this site. Dale wondered if this was too far downstream of Waukesha to give us the data we were looking for to monitor the effect of the Waukesha diversion. Dale said that the USGS had stored the water level data for a long time and didn't know why they never developed a rating curve (calculate flowrate based on water depth through a known orifice) for this location. Dale said that if we want defensible data we might try to work with the USGS to develop a rating curve for this location. Dale said we could also hire a consultant to do this work. Jim Pindel asked if there were any active gauges closer to Waukesha that might be better for showing the effect of the impending Waukesha diversion. Dale said the gauge in Rochester is the closest gauge under USGS control. Jim Schneider

pointed out that last year when they rebuilt the bridge on STH D the gauge was moved from on the bridge to a location about 50 – 100 yards away. Dean Falkner asked about the gauge at the Waterford dam and Dale said that this gauge is monitored by NOAA and possibly it would be more difficult to develop a rating curve there because of the irregular shape of the dam and the existence of a second dam. Dale made the suggestion that we contact USGS at their office in Madison and ask why the gauge in Rochester is only a staff gauge and why couldn't it be converted to a gauging station. Dale pointed out that the years of record is important to establish an average not affected by an especially wet or dry year. Dale looked up the Rochester dam and said the period of record only goes back to 2015.

- d) Consideration of expanding our jurisdiction west to include Eagle Spring Lake: Tom Day started by asking that we rephrase the title of this agenda item to Consideration of expanding our jurisdiction south and west to include the Mukwonago River Watershed. Tom said that around May 1st he email a MoU from the Town of Eagle to Dean Falkner, which Dean forwarded to Jim Pindel who forwarded it to all the commissioners. Tom said that there are 2 other municipalities that he has asked to consider issuing MoUs they being the Town of Troy and the Town of East Troy. Tom said he was not able to meet with them and so they have tabled the issue until he talks to them. Tom said that the Town of East Troy wants to be considered for membership because it has Beulah Lake which flows into the Mukwonago River which flows into the Fox River. Jim Pindel said that he had a couple problems after a review of the Town of Eagle MoU. The MoU states that the SEWFRC implementation plan states that it has considered and recommends the adaption of a cooperation agreement between the SEWFRC and the Town of Eagle. Jim Pindel said there is not such statement in the implementation plan. Secondly, the MoU endorses a formal partnership with the SEWFRC. A partnership only implies that we have some mutual objectives and does not allow us to fund projects in the partner's territory. We have a partnership with the Fox Waterway Agency of Illinois and cannot fund projects there. The MoU should request "membership" in the commission; we can only fund projects in member municipalities. Jim Pindel pointed out another issue which could be a problem. After the state statutes were changed last year, we had 17 members requiring a majority of 9 voting members to make quorum. When we went down to 16 members the majority for quorum stayed at 9 voting members. If we add three new municipalities we would have 19 member municipalities requiring a majority of 10 voting members to make quorum. Considering that we are out of grant funds now these new members would not have much incentive to attend meetings possibly causing a problem with meeting quorum. Jim also said that it might make sense to wait and see how much funding the commission receives in the upcoming state budget. We know of about 1.4 million dollars of projects in our existing territory with more than 1/3 of that being in Kenosha County where we haven't spent any money to date. Jim Pindel also pointed out that the request for funding that was sent along was for work completed in 2016. Jim said that we cannot pay for work that has been done

in the past. Tom Day said that Tom Slawski asked him to attach the request for funding Tom Day made last year for reference. It was understood by everyone that we only fund projects before the actual work is done. Tom Day stated that there are 10 sites at which they have monitored the nutrient levels along the Mukwonago River, 2 of the sites are in the Town of Mukwonago, which is already within our jurisdiction, 4 of the sites are in the Town of Eagle and 4 of the sites are in the Town of Troy. The last time all the sites were monitored was in 2012. To finish up, Tom Day said he would revise the MoUs from the different municipalities and email draft copies to Jim Pindel for review before the different boards voted on them.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Joe Keller of the FWA was present to make a report. Because Joe had a commitment back in Illinois at 3:00 PM, we asked Joe to make his report just before we started Old Business. Joe started out by saying that the State of Illinois has not approved a budget to the last year and a half, which makes life difficult for state sponsored agencies like the FWA. The FWA is responsible for 7100 acres and the Fox Chain of Lakes. Joe said he has been with the FWA for about a year and a half and that when he got there he was told that by the end of the year the FWA would be \$90,000 in the hole, which is a lot for a small agency. Through cost cutting measures they made it through 2015 at \$6,000 to the good. For the year 2016 they had to make some hard decisions to fund themselves and so they increased the sticker fees for boats using the Fox Waterway. Joe said that this has become the principal means of funding the FWA work. He also said that it is estimated that the fees will bring in about \$2,000,000 this year. Considering that they have to support 7100 acres of watershed and remove about 100,000 cubic yards of sediment each year, this is not a great deal of money. Joe said that without funding from the state budget they have come up with a different idea to help themselves. They have gone to the state legislature in Springfield, IL and asked them to donate to the FWA the tract of land that the state owns on which the FWA used to process the sediment for sale to municipalities and other customers. The residents around this tract of land are not happy with it being used for processing the sediment. So if the FWA owned this tract of land, they would sell it and use the income to buy a new tract of land in a more remote location to process their sediment eventually for sale. The bill supporting this action has already passed both houses of the state legislature and is awaiting signing by the state's Governor. Besides that there are other things going on for the FWA. Back in 2013 their office building was flooded and became unusable. Going into 2016 the FWA has \$300,000 in the bank and has broken ground on renovating their office building. Joe said that his hope is that with cooperative efforts between us and the FWA we might be able to access some federal grants in Wisconsin and Illinois. When asked if sediment removal was their primary mission, Joe said that it usually was, however recently due to high water level conditions debris and tree removal from the waterway was taking precedent. Jim Schneider asked if the

- FWA was working toward the National Water Trail and Joe said that he has had conversation with Tom Slawski and others and has been sent a list of questions he has to answer to help this effort. Ken Miller asked if the FWA was run by volunteers and Joe said that he is one of twelve full time employees.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Rachel Sabre said she had nothing to report.
 - c) Progress toward designation as a “National Water Trail” – Village of Waterford. Jim Schneider said he had nothing to report at this time but would have something for the next meeting.
 - d) SEWFRC Website – Al Sikora was not present. Jim Pindel asked Alan Barrows if he did the work he said he would do at the last meeting. Alan said he was too busy and would get to it in the future.

Correspondence –

- 4/24/17 Email from Jim Pindel to mark your calendars for today’s meeting.
- 4/26/17 Email from Jim Pindel with attached revised Proposed 2017-2018 SEWFRC Budget and worksheet.
- 4/30/17 Forward of Email from Barbara Messick of the Village of Waterford with an attached link to Outdoor Wisconsin Episode #3315 regarding the Fox River National Water Trail
- 5/8/17 Email from Jim Ritchie with attached copy of Extension of ENUM20 and a copy of EMUM20.
- 5/8/17 Copy of Email sent to Village of Waterford with attached Letter of Support for the National Water Trail.
- 5/9/17 Email with attached MoU’s from Town of Eagle, Town of Troy and Town of East Troy desiring membership in the SEWFRC.
- 5/12/17 Emails from Dean Falkner and the WE Energies Team regarding the possible requirement for rock rip rap under the Envioloc bags.
- 5/17/17 Email saying that Alan Barrows reviewed the WE Energies site and has come up with a solution for anchoring the Envioloc bags.

Miscellaneous Issues –

There were no miscellaneous issues

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

Meeting Closed at 2:43PM

THE NEXT OFFICIAL MEETING WILL BE Friday, June 16, 2017 at 1:00 PM. (Meeting Location: Town of Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

Dean Falkner (Village of Mukwonago) (Chairman)
Katelyn Bratz (Town of Mukwonago) (Vice Chairperson)
Alan Barrows (Waukesha County)
Chad Sampson (Racine County)
Bob Bartholomew (Town of Vernon)
Jim Schneider (Village of Waterford)
Jeff Lang (Town of Burlington)
John Soneberg (Village of Big Bend)
Ken Miller (Town of Waukesha)
Tom Slawski (SEWRPC)
Sara DeBruijn (Wisconsin DNR)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Doug Koehler (City of Waukesha)
Wayne Jensen (Village of Rochester)
Jim Bergles (City of Burlington)
Andy Buehler (Kenosha County)
Andrew Lois (Town of Wheatland)

Also present: Tom Day from Eagle Springs Lake Management District, Dan Treloar Kenosha County and Michael Schwar of Stony Point Hydrology.

At 1:03 PM, Chairman Dean Falkner called the SEWFRC meeting to order.

The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the May 19, 2017 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Jim Schneider. The minutes were approved unanimously.

Treasurer Reports – Jim Pindel reviewed the highlights of May 2017 treasurer's reports. We started the month of April with \$101,981.67. We made a payment of \$129.95 to Bella Mia to pay for this year's website hosting. We received \$17.30 in interest bringing our Money Market account to a balance of \$101,869.02. The only change to the non-grant funds was the \$17.30 in interest resulting in the net non-grant funds available being \$32,491.31. Jim Pindel pointed out that we paid the first \$1,000 payment toward the AIS detect/prevent/outreach for Waukesha County. Erroneously Jim Pindel thought the Parking Lot and Sidewalk Salting workshop project was missing from the report and then realized it was there in the report and the report was correct. It was motioned by Chad Sampson and seconded by Jim Schneider that the treasurer's report be accepted. The motion carried unanimously.

Old Business

- a) Fox River Partnership 2018 Summit: Tom Slawski said that he had nothing to report so far.
- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that the project was completed about 2 weeks ago. Alan projected pictures taken from the pedestrian bridge of the site before and after the project. Alan made a special point of acknowledging the work and support provided by the Village of Mukwonago to bring this project to completion. Alan pointed out that a few years ago when Dean Falkner was still working for the Village he volunteered to be the project sponsor. And so the Village hired the contractor seeing WE Energies has some issues with doing the contracting. Last year when there were issues concerning the contract itself and the insurance the Village's attorneys spent the time and effort to work through the issues. As the project got started the shoreline restoration structure moved forward into the river leaving a gap that had to be filled with material. The Village provided 20 cubic yards of material at no cost to remedy the situation. Alan said that without the Village's help the project probably would not have been completed. The before 2009 picture showed how badly the shoreline was undercut and the erosion was obvious. Applied Ecological Services was the contractor and they installed 2 courses of stone filled geotextile bags for the base. The upper bags are filled with mostly sand and some top soil mixed in to support the vegetation growth. There were about 1000 plant plugs planted between the lips of the geotextile bags. The whole wall will blossom and Alan said that some of the plants are already starting to blossom. Along the bottom courses they planted wetland plants and above that they planted upland flowers and sages. Alan pointed out on the picture a white hose of pipe that was visible and this is a temporary water supply that the contractor will use for the next year to maintain the plants as they are taking hold. Alan said that since the picture was taken they installed a fence to prevent the geese from coming in and eating the vegetation as well as stopping them from depositing manure. Alan said that they experienced another invasive they didn't expect. During a visit to the site he found kids running up and down the embankment and jumping into the river. Alan said that he contacted the police department who said that they will patrol the area more often to eliminate this problem.
- c) ESR Project disposal sites environmental impact: No one from the WWMD was present and so Jim Pindel reported what he knew. Jim said that the WDNR asked the WWMD to retract the permit application that they had submitted for the disposal sites. Apparently the new people from the WDNR that are now in charge have different ideas as to what they want. The WWMD is in the process of getting a new proposal from Graef Engineering to cover the cost of the new permit application. We should expect to hear from the WWMD for a request for funding this new permit application.
- d) Schuetze Playground Storm Water Abatement: - Doug Koehler was not present to make a report. Jim Pindel said that he had emailed Doug making him aware of the fact that time was getting critically short. Jim Pindel stated that if the

paperwork is not submitted by the end of June, we would not be able to provide the final \$12,500 that was committed to this project and that we would require the \$12,500 cash advance back. Jim said that as far as the WDNR is concerned, they do not really acknowledge the existence of a project until the final paperwork is submitted. Dean Falkner stated that he was willing to go to Waukesha County's offices and see what he could do to get the paperwork going. Alan Barrows pointed out that this project was not a county project, it is a City of Waukesha Park and David Burch was a county employee who represented the Park Foundation which is a non-profit organization. The discussion ended with the fact that we need to keep in touch with Doug Koehler and David Burch to get the paperwork submitted as soon as possible.

- e) Mukwonago Park Shoreline Restoration – Alan Barrows said that this is essentially a water quality project at Mukwonago Park. They intend to use native plant sod which is grown in a green house and rolled up just like lawn sod. The native plant sod has been ordered and takes 12 weeks to grow and be delivered. Alan Barrows wondered if this was an ENUM-19 project that had to be completed by the end of June and Jim Pindel responded that it was an ENUM-20 project, so we have until the end of June 2018 to finish it off. Jim Pindel asked if Alan knew the cost of each native plant mat and Alan said that he knew that the purchase was in excess of \$20,000 but the order was greater than the amount needed for just this one project.
- f) Village of Waterford East Shore river bank Restoration: - Jim Schneider pointed out that this project for the Village was larger than just the shoreline that we are involved with. The total Village project includes the parking lot and curbs and more. Jim Schneider said that the project was ahead of schedule. Jim Schneider said that all the rock riprap was installed and looked good and encouraged us to visit the site to see how good it looks. Today people are working on pouring curbs and gutters and the planting of native plants will be done in the next few weeks. Right now the Village anticipates completing the project by the end of July. Dean Falkner said that he has been to the site to take water samples and the project looked very good, similar to the work that was done along the Mukwonago River.
- g) SEWRPC Survey for Waterford Dam to the Illinois Border – Tom Slawski said that SEWRPC was working on maps preparing for the field work. Jim Pindel asked if it would be smart to notify the municipalities along the way that we were going to survey the river and adjacent lands looking for areas of concern regarding the Fox River. Tom said that they intended to notify the municipalities looking for places that they can go ashore in an attempt to not trespass on anyone's property. Jeff Lang and Jim Schneider said that they lived along the Fox River within the area that will be surveyed and offered to allow SEWRPC to use their properties for shore access. When Tom Slawski said that they thought they could survey about 5 miles a day, Jim Pindel asked how many river miles were involved and Tom Slawski said there are 26 river miles in the survey. Tom

said that SEWRPC was expecting the survey to take about a week and a half. Tom went on to say that the timing would be dependent on what they find and how much detail has to be recorded. They intend to recommend mitigation alternatives for areas that need work. Dean Falkner asked if SEWRPC intended to go upstream to do any evaluation in this area and Tom Slawski said that they intended to utilize the data provided by the Graef survey. Tom said that the intent is to provide similar data to what Graef provided to get an overall evaluation of the condition of the Fox River throughout our area of jurisdiction. Dean Falkner told Tom that he might want to get the water quality data that has been collected by Jim Burgles in Burlington to further evaluate the condition of the river in the survey area.

- h) Parking Lot and sidewalk Salting Workshop: Jayne Jenks Jayne was not present to make a report. Alan Barrows said that he had been in contact with Jayne and that the workshop was scheduled for October 23, 2017. She has contracted with the consultant who will run the workshop but Alan didn't think she had locked in that location. Alan said that he thought she was favoring the Veteran's Terrance in Burlington and Dan Treloar said that he believed that Jayne was going to contact the Veteran's Terrance yesterday to lock it in for that date. Jim Pindel asked if there was an attendance fee and Dan said there would be a fee to cover the expenses only.

New Business

- a) How do we handle interpretations of Wisconsin State Statutes regarding: Katelyn Bratz said that she did not have an answer to the question Jim Pindel emailed to her concerning whether we have to pay to have our notice of public hearing and annual budget published. Katelyn said she will advise when she finds out.
- b) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that he will be announcing a meeting of the subcommittee dedicated to this topic after July 1st. The intent of the meeting is to find out how much we know about the plan and what issues have to be investigated. The answers to these questions will direct the work of the subcommittee and a google scheduling app will be set up to follow the progress of the subcommittee.
- c) Gauges: Why do we want more? What kind of gauges? When do we want them? Who will pay for the hardware, installation and maintenance? Tom Slawski said that he had nothing to report at this time.
- d) Consideration of expanding our jurisdiction west to include Mukwonago River Watershed: Tom Day started by saying that he provided a revised version of the MoU for the Town of Eagle to Jim Pindel for review and that Jim said that the MoU was now accurate and acceptable. Tom said that he is now prepared to take the revised MoU's to the Town Boards of Eagle, Troy and East Troy for

acceptance. Tom said that he wants our commission to take a position on where we stand on including these 3 new municipalities. So Tom said that he has not taken the revised to any of the 3 municipalities not knowing where we stand. Jim Pindel asked Tom if all the water sampling locations were in the Town of Eagle. Tom said that 2 of the locations were in our existing area of jurisdiction and 2 or 3 were in the Town of Troy with the balance of the 10 locations in the Town of Eagle. Jim Pindel stated that he was wary of including the Town of East Troy because it included Lake Beulah which has a great number of riparian owners who might have an overwhelming number of projects for us. Jim thought that Lake Beulah was a bit distant from the Fox River with only a small creek flowing out of it which eventually joined into the Fox River. Tom Day clarified the connection saying that there is a small creek that flows out of Beulah near CTH J which eventually flows into the Mukwonago River. Tom said he has not sampled the water in this creek. Tom said that he really wanted us to include the towns of Troy and Eagle so that we could fund all 10 of his sampling location. Tom said that the Town of East Troy was added at the request of Maggie Zuwallner (Sp?) of the Kettle Marine land trust. Tom said that his priority was the towns of Troy and Eagle and he has struck out with all of his other attempts to get funding for his water sampling survey. Tom said that a complete sampling survey costs about \$1,500 with the major portion of that cost being the laboratory work done in Stevens Point. The lab conducts 10 analyses on each of the sampling sites giving him very good data and he has quite a bit of historical data recorded. Tom said he has not done any sampling since 2012. Tom said he wanted to make sure we understand that this survey is for the Mukwonago River watershed not for Eagle Springs Lake. Dean Falkner asked if we could fund the water sampling project including the 2 sites that were not within our area of jurisdiction and Tom said that Jim Ritchie told him that we could not do work outside of our area of jurisdiction. Jim Pindel pointed out that at this time we do not have a signed MoU from any municipality requesting membership. Tom said he can go either of two ways from here. He can go to the towns of Eagle and Troy and get them to sign the MoU's, and then bring them to us for our acceptance or rejection. Tom said it would be embarrassing for him to talk the towns into signing an agreement and then go back and say we didn't accept them. Tom said he would much rather have us take a position of acceptance or not and then go from there. Alan Barrows said that in anticipation of this discussion he prepared a map of our present area of jurisdiction and outlining adjacent to it the expansion Tom Day is proposing. Alan said he only included that portion of the Town of Eagle which is in the Fox River watershed, since the Town of Eagle is split between the Fox River watershed and the Rock River watershed. Alan provided copies of this map to all the commissioners. Alan pointed out that rain or snow that lands on the Fox River side of the township flows into the Mukwonago River that flows into the Fox River which flows into the Illinois River in the Quad Cities. Rain and snow that falls on the Rock River watershed side of the township eventually flows down the Rock River into the Mississippi River which flows down into the Quad Cities and meets up with the water that flowed down from the Fox River watershed. Alan said that both streams are cold water streams rated as AQ2's,

which are aquatic resources of regional significance which support threatened or endangered resources. Alan pointed out that we have a similar situation in the Village of Salem Lakes where he followed the Fox River watershed boundary rather than the municipality boundary showing our area of jurisdiction. Jim Schneider pointed out that he recently spent a considerable amount of time trying to secure funding from the state of our commission. After going through some detail on his efforts he said that at this point we are not sure of any funding whatsoever. Our problem is not finding projects; our problem is finding funding to support the projects we know about. Jim Schneider pointed out that in the last budget we identified 1.3 million dollars' worth of projects that we know need funding, so if we don't know if we have the ability to fund anything then it doesn't make sense to add territory to get additional projects. Katelyn Bratz pointed out that the proposed expansion would gain another representative in the state assembly who might be able to assist us. Ken Miller asked how important is the data that Tom Day is collecting and he was told that this data tells us about the quality of the water that flows into the Fox River from this major tributary. Data collected along the Fox River by Dean Falkner show that the Fox's water quality improves when its water is diluted by the Mukwonago River's water. Dean said that the testing being done by Tom Day would help to identify any new problems or disturbances to the water quality of the Mukwonago River which could then be addressed before it had an adverse effect on the Fox River. Jeff Lang said that he is uncertain how to vote on this expansion and wondered if we could adapt our project evaluation criteria to a rating system for evaluating the acceptability of including additional municipalities. This might help us to evaluate the benefit to the Fox River and the benefit to the municipality seeking membership. Chad Sampson said he agrees with Jim Schneider that it doesn't make sense to expand to pick up additional projects if we are not funded in the new state budget. The consensus of the commission was that if we don't get funding in the upcoming state budget it doesn't make sense to expand our territory to not be able to do anything there. It was decided that Dean Falkner would advise Tom Day as soon as we know what our funding situation is in the new state budget. If we are funded Tom should go ahead and get the MoU's and bring them to us for approval. If not we don't think it makes sense. Alan Barrows and Katelyn Bratz both expressed that fact that expansion into the town of Eagle would be beneficial to the commission.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Lang said that he attended the last board meeting of the FWA and nothing pertained to us.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Sara DeBruijn said that Jim Ritchie had nothing new to report. No one else had anything to say.

- c) Progress toward designation as a “National Water Trail” – Village of Waterford. Jim Schneider said that they are doing data collection and they are months away from completion. It is an ongoing effort.
- d) SEWFRC Website – Al Sikora was not present. Alan Barrows said that he updated the maps on the website and now they represent the present boundaries of our commission.

Correspondence –

- a. 5/22/17 Email from Jim Pindel advising commissioners to mark their calendars for today’s meeting.
- b. 5/23/17 Email from Jim Pindel with attached final version of 2017-2018 SEWFRC budget
- c. 5/25/17 Email from Barbara Messick with invitation to ribbon cutting for the new Fox River Paddle Sports facility
- d. 5/31/17 Forward of email from Tom Day with revised MoU for the Town of Eagle attached
- e. 6/12/17 Letter from Jonathan Delagrave appointing Chad Sampson to our commission for life.

Miscellaneous Issues –

Alan Barrows reminded the commission that we now have SEWFRC signs that can be displayed at project sites. Alan said that we purchased enough signs to put some up at older completed projects. There are two sizes available, 10” x 12” and 10” x 20”. Dean Falkner asked Alan to run a copy of the signs over to WE Energies because they indicated that they were willing to put up the signs after they approved the looks of the signs. Chad Sampson asked for one sign of each size.

Chad Sampson pointed out that Racine County has come up with a new format for non-profits and organization like us to request funding. Chad said that the county will allocate some funds to this new format and it will be up to the different organization to apply for these funds. Chad said that the deadline for applying for funds is August 1st. Applications submitted by August 1st 2017 will be for the 2018 Racine County budget.

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

Meeting Closed at 2:09 PM

THE NEXT OFFICIAL MEETING WILL BE Friday, July 21, 2017 at 1:00 PM. (Meeting Location: Town of Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

Dean Falkner (Village of Mukwonago) (Chairman)
Barb Holtz (Town of Mukwonago)
Alan Barrows (Waukesha County)
Chad Sampson (Racine County)
Bob Bartholomew (Town of Vernon)
Jim Schneider (Village of Waterford)
Jeff Lang (Town of Burlington)
Francis Stadler (Village of Big Bend)
Ken Miller (Town of Waukesha)
Ronald Schildt (Kenosha County)
Andrew Lois (Town of Wheatland)
Jessie Medrow (City of Burlington)
Doug Koehler (City of Waukesha)
Tom Slawski (SEWRPC)
Jim Ritchie and Sara DeBruijn (Wisconsin DNR)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Wayne Jensen (Village of Rochester)

Also present: Tom Day from Eagle Springs Lake Management District, Don Barron and Dave Spurlock of the WWMD and Fred Milles of the Town of Vernon.

At 1:04 PM, Chairman Dean Falkner called the SEWFRC meeting to order.

The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the June 16, 2017 meeting were reviewed. It was motioned by Jim Schneider that the minutes be approved and the motion was seconded by Bob Bartholomew. The minutes were approved unanimously.

Treasurer Reports – Jim Pindel reviewed the June 2017 treasurer's reports. We started the month of June with \$101,869.02. We made a payment of \$1,000 to the Waukesha County AIS effort, \$241.38 to the Kenosha News, \$458.80 to the Waukesha Freeman and \$142.85 to the Racine Journal Times. We made a deposit of \$35.00 because Jim Pindel took out enough money to reimburse 8 commissioners for attending the Fox River Summit and only 7 wanted to be reimbursed. We received \$16.53 in interest bringing our Money Market account to a balance of \$100,077.52. The only change to the non-grant funds was the \$16.53 in interest resulting in the net non-grant funds available being \$32,507.84. The only change to the grant funds was the fact that we submitted documentation to the WDNR for \$4,635.11 against the Schuetze playground project to close out ENUM-19. It was motioned by Alan Barrows and seconded by Jim Schneider that the treasurer's report be accepted. The motion carried unanimously.

Old Business

- a) Fox River Partnership 2018 Summit: Tom Slawski said that he had not much to report but said that he was concerned that the Veterans Terrace in Burlington was flooded, which could impact the Summit. Jessie Medrow said that the Terrace will be open for a wedding this weekend, so there should be no problem. So Tom said that we are still on schedule for March 23, 2018 and he is still looking for additional speakers for the event. Tom also said that there is a lot of interest with regard to the flooding and asked if anyone had photos of the flooded conditions that they could forward to him.
- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that the heavy rains and flood conditions provided a good test for the newly completed project. Alan said that there was a watermark about 2' up on the bank showing how high the water had been but there was no damage and the shoreline survived. The vegetation is growing and some of it blooming like the purple clown flower. Alan said he then went over to the opposite shore where we did a project back in 2007 at Indian Head Park and he said everything there looked just fine. Alan asked Jim Pindel if he had received any bills from the contractor and Jim said he had not. Alan said he gave the contractor Applied Ecological the option of sending the invoices to the County, the Village or directly to Jim Pindel.
- c) ESR Project disposal sites environmental impact: Don Baron of the WWMD said that they had a conference call meeting with the WDNR on July 19, 2017; the intent is to have conference calls at least every 2 weeks to keep things moving along. The low hazard material permit is having problems; they need to address the amount of arsenic being put into the disposal sites. Also there is a concern regarding the ammonia level with the WDNR requirement being much more stringent than the state requirements. The WDNR has talked about trucking the dredge material to licenses landfills instead of treating it as non-hazardous material. Don said that regarding the clay liner that the depth of 2' is probably adequate and there might be a restriction that the liner has to be kept wet to avoid cracking before the silted water is pumped into the liner. Don said that there were three different approaches being considered for addressing the ammonia situation. There will be another conference call meeting with the WDNR on Monday 7/31/17 to address these open issues.
- d) Schuetze Playground Storm Water Abatement: - Dean Falkner asked if the project was completed and Doug Koehler said that he thought that they were still doing some plantings. Jim Pindel pointed out that the rest of this project would be funded from ENUM-20, so all the work had to be completed by 6/30/18. However as soon as the work is completed documentation has to be provided to close the project out. Doug said that he has been out of town for the last few weeks and so has not visited the project but knows that it is actively being worked on.
- e) Mukwonago Park Shoreline Restoration – Alan Barrows said that he talked to the landscape architects today and the project leader. They indicated that they held a

planning meeting last week and the project was on track to get done. The prairie sod was ordered in June and it takes about 12 weeks to grow into useable sod. Alan said that besides permitting the next steps would be site preparation. They will have to kill off the grasses and weeds before the prairie sod could be set in place. Alan thought that this work would start in the next 4 weeks. Alan then explained that the project amounted to planting tall native plants along the shoreline to discourage the geese from coming on shore and hopefully leaving the area. In the past the goose manure has caused contamination resulting in the swimming area being closed about 8 times a year for health reasons. So the project will amount to biologists along the shoreline with the prairie sod behind them.

- f) Village of Waterford East Shore river bank Restoration: - Jim Schneider said that the project was just about finished. They are now working on paving which is part of the larger overall project. Jim said that just like Alan Barrows had a test of the project he just finished, the recent heavy rain event tested the effectiveness of the shoreline restoration and the project succeeded with flying colors. Jim also pointed out that with the cooperation of the WDNR the protocol for opening up the Waterford dam in anticipation of a flood event has been changed from the about 5 days it used to take to immediately upon request. The dam was opened in advance of the water surge keeping the Waterford impoundment in reasonable condition. Jim went on to say that he expects the project to be completed in the next 30 days.

A lengthy discussion occurred describing the extent of the flooding of the Fox River. Dean Falkner said that he had been asked by a citizen of Big Bend, why the river has been so high all year long. Others pointed out that there has been consistent rain most of the time. Bob Bartholomew pointed out that there was a 3 week period without rain and the river stayed high, never going back into its banks. Bob asked why the Waterford dam was not opened up at this time to bring the water level down, which might have helped the flooding situation in Burlington. Jim Schneider pointed out that the water level at the Waterford dam has to be kept within the tolerances dictated by the WDNR. This water level has been maintained for many years with this year being no different than past years. Chad Sampson said that the water level is controlled by Racine County operators and that the dam gates were wide open right now.

- g) SEWRPC Survey for Waterford Dam to the Illinois Border – Tom Slawski said that they would like to do the survey during normal flow conditions on the river and so now they will have to wait and see when the river will go back into its normal condition to do the survey. Tom said SEWRPC could not characterize the river when it is in an unusual condition flowing over its banks. Jim Pindel pointed out that we have until 6/30/18 to be completely finished with the survey including the finished report and assessment.
- h) Parking Lot and sidewalk Salting Workshop: Jayne Jenks Jayne was not present to make a report. Alan Barrows said that he had not talked to Jayne and asked the

other county people present if they had any new information, which they did not.

New Business

- a) How do we handle interpretations of Wisconsin State Statutes regarding: Katelyn Bratz was not present and Jim Pindel pointed out that Katelyn had given the information to her sister, who is an attorney who works in statutory law. We will have to wait to hear what she has to say.
- b) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that they had their first planning meeting in Waukesha. Dean said that their goal is to get all the facts needed to know where and how to get started. Dean said that they confirmed that the 3 HUC-12 areas they initially thought might be a good starting point would indeed be acceptable. They also confirmed that with a 9-Key elements plan in place they could apply for federal funds to help pay for the dredging of the Waterford impoundment. The group zeroed in on erosion problems and Tom Slawski offered to put together a list of items that the subcommittee should consider in this early planning stage. Dean said that they are still in a data gathering stage and asked anyone interested to join the subcommittee. Jim Pindel asked who attended the meeting and Dean said the attendees were, Tom Slawski, Dave Spurlock, Perry Lindquist, Ben Heussner and himself. Jim Schneider said that he will participate in the future and Chad Sampson said that he did not see the meeting notice until it was too late and will likely start to attend.
- c) Gauges: Why do we want more? What kind of gauges? When do we want them? Who will pay for the hardware, installation and maintenance? Tom Slawski said that he had nothing to report at this time. Jim Pindel asked if we should that this item off of the agenda and Tom said yes, so it will no longer be discussed.
- d) Consideration of expanding our jurisdiction west to include Mukwonago River Watershed: Jim Pindel stated that at our last meeting we decided that when we found out what if any funding we received from the new state budget, Dean Falkner would contact Tom Day to discuss getting MoU's from some of the municipalities we would be considering. Since the state budget still has not been approved this communication did not happen. Jim Pindel asked Tom Day exactly how much money he was looking for and when. Tom Day said that he has obtained a private donation to cover his sampling for this year. The private donation was good for up to \$1,500. Jim Pindel went on to say that for next year or anytime in the future, even if the testing points are outside of our area of jurisdiction, he would make a motion to pay for the testing out of non-grant funds. We have enough non-grant funds to pay for this testing and recording of the condition of the water in the Mukwonago River which provides clean water which mixes into the Fox River. Jim said that he believes that the commission appreciates the work Tom Day is accomplishing on the Mukwonago River, one of the major tributaries of the Fox River. Tom Day pointed out that 2 of the 10

sampling points are already within our jurisdiction in the town of Mukwonago and asked if we would pay for this sampling even this year. Jim Pindel responded that if Tom provides a bill for the work at these 2 locations, we would consider and probably pay for it from our non-grant funds. Dean Falkner pointed out that back when we reviewed the treasurer's report we cover both grant and non-grant fund with about \$30,000 being in non-grant funds. Tom said he has already ordered the sample containers for this year and expects to take his samples in the next 30 days. Tom asked if we wanted him to go to the 3 municipalities involved and ask them to provide a MoU for inclusion in the commission and the consensus was that he should wait for now and see what funding we get from the state.

- e) Proposed modifications to the Cost Share Agreement and to the Construction and Planting Certification. Jim Pindel stated that he for a long time now has tried to keep the Cost Share Agreement to a single page, however that has not worked out. So Jim Pointed out that he wanted to make a form 2 pages long, so we could add another items required by the project sponsor. The item Jim proposed to the commission was a new item #12 stating "For ENUM- ____ All work has to be completed by _____. All documentation received by _____." Jim said that this addition would make the sponsor aware of our deadlines right up front when we make the agreement to fund the project. Jim Pindel motioned that we make the change to the Cost Share Agreement and the motion was seconded by Jeff Lang. Regarding the Construction and Planting Certificate, Jim Pindel asked that we add a line to the document stating that "For the SEWFRC the sponsor acknowledges the complete and satisfactory completion of the project." It was motioned by Jim Pindel to make this addition and the motion was seconded by Jim Schneider. The motion passed unanimously. Jim Pindel asked Alan Barrows to provide a copy of the Construction and Planting Certificate to him as a word document. Francis Stadler asked if the commissioners could get a copy of the revised documents and Jim Pindel said he would email a copy of both revised documents to all the commissioners. Alan Barrows pointed out that he has used the Construction and Planting document to not only provide proof of completion of the construction but also to verify that the usually expensive native plants are actually planted and maintained.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Lang said that both he and Jim Pindel were aware of the fact that Joe Keller of the FWA said that they would be regularly attending our meetings. The fact that no one is in attendance from the FWA we would expect is due to the flooding conditions we expect that they are experiencing. Jim Pindel pointed out that he had forwarded the email from Joe Keller of the FWA stating their intension to attend our meetings to all the commissioners. Jeff Lang said that they are really not doing much that would affect us but that they were probably more interested in

what we are doing that might affect them.

- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie said that the City of Waukesha has been granted an extension to 2023 to complete the diversion and reduce the amount of radium in the city's drinking water. The department of Justice negotiated the extension which was approved by the WDNR and the City. The Waukesha County circuit court still has to approve the extension. Jim Ritchie also pointed out that the City of Waukesha has an agreement with the City of Oak Creek to obtain the Lake Michigan water and now the City of Milwaukee is making a proposal to be the Lake Michigan water supplier.
- c) Progress toward designation as a "National Water Trail" – Village of Waterford. Jim Schneider said that they are still in the data gathering mode. He believes that the goal is to have all the data collected by the end of the summer and then move on from there.
- d) SEWFRC Website – Al Sikora was not present and no one had any comments.

Correspondence –

- a. 6/19/17 Email from Jim Pindel advising commissioners to mark their calendars for today's meeting.
- b. 6/30/17 Email forwarded from Laurie Longtine with attached article from the Waukesha Freeman concerning possible adverse effects on the Fox River due to the pending Waukesha diversion.
- c. 6/30/17 Email forwarded from Laurie Longtine with attached article from the Waukesha Freeman concerning possible adverse effects on the Fox River due to the pending Waukesha diversion. This time with more detail and pictures.
- d. 7/10/17 Email forwarded from Joe Keller of the FWA stating that the FWA will make an attempt to have representation at our meetings.

Miscellaneous Issues –

Alan Barrows reminded the commission that we now have SEWFRC signs that can be displayed at project sites. Alan said that we purchased enough signs to put some up at older completed projects. There are two sizes available, 10" x 12" and 10" x 20". Alan said that he provided a box of signs for Chad Sampson and asked if anyone else wanted any signs for projects that we funded.

Chad Sampson said that after the heavy rains we recently had he went out and inspected some of the more recent projects to see how they held up. Two of the project he inspected were the Wood Drive and Malchine Farm field projects that were completed earlier this year. Chad said that the Malchine portion of the overall project held up very well except that he notices rag weed growing with the grass they had planted. Chad said he will notify Kevin Malchine in the future to remove the rag weed as part of his maintenance of the project. Chad said on the Wood Drive portion of the overall project

the culverts that they installed were for smaller more normal rain falls not the heavy rain fall we recently experienced. Chad said that water backed up all along the roadway which was rebuilt and the water overran a section of the road causing gravel to wash out to the side of the access road. Chad said that he has not contacted the landowner yet and in fact because there were little problems throughout the county due to the heavy rain, he intends to wait a few weeks before he starts contacting landowners to see if they can repair the damage. Chad also said that he intends to post our signs at these locations. Chad went on to say that when he was on site he noticed that the water was dark brown, which is what we were trying to eliminate. Chad said that the water flowing into the system from the farm across the street on the east side of STH 164 was the source of the brown water. He expects to contact this farmer and see what can be done to eliminate this problem. Chad said that the probable solution would be to take part of this farm field out of production and turn it into a buffer zone. Chad said that he has plenty of projects that will be completed this year to use up the Racine County \$10,000 allocation.

Jim Ritchie told the commission that he has accepted a promotion and will be moving to Madison. Jim will be working in the Environmental Loans Program. He said that Sara DeBruijn would be taking over to manage our grant funds for the WDNR. Sara already manages the RBA grants for other organizations and so is very familiar with the process. Jim said that he enjoyed the 12 years that he has worked with our commission and we thanked and applauded him for the work and cooperation he provided us over those 12 years. We wished Jim Ritchie the best and he will be missed.

Jim Schneider pointed out that there are some drawdown projects in the works in our area. The one he discussed most was the proposed drawdown of Little Muskego Lake to expose the Starry Stonewort (SSW) to winter cold and freezing to hopefully eliminate this invasive species. The drawdown would affect Wind Lake and the canal running down to Rochester. There will be a meeting at the Norway town hall next Thursday to discuss the ramifications of the proposed drawdown.

Alan Barrows said that Waukesha County is working on an Invasive Species Strategic Plan with the cooperation of Tom Slawski and the SEWRPC and some other stake holders. The plan will include all 43 lakes in Waukesha County some of which are within our boundaries. The plan will dictate how to react when a new invasive species is detected. Alan said that the \$3,000 we provided to the Waukesha County AIS group was in part paying for this work.

Jeff Lang reported that Echo Lake in Burlington will be drawn down to evaluate the dam. Jeff said that he was not sure what they will learn from this exercise, but asked if anyone involved would keep the commission updated to see what we could learn.

Jessie Medrow asked if she could be added to the contact list because she is taking over for Jim Bergles who resigned from the City of Burlington. Jim Pindel asked for her email address and she put it on the attendance sheet.

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

Meeting Closed at 1:55 PM

THE NEXT OFFICIAL MEETING WILL BE Friday, August 25, 2017 at 1:00 PM. (Meeting Location: Town of Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

Dean Falkner (Village of Mukwonago) (Chairman)
Katelyn Bratz (Town of Mukwonago)
Alan Barrows (Waukesha County)
Chad Sampson (Racine County)
Bob Bartholomew (Town of Vernon)
Don Houston (Village of Waterford)
Jeff Lang (Town of Burlington)
Francis Stadler (Village of Big Bend)
Ken Miller (Town of Waukesha)
Jessie Medrow (City of Burlington)
Wayne Jensen (Village of Rochester)
Doug Koehler (City of Waukesha)
Tom Slawski (SEWRPC)
Sara DeBruijn (Wisconsin DNR)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Andy Buehler (Kenosha County)
Andrew Lois (Town of Wheatland)

Also present: Don Barron and Dick Kosut of the WWMD, Dan Treloar of Kenosha County and Mike Schwar of Stony Point Hydrology.

At 1:03 PM, Chairman Dean Falkner called the SEWFRC meeting to order.

The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the July 21, 2017 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Doug Koehler. The minutes were approved unanimously.

Treasurer Reports – Jim Pindel reviewed the July 2017 treasurer's reports. We started the month of June with \$100,077.52. We received \$16.99 in interest bringing our Money Market account to a balance of \$100,094.51. The only change to the non-grant funds was the \$16.99 in interest resulting in the net non-grant funds available being \$32,524.83. The major change to the grant funds was the fact that all references to ENUM-19 were eliminated, we have only ENUM-20 to track. It was motioned by Alan Barrows and seconded by Katelyn Bratz that the treasurer's report be accepted. The motion carried unanimously.

Old Business

- a) **Fox River Partnership 2018 Summit:** Tom Slawski said that he had sent in a security deposit to the Veterans Terrace in Burlington to lock in the date of 3/23/18 for the next Fox River Summit. Jim Pindel pointed out that in the past Tom had always requested a 50% cash advance to help with deposits and early

- expenses. Tom said that he would probably make such a request in the future and Jim Pindel said that all he has to do is email him with the request and we would vote on it at the next commission meeting.
- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that the cost of the entire project was just over \$65,000 and the contractor billed us for the installation portion of the project which was \$61,339.05 and the rest of the money about \$4000 was for maintenance of the project site. Jim Pindel pointed out that all the work for the project must be accomplished by 6/30/18 to count against ENUM-20. Alan said this would be no problem since the first year of included maintenance would be finished before the 6/30 deadline and the rest of the work would be completed before 6/30/18. Alan passed around two pictures; one taken on 5/22/17 of the shoreline after the area had been prepared for construction with all the shoreline weeds removed. The second picture was taken this last Monday 8/21/17 and it showed that biologists in place with the natural plants and flowers up and growing.
- c) ESR Project disposal sites environmental impact: Don Baron of the WWMD said that they had a meeting with the WDNR at their Waukesha campus attended by the WDNR the WWMD and Brian Schneider of Graef. The meeting addressed all the current unresolved issues regarding the Low Hazard Exemption (LHE) that the WWMD is applying for so that the Super Mix site can be used as the disposal site instead of trucking the dewatered sediment to landfills. The main point of discussion concerned the ammonia in the sediment and how it would decompose. Samples of the sediment will be collected next week and bench top tests will be run by a professor at UWM hoping to demonstrate that the sediment through aeration and mixing will induce the ammonium in the sediment to decompose and be given off primarily as nitrogen gas. When the results of the bench top tests are completed in about a month a decision will have to be made about how to handle the sediment. Another area of concern or discussion was 5 locations with high levels of arsenic. The sediment at these locations has to be left in place or trucked to a landfill after dewatering. Don pointed out that the groups of people on the WDNR side right now, are very cooperative and helpful trying to get this LHE application processed as fast as possible. Don also said that the WDNR offered to issue a conditional LHE that included a provision that the ammonia limits had to be within the allowable range. This would say that all other aspects of the LHE are acceptable. Don said that the WWMD will have to decide if they want the conditional LHE or not. Jeff Lang said that because he came onto the commission after this project was already in process, he was not sure of what the goal or objective of the ESR project was. Don Baron told Jeff that an explanation was available on the WWMD's website "WaterfordWWMD.com". Don also said that Brian Schneider of Graef said that a drawdown of the Waterford impoundment might be helpful possibly reducing the amount of ammonia in the sediment. Don also said that the pro-drawdown contingent of the WWMD intends to make presentations to the Village and Town of Waterford and the SEWFRC, all of whom have issued resolutions opposing the drawdown. The

- intent is to tell everyone they are wrong and working with bad information.
- d) Schuetze Playground Storm Water Abatement: - Doug Koehler said that he went to the site today just before the meeting. The plants are taking hold and the rain garden looks really good. Now the Parks Department is waiting for the interpretive signage, once this is installed all the work will be completed and they will be able to provide the final documentation to close out the project.
 - e) Mukwonago Park Shoreline Restoration – Alan Barrows said the project has started with site preparation. Alan passed around two pictures for the commission to review. One picture shows the Native Vegetation Mat (NVM) growing at the supplier's location that the second picture showing two men carrying a 100 pound NVM roll during installation of a previous project. The existing vegetation at the site has been killed off and the NVM will be installed in October of this year. Alan pointed out to Katelyn Bratz that if she was looking for a project for some of her students at Nature's Classroom, they could help the first week of October.
 - f) Village of Waterford East Shore river bank Restoration: - Don Houston of the Village of Waterford, who has replaced Jim Schneider on our commission, said that the project is pretty much completed. The grass that was planted in the park is starting to come up and the site looks great. Dean Falkner pointed out that he has monitored the project for some time now and that it really looks good. Dean also pointed out that a tree on a small island just downstream of the Waterford dam, has now become fish habitat. The island that the tree was on has been eroded away by the river current going over the dam.
 - g) SEWRPC Survey for Waterford Dam to the Illinois Border – Tom Slawski said that the good news is that the river level is coming down. SEWRPC wants the river to be at its normal or lower level when the survey is done so that they can see the condition of the shoreline. Tom then passed out a copy of a chart produced by the SEWRPC showing the elevation of the Fox River from its headwaters to the Wisconsin/Illinois border. The water depth along the main channel indicated the depths during a 10 year flood event. Tom said that plots were also available showing normal conditions, 100 year flood and 500 year flood conditions. These charts are part of the preparation work by the SEWRPC for the survey probably to be done this fall. Tom said that the WDNR has done a revised flood risk model. Tom said that the WDNR used the high resolution digital terrain information provided by the counties to generate the new flood risk model. Tom showed the commission on a large aerial map of the Fox River basin where the last survey was done by Graef Eng. and where SEWRPC is going to do the next survey. Graef's survey went from the north end of our jurisdiction to the Waterford dam and SEWRPC's survey will go from the Waterford dam to the Illinois border. Tom went into some detail on the information provided on the chart he passed out. The height of the water level along the river channel is shown as a blue height and tick marks along the river indicate road crossing or bridges. There are also red marks indicating the rivers energy level at each

location along the river. Jeff Lang asked if the chart was based on historical data or was a theoretical model. Alan Barrows followed up asking Tom if the graph utilized the Atlas 14 new water depth model that Waukesha County has started using. Tom said he was not sure if the Atlas 14 model was used and indicated that the chart was produced in 2016. Tom said that the model was generated mostly to predict a 100 year flood event. Tom said that SEWRPC is gearing up for the survey and hopes the water level continues to decline. Dean Falkner said that the vegetation in the river has changed dramatically from last year and wondered if the model addressed this fact. Tom said that the model included variables that would change the drag or friction on the water flow and that could compensate for the changes in vegetation. Dean Falkner asked Tom if he wanted any of the water test data he has been collecting and Tom asked Dean to continue to collect his data. Tom also pointed out an interesting phenomenon, during the flooding that occurred this last spring the dissolved oxygen in the water fell to extremely low levels of about .1 to .2 mg/liter, but he had not heard of any fish kills as a result of the low oxygen levels.

- h) Parking Lot and sidewalk Salting Workshop: Jayne Jenks Jayne was not present to make a report. Alan Barrows said that he had a copy of a draft flyer, which he passed around that had been generated by Jayne Jenks. The flyer advertised the workshop to be held at the Veterans Terrace in Burlington on 10/23/17 running from 9:00 AM to 2:00 PM.

New Business

- a) How do we handle interpretations of Wisconsin State Statutes regarding: Katelyn Bratz said that the state statutes directly contradict itself regarding whether we have to pay for publishing our budget and announcement of our annual public hearing. So the recommendation is to continue paying for the publications just to be safe.
- b) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that they have a meeting with the subcommittee on 9/18/17 at the WDNR facility in Waukesha. Dean said that they have compiled information from Mukwonago and from the WWMD's website to present at that meeting. Alan Barrows asked Dean if he could summarize what the 9-Key Element Plan is all about and why we are pursuing it. Essentially Dean said that we are trying to develop a 9-Key Elements Plan so that we can have access to federal 319D grant funds, which are only awarded to organizations which have a 9-Key Elements Plan in effect. These funds can be used in conjunction with our state grant funds to accomplish projects within our area of jurisdiction. Dean pointed out that with the help of Mike Schwar he identified a site at a Waukesha park where it would take about \$250,000 to eliminate the problem and we just don't have that kind of money available through the state grant funds we normally receive. But with 319D funds in addition to our state grants, we would have the ability to do projects of this magnitude. Dean also said that if we fixed two

known erosion sites upstream of where the Mukwonago River joins the Fox River that stretch of the river would likely be in compliance regarding phosphorus. In its simplest description the plan involved identifying all problem areas within a watershed, identifying the person or organization that will be responsible for fixing the problem area with ongoing monitoring of the progress made to fix these problems and maintain them after the work has been completed. The biggest challenge is to get buy in from the persons, organizations, municipalities and counties to be responsible for doing and maintaining the work that needs to be done. These problems most commonly would be erosion control, streambank stabilization, water runoff control, dredging and possibly phosphorus monitoring and reduction. Alan Barrows then asked what is the timeframe for developing the plan. Dean said that there is no time line at this point. In order for them to apply for grant funds for development of the plan they must figure out a budget which they intend to do. Chad Sampson pointed out there is a deadline of December 15 for applying for plan development grants and Dean said he was aware of the deadline but he didn't know when we would be ready. The area that Dean is proposing for the 9-Key Elements Plan would run from Waukesha's Fox River Park to the dam in Waterford. Wayne Jensen pointed out that a description and explanation of the 9-Key Elements Plan is available on the WDNR website.

- c) Consideration of expanding our jurisdiction west to include Mukwonago River Watershed: Jim Pindel stated that he received an email from Tom Day saying that he could not make our meeting today. The email also said that he did the water sampling on 7/31/17, but he does not have the results or the costs yet. Tom said that two of the sites, Beulah Road and CTH I are within our area of jurisdiction and as we indicated at our last meeting he will ask us to cover the costs associated with these 2 locations. This will require a motion and vote by the commission.
- d) Proposed modifications to the Cost Share Agreement and to the Construction and Planting Certification. Jim Pindel stated that he made the changes that we agreed upon at our last meeting and sent an email with the modified documents attached to all the commissioners.
- e) Birch Lane Shoreline Protection Project – Chad Sampson Chad made a Power Point presentation starting with an aerial view showing that the location of this project is near the SHW 164 ravine projects we did last year. Chad said that the property owner Joe Stevens approached him last spring with his concerns. There are 2 toe walls along the shoreline which are failing, one is wooden and the other is cement. The property owner wants to prevent his soil from washing down into Tichigan Lake. Chad showed slides that showed the present condition of the shoreline and said they would like to go with a rock riprap strip about 1 foot above the normal high water mark along the shore with native vegetation planted behind it. Chad said that the property is quite steep presenting a bit of a problem with installation. Chad said that he expected the cost to be around \$10,000, but he received two bids and the cost comes down to \$25,000. Chad said the land owner was willing to share in the cost of about ½ of the \$10,000 estimate but now that

the price more than doubled, he probably couldn't afford the project. Jim Pindel asked Chad exactly how much money he was looking for from the commission saying that there is \$8,000 of grant funds and \$10,000 of Racine County allocation available. Chad said that he intended to use some of the county allocation toward the SEWRPC survey. Jim Pindel responded by saying applying the allocation to the survey would free up some grant money. We ended up by saying that Chad and Jim Pindel need to talk after the meeting to decide how to distribute the allocation and see how much money is available for this project. Jim Pindel pointed out that the commission decided some time ago to hold off on voting on acceptance of a project until the next meeting whenever possible. So it was decided to wait until our September meeting to review that project acceptance criteria and vote on funding the project.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Lang said clearly Joe Miller is not present today. Jeff said that he has been made aware of the fact that a girl, whom we will call Ms. Foster for now, has made it her project to study water quality in the Fox River chain of lakes in Illinois. Jeff said that she would probably want to attend one of our meetings and possibly make a presentation or at least be introduced to the commission. Jeff felt that this would be an educational and a public relation opportunity for the commission. Jeff said that he would email Jim Pindel with Ms. Foster's name so he could put her on the agenda. Jeff asked Tom Slawski to put her on the mailing list for the next Fox River Summit were she might get more data to help her.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Chad Sampson said that someone from the WDNR called him and asked about water quality training with an eye on checking the water quality of the water being returned back to Lake Michigan. Apparently this person wants to bring back some information for the City of Waukesha. This person is concerned that the discharge water will not meet the limits for phosphorus and so would be looking to Racine County to implement other phosphorus elimination projects to compensate for the phosphorus they might be sending down the Rock River.
- c) Progress toward designation as a "National Water Trail" – Village of Waterford. Don Houston said that Barbara Messick has been contacting municipalities along the river to collect data needed for the project. Jim Pindel pointed out that he forwarded an update on the progress of the Water Trail to all the commissioners from Barbara Messick on 8/3/17.
- d) SEWFRFC Website – Al Sikora was not present and no one had any comments.

Correspondence –

- a. 7/24/17 Email from Jim Pindel to mark your calendars for today's meeting.
- b. 7/31/17 Email from Jim Pindel with attachments of revised Cost Share Agreement and Construction and Planting Certificate.
- c. 8/03/17 & 8/08/17 Multiple emails started by Luke Roffler (WDNR) concerning Fox River water temperature data. Comments by Dean Falkner, Tom Slawski and Jayne Jenks.
- d. 8/03/17 Forward of an email from Barbara Messick with an update on the National Water Trail.

Miscellaneous Issues –

Earlier in the meeting Francis Stadler referencing a newspaper article concerning a possible drawdown of Little Muskego Lake over the winter to hopefully freeze out and kill the starry stone wort (SSW) which has infested the lake. Francis expressed some concern with the fact that the SSW could go down into Wind Lake then through the Rochester channel and into the Fox River. None of us being involved hope that the WDNR and the Little Muskego Lake people will take measures to prevent the SSW from escaping out of Little Muskego Lake. Francis also raised concern about the new volume of water being diverted into the Fox River and what the consequences might be downstream.

Chad Sampson asked if anyone had heard anything about funding for the commission in the new state budget. Sara DeBruijn said that the budget had not even gotten to the joint finance committee yet. So it probably will be a while before we know how we stand.

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

Meeting Closed at 2:31 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
September 22, 2017 at 1:00 PM.** (Meeting Location: Town of
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,
WI 53103.)

Commission members present:

Dean Falkner (Village of Mukwonago) (Chairman)
Katelyn Bratz (Town of Mukwonago) (Vice-Chairperson)
Leif Hauge (Waukesha County)
Chad Sampson (Racine County)
Lee Manthey (Town of Vernon)
Fred Koeller (Village of Waterford)
Francis Stadler (Village of Big Bend)
Ken Miller (Town of Waukesha)
Jessie Medrow (City of Burlington)
Wayne Jensen (Village of Rochester)
Doug Koehler (City of Waukesha)
Tom Slawski (SEWRPC)
Rachel Sabre (Wisconsin DNR)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Jeff Lang (Town of Burlington)
Andy Buehler (Kenosha County)
Andrew Lois (Town of Wheatland)

Also present: Don Barron of the WWMD, Dan Treloar of Kenosha County, Mike Schwarz of Stony Point Hydrology, Mitch Buhler of Racine County and Skip Twardosz of the Town of Burlington.

At 1:02 PM, Chairman Dean Falkner called the SEWFRC meeting to order.

The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the August 25, 2017 meeting were reviewed. It was motioned by Doug Koehler that the minutes be approved and the motion was seconded by Katelyn Bratz. The minutes were approved unanimously.

Treasurer Reports – Jim Pindel reviewed the August 2017 treasurer's reports. We started the month of June with \$100,094.51. We made a payment of \$61,339.05 to Applied Ecological Services for work done on the WE Energies site shoreline restoration. We received \$11.29 in interest bringing our Money Market account to a balance of \$38,766.75. The only change to the non-grant funds was the \$11.29 in interest resulting in the net non-grant funds available being \$32,536.12. Francis Stadler asked if we had received any funding in the state budget which was passed yesterday. Jim Pindel responded that he had tried himself to see if we were included and didn't find anything. Jim went on to say that Don Houston of the Village of Waterford told him that he had talked to Senator David Craig who said that we received no funding. Jim Pindel also said that in some past state budgets we were not listed in the budget itself but were included in amendments to the WDNR budget where we received grant funds. Jim said that he will pursue this with Representative Chuck Wighers to see if we had any chance of funding.

It was motioned by Doug Koehler and seconded by Francis Stadler that the treasurer's report be accepted. The motion carried unanimously.

Old Business

- a) Fox River Partnership 2018 Summit: Tom Slawski said that he has been looking for speakers and topics. Tom asked if anyone had any ideas about topics or speakers to let him know. Tom said that the flooding that occurred earlier this year was of major concern to a lot of people so this might be a topic for the summit. Jim Pindel pointed out that at the last meeting Tom indicated that he might need a 50% cash advance of the funds reserved for the summit to help pay for bills that must be paid in advance of the summit itself. Jim said he received an email from Tom requesting those funds. So Jim Pindel motioned that we provide a cash advance of 50% (\$2750) to the Fox River Partnership and the motion was seconded by Katelyn Bratz. The motion carried unanimously.
- b) Mukwonago River shoreline restoration at WE Energies Site. Dean Falkner said that all the work is done and now we are in the first year of the warranty period. Jim Pindel expressed some concern with the fact that all work covered by ENUM-20 has to be completed by 6/30/18 and it didn't look like all the maintenance would be completed by that time. Katelyn Bratz said that Alan Barrows stated at the last meeting that the maintenance would start at the beginning of June next year and would qualify. We need to verify this point.
- c) ESR Project disposal sites environmental impact: Don Baron of the WWMD said that they had a meeting with the WDNR at their Waukesha campus attended by the WDNR the WWMD and Brian Schneider of Graef regarding the liner and arsenic issues and these items were resolved. Don said that there are two disposal sites currently under consideration, the Super Mix gravel pit and a Waste Management landfill site. There will be another meeting with the WDNR concerning the disposal sites on 10/6/17 and they are waiting on a report from Waste Management and some additional work by Graef Engineering. The major issue of discussion will be the management of the ammonia in the sediment.
- d) Schuetze Playground Storm Water Abatement: - Doug Koehler asked Jim Pindel if he had received anything from the city regarding this project and Jim said that he had not. Doug said that he had tried to contact the people involved and that he knew that they were waiting on some signage and benches. Jim Pindel pointed out that we still owe the City over \$20,000 on this project so they should have reason to get the paperwork finished.
- e) Mukwonago Park Shoreline Restoration – Katelyn Bratz said that the schedule was for her students to do the installation the first week of October. Leif Hugel said that Allen Barrows reported that site preparation was in progress with killing the existing turf grass and that the biologists and native vegetation will be coming in the next few weeks.

- f) Village of Waterford East Shore river bank Restoration: - Jim Pindel said that he went over to the Village on Wednesday and showed them the form 8700-001 which he completed for them and gave them instructions on how to fill out form 8700-002 which has to list the dates of the work being done, the invoices and the proof of payment for each invoice. Jim said the indication from the Village was that the documentation would be completed in the next couple weeks. Jim also said that he advised them that they will be asked to sign the Construction and Planting Certificate indicating that the project is totally complete.
- g) SEWRPC Survey for Waterford Dam to the Illinois Border – Tom Slawski said that they are still preparing data and maps before going into the field. Tom said that they are employing new technologies like side scan sonar and Go Pro. Go Pro is a smart camera which tracks the GPS location as it takes pictures and automatically ties the location to the picture taken. The side scan sonar will record the river bottom topology showing details of the river bottom depth and contours. Tom said he might need some help because of limited staff and he can't be on the boat and moving the car to the next location by himself. Tom said he had some concerns about making it through the river and Dan Treloar said that the river has gone down 12' since the flood in July. Dan also said that September is traditionally the lowest month of the year. Jessie Medrow said that at the end of August the river level in Burlington was 4'. Tom said that realistically it will be probably mid-October when they get out to do the survey.
- h) Parking Lot and sidewalk Salting Workshop: Jayne Jenks Jayne was not present to make a report. No one else had anything to report.

New Business

- a) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that the sub-committee met once since our last meeting and some good ideas came up. They are planning another meeting in the future and hope that some solutions come up at that time.
- b) Consideration of expanding our jurisdiction west to include Mukwonago River Watershed: Jim Pindel stated that he received an email from Tom Day saying that he could not make our meeting today. The email also said that he received the lab results from Stevens Point. The cost for the sampling and analysis came to \$950 in total. Considering there were 10 sampling locations that comes to \$95 per site. Tom's email pointed out that 2 of the sites are within our area of jurisdiction and he was looking for $2 \times \$95 = \190 from the commission. Tom also said that when they finish charting the data he will provide it to us electronically and would bring some hard copies to our next meeting and briefly discuss the high points. Jim Pindel motioned that we provide the \$190 for the testing of the 2 locations within our jurisdiction out of non-grant funds and Wayne Jensen seconded the motion. The motion passed unanimously.

- c) Birch Lane Shoreline Protection Project – Chad Sampson Chad pointed out that he made a Power Point presentation on this project at our last meeting. He said that the property owner was still interested in going forward and contributing to the cost. Chad said that he was looking for \$8000 from our grant funds and \$3000 from the Racine County allocation. We then reviewed the Project Acceptance Criteria and the project scored 46 out of a possible 55 points. It also met the criterial of meeting criterial categories 1 & 8, so the project passed the criteria. It was motioned by Ken Miller and seconded by Doug Koehler that we fund this project. The motion passed unanimously. In the end it was decided to use \$5000 of the Racine County allocation for the WWMD ESR disposal site permit application, \$3000 for the Birch Lane project and \$2000 for the SEWRPC survey within Racine County.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Lang was not present and Tom Slawski said he has not heard anything.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: No one had anything to report.
- c) Progress toward designation as a “National Water Trail” – Village of Waterford. Fred Koeller of the Village of Waterford said that the last meeting of the core group was held on 9/20/17 and that the focus of the discussion was on marketing. They discussed promotions, logo development and funding of the marketing issues. The visitors bureaus of Wisconsin and Illinois are working together looking to develop consistent branding throughout the whole water trail, not only on the water but also on the land portions and access points. Funding will be needed in the future. Members from Racine County in Wisconsin and McHenry County in Illinois are working together to develop a database of access points along the water trail. The Wisconsin portion of the data is pretty well completed and the Illinois portion is expected to be completed by the end of this paddling season. During the winter months Karen Miller will be working on the reports that will be submitted with the application for National Water Trail status. Karen Miller is the co-chair of the core group from Illinois and with the departure of Rebecca Ewald from the Village of Waterford to Shorewood; Barbara Messick has taken the position of co-chair of the core group for Wisconsin. Tom Slawski said that the core group is now at the point of developing brochures and advertising to be printed. Chad Sampson pointed out that Racine County has printing capabilities and is likely cost effective. Tom said that the Southeastern Fox River Partnership is applying for a river planning grant from the WDNR, which is limited to \$10,000 and these funds could be used for these marketing efforts. Rachel Sabre said that the intention of the grant that the Fox River Partnership is looking for fits well with the purpose of the River Planning Grants. Rachel said that the river planning grants provide \$240,000 annually for projects

similar to this one. Chad Sampson asked if there will be a website to display all the data being gathered like the access points. Tom Slawski stated that the intention is there and a domain has been purchased but everything is in its infant state. Dan Treloar pointed out that Kenosha County has already established its own water trail with signage, parking lots and all the trimmings, which could be incorporated into the National Water Trail.

- d) SEWFRC Website – Al Sikora was not present and no one had any comments.

Correspondence –

- a. 8/28/17 Email from Jim Pindel saying mark your calendars for this meeting.
- b. 9/04/17 Email from Dean Falkner advising communications with Gary Bluemel of WWMD concerning area monitoring by UW- Whitewater staff. Attachments of the revised lake management plan of the WWMD.
- c. 9/14/17 Email from Tom Slawski stating the Starry Stonewort found in Wind Lake
- d. 9/18/17 Email from Dean Falkner concerning storm water runoff from Country Bliss subdivision into Jericho creek

e.

Miscellaneous Issues – Jessie Medrow brought us up to date on what is happening on Echo Lake in Burlington. The dam was opened during and after the flooding in July. The lake was drawn down but because of the smell, they were given permission to only partially open the dam eliminating the smell. The plan is for the City of Burlington in their 2018 budget to construct a new dam for Echo Lake.

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

Meeting Closed at 1:44 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
October 27, 2017 at 1:00 PM. (Meeting Location: Town of
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,
WI 53103.)**

Commission members present:

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

Commission members absent:

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

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

At 1:06 PM, Chairman Dean Falkner called the SEWFRC meeting to order.

The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the September 22, 2017 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Francis Stadler. The minutes were approved unanimously with the exception of Jeff Lang who abstained because he was not present at the last meeting.

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

Old Business

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

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

New Business

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

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

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

Reports and Updates

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

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

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

Correspondence –

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

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

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

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

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

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

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

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

Meeting Closed at 2:35 PM

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

Commission members present:

Dean Falkner (Village of Mukwonago) (Chairman)
Alan Barrows (Waukesha County)
Chad Sampson (Racine County)
Bob Bartholomew (Town of Vernon)
Fred Koeller (Village of Waterford)
Francis Stadler (Village of Big Bend)
Doug Koehler (City of Waukesha)
Donny Hefty (City of Burlington)
Sara DeBruijn (Wisconsin DNR)
Tom Slawski (SEWRPC)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Katelyn Bratz (Town of Mukwonago) (Vice-Chairperson)
Rachel Sabre (Wisconsin DNR)
Wayne Jensen (Village of Rochester)
Jeff Lang (Town of Burlington)
Andy Buehler (Kenosha County)
Ken Miller (Town of Waukesha)
Andrew Lois (Town of Wheatland)

Also present: Dan Treloar of Kenosha County and Jayne Jenks of Waukesha County.

At 1:06 PM, Chairman Dean Falkner called the SEWFRC meeting to order.

The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the October 27, 2017 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Fred Koeller. The minutes were approved unanimously.

Treasurer Reports – Jim Pindel reviewed the October and November 2017 treasurer's report. We started the month of October with \$35,071.39. We made a payment of \$190.00 to Eagle Springs Lake Management District (ESLMD) in October for the testing of the two water quality test site within our jurisdiction and a payment of \$2,200.00 in November to the consulting company that ran the Smart Salt Workshop. We received \$5.94 in interest in October and \$5.73 in November bringing our Money Market account to a balance of \$32,693.12. The changes to the non-grant funds was the \$5.94 and \$5.73 in interest and the payments to ESLMD and the Smart Salt Consultants to resulting in the net non-grant funds available being \$30,158.26. Tom Slawski pointed out that the 2018 Summit was not listed among the active projects awaiting completion and Jim Pindel said that it needed to be added. Jim Pindel pointed out that he saw an email bill for \$27.00 for our Domain Registration; and then a receipt thanking us for the payment which we didn't pay. Jim contacted Al Sikora who said that he has been paying the Domain Registration for us every year and so we need to thank Al for his donations for us. There were no

changed to the grant section of the treasurer's report. It was motioned by Alan Barrows and seconded by Doug Koehler that the treasurer's report as amended to include the 2018 Summit to the active projects be accepted. The motion carried unanimously.

At this point the discussion changed to a report on what has been happening with regard to funding for the commission. Jim Pindel said that last Monday he emailed Representative Chuck Wichgers asking if anything has happened regarding getting funding for our commission. Jim then said that he received a phone call from Chuck Wichgers on the next day. Chuck said that he was planning a meeting in the next two days in Madison with people from the finance department and the recreational boating facility to see what could be done to get some funding for us. Jim asked if it would help if he attended this meeting and Chuck said that it would help if Jim explained what we are, what we do and why we need funding. As a result of this phone call Jim contacted Dean Falkner asking him to accompany himself to this meeting. Dean agreed to come along. The meeting occurred on Wednesday morning in Chuck Wichgers office in the state capital. In attendance were Chuck Wichgers his legislative assistant Gabriel Szerlong, three members of the finance department, one person from a different department and of course Jim and Dean. Jim brought along paper copies for all present of a Power Point presentation that he put together for this meeting. The presentation highlighted the fact that we were created by state statutes and have channeled \$1,681,554.32 into about 50 worthy projects. The funds came primarily from state grants, with some Racine County allocations and some non-grant SEWFRC funds. The projects were mainly erosion control, stormwater abatement, public access, educational efforts and feasibility studies. The presentation pointed out that in 2016 our area of responsibility increased by 71% and now in 2017 we have received no funding. The presentation then showed the \$185,160.00 of active projects we are working on. Then the \$2,486,722.34 of anticipated grant fund projects in Racine County; the \$366,333.33 of anticipated grant fund projects in Waukesha County and then the \$572,333.33 of anticipated grant fund projects in Kenosha County. The presentation ended with a slide showing the home page of our website, encouraging those present to visit the website to get further details on what we have done so far. The points that were made that seemed to help our cause were that we are a clearing house for grant funds, we are a volunteer organization with no one collecting any salaries and that 100% of the grant funds we receive go to grant funded projects to improve the quality of the Fox River system. At the end of the meeting it was decided that the finance department would generate two draft assembly bills that would be sponsored by Chuck Wichgers. The first bill would seek one time funding for our commission of \$200,000 to cover 2017 and 2018. The second bill would establish funding for the commission on an ongoing basis in every subsequent biannual state budget to support the commission's work. Chuck Wichgers said that we should hold an 'in district' meeting in early to mid-January inviting all of the state legislators who represent our commission municipalities to get them on board to support the two bills we need to get passed through the legislature to get our funding. At this point Jim suggested that we hold this meeting on Friday January 12, 2018 and later in the meeting we established that date for our next commission meeting. Jim suggested that we start the meeting at 1:00 PM with the presentation and discussion with the legislators concerning funding for the commission, then take a 10 minute break to say

good bye to the legislators and thank them for attending and then hold our normal SEWFRC monthly meeting. Legislators who want to attend or listen in on our meeting would be welcomed to do so, or if they have other commitments they would be free to go. Jim then passed around a sheet listing all of the municipalities of our commission asking the commissioners present to fill in the names of the senator and state representative that represent their municipality. Jim then said that he would forward in an email this partially completed worksheet to all the commissioners so it can be completely filled out so he knows who to invite to the 'in district' meeting. Jim said he would also include in that email an excerpt from these unapproved meeting minutes so the commissioners not present would know what has transpired regarding our funding. It will be very important for all commissioners to attend the 'in district' meeting on 1/12/18 so the legislators who attend see their constituents present and supporting the work on the SEWFRC. Francis Stadler asked if the second bill which provides for ongoing funding had a fixed dollar amount in it or if it could be adjusted based on our needs at the time. Jim and Dean said that we didn't know because we have not seen the bills yet. Dean also added that we told the people in the meeting in Chuck Wichgers office that we are working on a 9-Key elements plan and we expanded our domain down to the Illinois border so that we could apply for federal grant funds that could augment the money we have available to get our work done. Francis asked if all the commissioners could see the draft copies of the two assembly bill and Jim Pindel said he would forward them to all the commissioners for review as soon as he gets them.

Old Business

- a) Fox River Partnership 2018 Summit: Tom Slawski reminded us that the 2018 Summit is on March 23rd. Tom said that he will be sending out emails listing speakers and topics for sessions to keep us informed. Tom asked the people from Burlington if they would possibly do a presentation on the flooding that occurred this last year, since it is a topic of interest for most of the attendees. Donny Hefty said that he worked with Jim Kleinschmidt (guessed at the spelling) to do a webinar concerning the flooding. Donny said that he would contact Jim Kleinschmidt to see if he would do the presentation. Jim Pindel added that at our last meeting Tom Day provided copies of the Mukwonago River – Watershed Nutrient Study which was packed with useful data on the water quality of the Mukwonago River. Jim thought that possibly someone could do a talk based on this study. Tom Slawski said he would contact Tom Day. Chad Sampson said that Racine County has started a new partnership called “User lead watershed protection group”. This is a group of farmers that get together to discuss farming practices, like cover crops and not tiling at all, that protect the watershed. Chad said that the Racine group was too new to make a presentation but they attended a Wisconsin watershed protection conference at which there were some very good speakers on topics that should be of interest to the Summit attendees. Chad said that he would try to get one of these speakers to make a presentation at the Summit.
- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that he stops at the site monthly to assess its condition. He said that this last

growing season went well. The irrigation line is still there and of course will not be active during the winter time. Alan said that he expects another quarterly maintenance bill to show up which we will have to pay. Alan said that the project is holding up well and that as the winter ice starts to form he will watch to make sure that there is no ice damage. Alan said that the CHW ES bridge right there helps to protect this project site.

- c) ESR Project disposal sites environmental impact: No one from the WWMD was present, so Jim Pindel stated that the project has taken another left turn. Because there are 5 locations in the impoundment that have high concentrations of arsenic the ESR committee contacted Waste Management (WM) to see if they would take this sediment into one of their landfills. As it turns out WM has purchased a company called Dolphin in Houston Texas who dewater sediment using special centrifuges. WM is now in the process of proposing doing the entire dredging of the impoundment, dewatering and taking the dewatered sediment in their landfills. Sample from 5 sites in the impoundment were sent to Houston for Dolphin to process using one of their centrifuges to see if it would work, which it did. Now the dewatered sediment is being shipped to WM here in Wisconsin so that the local WM landfills can see how they can utilize the sediment in their landfill operations. This turn of events has caused the ESR committee and Graef Engineering to focus on the WM solution but still keeping the Super Mix gravel pit as an alternate solution. Jim said that it will be at least 4 weeks before we hear from WM as to if they can consume all 485,000 cubic yards of sediment and how much it will cost for them to do the entire project.
- d) Schuetze Playground Storm Water Abatement: - Doug Koehler asked Jim Pindel if he received anything for the City and Jim said he had not. Doug said it was sent out this morning and Jim said he will check when he gets home. Doug said he would forward what he received to Jim Pindel. Jim said that he did receive an email from David Burch concerning making a partial payment to someone for some aspect of the project but will check it all out when he gets home. Doug said that if anything is missing Jim should contact the City or Doug himself.
- e) Mukwonago Park Shoreline Restoration – Alan Barrows pointed out for the sake of the commissioners who were not familiar with this project that this project amounted to shoreline restoration at the park that had to be closed 8 times a year due to bacteria in the water caused by goose manure. The project repaired the shoreline to eliminate erosion and provided tall vegetation that the geese don't like because they can't see over it. Alan then passed around 3 pictures of the site. The first one was of the site before work began showing that the grass was cut right up to the water line. The other 2 pictures were taken during construction which showed coconut logs near the water line to prevent erosion or water undercutting the shoreline before the vegetation had a chance to establish itself. Alan said that the coconut logs were moved down and staked at the shoreline when the work was completed to provide a water control buffer to stabilize the shoreline. Alan said that the Parks department checked the site in October and

- said that the native vegetation mats had taken root and all looked good. Alan said that he will eventually get final pictures of the site to send to Al Sikora for the website and that he provided the final documentation to Jim Pindel before the meeting to close out the project.
- f) Village of Waterford East Shore river bank Restoration: - Fred Koeller said that the project has been completed. Jim Pindel said that before the meeting started he gave paper copies of the emails between himself and Rebecca Ewald to Fred Koeller that showed that back in September he met with Rebecca and two other members of the Village staff giving them the documentation forms required to close out the project and get reimbursement from us. The 8700-001 form was completed by Jim Pindel and the staff had to complete the 8700-002 form showing when the work was done an invoice for the work and proof of payment. The staff said that the work would be done within 2 weeks and now it has been 2 months. Fred said that the Village has a new Administrator and that he would communicate our needs to the staff. Jim Pindel said that if they need help he would be willing to go to the Village hall and help with anyway needed. Sara DeBruijn said that the 8700-001 form has changed and is available on line and is intended to be completed on line. Sara said that the form is intended to be easier to fill out on line than on paper.
- g) SEWRPC Survey for Waterford Dam to the Illinois Border – Tom Slawski said that all the field work has been completed. Tom said one of the biggest difficulties was that they drew down the Rochester dam while he was working his way up the river. This caused some turbulence and made parts of the river hard to navigate. Fred Koeller said that the drainage district did the draw down so they could work on repairs to the Wind Lake canal. Tom said that due to the draw down he noticed that the rough fish got trapped in deeper holes and that the game fish seemed to be smart enough to escape to deeper waters. Tom also said that he was surprised that there was no slit in this stretch of the river; it was just clean sand bottom. Tom said that at a future meeting he would bring in video showing some of the worst stretches of the river. Tom said that there will be a presentation on this survey at the upcoming 2018 Summit. Tom said that the final report on the survey will be completed by June of 2018.
- h) Parking Lot and sidewalk Salting Workshop: Jayne Jenks started by thanking the commission for funding the workshop. Jayne said that 47 people attended the workshop. Jayne said that the workshop came in under budget, she budgeted \$3000 and the final cost came in around \$2460. Jayne said that part of the workshop had the participants identify an area that they regularly salt and record how much salt they historically spread in these areas. Then after the workshop they calculated how much salt was recommended to be used and the results were dramatic. Jayne gave some examples from the participants in one case they were using 800 lbs. and should have used 117 lbs., in another case they were using 9000 lbs. and the recommend use is 420 lbs. in another case they were using 200 lbs. and the recommended use was 23 lbs. In all Jayne sited 6 examples all

showing great reductions in salt usage. In the 6 cases cited there was a savings of 7945 lbs. Jayne said that the workshop was money well spent. Tom Slawski pointed out that SEWRPC has started a regional chloride study. They have one monitoring site going on an experimental basis to measure water conductivity and chloride levels. SEWRPC is gearing up to monitor 40 sites throughout the region. They will be looking for detailed concentration changes.

- i) Birch Lane Shoreline Protection Project: Chad Sampson said that the project has not been completed. He said he had a contractor all lined up but then the contractor had to take care of some other obligations and so did not get started. Chad said that he has concerns about the stabilization of the site due to the steepness of the property and so would recommend waiting till spring to do the work.

New Business

- a) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Dean Falkner said that this has been a learning process for the subcommittee. They are perusing the plan to possibly get additional state and federal funding for the commission. The subcommittee decided this week to go after points 1 and 2 of the plan to identify sources of phosphorus and sediment and means of source reduction. Dean said that they are working with County Land Management group to pull information together to possibly accomplish other points of the 9-Key elements plan. The intent here is to take advantage of the work that has been already done by other groups. Dean said that the WDNR will help with load reduction capabilities. Dean pointed out that Sara DeBruijn made them realize that they and SEWFRC cannot apply for nonpoint source pollution grants because we are not a physical entity but the counties and municipalities can apply for us. Dean said that Andrew Craig was extremely helpful in identifying what they can and cannot do. Andrew suggested doing a smaller area like a HUC-12 area instead of the entire Fox River Watershed. Dean said the federal 319 funds cannot be used for dredging but if the dredging is done for habitat improvement then the 318 funds can be used. Dean said that if we get funded this year we might be able to pay someone from the outside to help develop the 9-Key elements plan.
- b) Consideration of expanding our jurisdiction west to include Mukwonago River Watershed: Jim Pindel stated that we have already decided to fund Tom Day's survey work with non-grant funds and so there is really no need for us to expand our area of jurisdiction. With the fact that we are still not sure of getting any funding, we decided to drop this item from the agenda in the future unless Tom Day or someone else brings it up again.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Jeff Lang was not present and Tom Slawski said he has not heard anything so we moved on. Dean Falkner pointed out that we expanded south to the Illinois border partly to apply with the FWA for federal grant funds, so we should get communication going with them to see if a joint effort to get federal funding is possible.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: No one had anything to report.
- c) Progress toward designation as a “National Water Trail” – Village of Waterford. Fred Koeller said that there are only a few miles of river that still needs to be charted for data. Accomplishing this task would be a large step toward getting the designation. Fred said that there are 10 visitor bureaus along the Fox River and that they have all committed to help finance marketing of the water trail. Fred said that there will be the largest canoe and kayaking convention in Madison coming up soon. There will be people coming from all over the world to talk about their fabulous water trails. Fred said that the domain name “fabulousfoxwatertrail” has been purchased for both .com and .org versions. Their group is looking for ways of utilizing the resources of statewide outdoor recreation plan of the WDNR. Fred said that they received a resolution of support from Rochester for the water trail. Tom Slawski said that the Fox River Partnership applied for a river planning grant, the grant application had to be in by December 10th and the Village of Waterford agreed to pay the 10% cost share required. This grant will pay for all the digital tools required to make it a water trail. This is a competitive grant and so they do not know if they will get it. They will know if they get the grant by mid-February.
- d) SEWFRC Website – Al Sikora was not present and no one had any comments.

Correspondence –

- a. 10/29/17 Email from Jim Pindel to Representative Wichgers explaining that we want the in district meeting to be held in December of this year.
- b. 10/30/17 Email from Jim Pindel to Representative Wichgers showing History of grants given to SEWFRC
- c. 10/30/17 Email from Jim Pindel to mark your calendars for today’s meeting
- d. 10/30/17 Forward of an email sent from Andy Buehler to Representative Wichgers asking why we didn’t receive funding in the last state budget and asking who received the funds we didn’t receive from the RBA.
- e. 11/22/17 Forward of correspondence between Dean Falkner and Sara DeBruijn regarding how do we get our funding request submitted before state budget submittals.

Miscellaneous Issues – There were no miscellaneous issues

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

Meeting Closed at 2:12 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
January 12, 2018 at 1:00 PM.** (Meeting Location: Town of
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,
WI 53103.)