

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Doug Koehler (City of Waukesha)
Chad Sampson (Racine County)
Francis Stadler (Village of Big Bend)
Alan Barrows (Waukesha County)
Barb Holtz (Town of Mukwonago)
Randy Craig (Town of Vernon)
Randy Meier (Town of Waterford)
Jeff Thornton (SEWRPC)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Don Scott (Town of Vernon) (Vice-Chairman)
Robert Bartholomew (Town of Vernon)
Ron Peterson (Village of Big Bend)
Dean Falkner (Village of Mukwonago)
Shelley Tessmer (Town of Waterford)
Jim D'Antuono (Wisconsin DNR)
Any representative from the Town of Waukesha

Also present: Mike Hahn of the SEWRPC, Tom Slawski of the Southeast Fox River Partnership, Dan Treloar of Kenosha County, Ron Barker of the Fox Waterway Agency of Illinois, Clint Carlson, Carrie Litterio, Kyle Olson and Professor Jason Freund of Carroll University.

At 1:07 PM, 11/30/12, Chairman Al Sikora called the meeting to order.

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

Minutes The minutes from the November 30, 2012 meeting were reviewed. It was motioned by Randy Meier and seconded by Francis Stadler that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for November & December 2012 was reviewed. In summary we started with \$129,593.99 in our money market account, we made one payment of \$20,000 to Waukesha County and made \$24.07 and \$17.42 in interest resulting in a final amount of \$109,635.48. It was motioned by Randy Meier and seconded by Randy Craig that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) **Mukwonago River Restoration within Rainbow Springs** – Neither Benjamin Heussner nor anyone else from the WDNR was present to make a report. We recollected that Benjamin after his presentation and report at our last meeting said that they had completed the work on culverts #1 and #7 and now will

have to wait until next summer to work on culverts 2 through 6, so there is likely nothing to report at this time. It was also reported that Benjamin was looking for a partial prepayment to cover some or all of the work already accomplished, he will have to make this request and have the commission vote on whether to make this partial payment.

- b) Fox River Partnership Summit – Tom Slawski was present and made a report. Tom provided a handout to all the commissioners which outlined the Summit objectives of
- a. Re-establishing the existence of the Southeast Fox River Partnership and develop a framework to support ongoing efforts within the watershed.
 - b. Begin a dialogue on shared challenges concerning recreation, economics, sustainable flows, surface water-groundwater interactions, sediment, and ecosystem services.
 - c. Develop relationships/build trust among stakeholders (individuals, organizations and states) of the Fox River watershed.
 - d. Identify commonalities, project successes, and future challenges facing communities within the watershed.
 - e. Create a declaration/agreed statement of key issues on important questions and/or Current & Emerging Issues between the states of Wisconsin and Illinois.

Tom expects to charge a \$35.00 advanced registration fee. The location for the event will be Veterans Terrace at Echo Park in Burlington WI. The date for the all-day event is Friday March 22, 2013. Tom has locked in the caterer and is working on the brochure for the event. About half of the speakers are locked in for their presentations. Tom said that as of this morning he had locked in the Keynote Speaker who is Dr. Delli Priscoli who is well known nationally and internationally for his work in river basin organization. Tom provided a synopsis for Dr. Priscoli who is a 30 year veteran of Army Corps of Engineers work. Tom was extremely happy to have secured Dr. Priscoli and hopes to center the summit on his keynote address. Al Sikora asked for pictures and documentation he can put on our website to promote the summit. Alan Barrows said that when the brochure was ready he could add a link from the Waukesha county website to the brochure and Dan Treloar said he could do the same for Kenosha County. Chad Sampson was encouraged to do the same within Racine County.

- c) Ecosystem Restoration Project (Sediment Sampling) –No one from the WWMD was present and so Jim Pindel advised that the WDNR had completed its assessment of the sediment samples and Graef Engineering had provided a report based on the WDNR assessment. Jim said that he didn't want to disclose any of the information in the report because he didn't want to feed the rumor mill and that it was up to the WWMD to release this information as they see appropriate. Jim did say that the next steps look to be

to apply for a dredging permit and finding disposal sites.

New Business

- a) Possible impact of the diversion of City of Waukesha water treatment plant discharge away from the Fox River. – Watershed management Class of Carroll University. After a brief introduction from Professor Jason Freund in which he said that this study was started by a request from the WDNR for them to look into the possible effects on Peeble creek and Mill Creek and they simply extended the study into the Fox River, students Clint Carlson, Kyle Olson and Carrie Litterio in tern made Power Point presentations. As we were aware, Clint pointed out that if the City of Waukesha diverts its discharge away from the Fox River it will have noticeable effects on the Fox because the Fox has become dependent on this flow source. Clint pointed out that only in the case of flood conditions, when the Root River is at or near full capacity will water be diverted into the Fox River to save the Root River. Clint presented a map showing the two creeks flowing into the Fox River and the flow of the Fox all the way down to Illinois. Much of the data presented is based on data taken from the USGS flowmeter located on Prairie Ave. upstream of the water treatment plant with that of the flowmeter located a couple hundred yards downstream of the water treatment plant on Century Drive. All the data taken was in 2012 which was a significant drought year. Data showed that in June the waste water amounted to 27% of the flow in the Fox River whereas in August 33% of the Fox River flow was due to discharge from the water treatment plant. Clint pointed out that during drought conditions like that of last summer the range of 27% to 33% of water flow eliminated from the Fox River would not support the ecosystem of the Fox River below that point. Other points of concern include that at slower water velocities sediment will fall out of suspension sooner as well as a reduction of river bank undercut. Sediment settling on gravel beds could disrupt fish spawning and river bank undercuts are necessary fish habitat locations. Lower water depths will cause the sun to warm the water up more and temperature is very important especially to early stage fish. Since lower flow rates result in clearer water there is a detrimental effect of predators be more able to see their prey thus cutting down of fish populations. The loss of waste water flow added to the Fox River will result in less frequent overflows into wetlands. These overflows have a filtering effect as the water flows back into the river as the level decreases the wetland filters out some of the contaminants. Clint showed a picture of himself sitting in a kayak with the paddle held straight vertical showing that the water depth at that location was about three to four inches. Ron Barker asked what would be the effect of dropping that water level by two inches (the depth that has been indicated as worst case water reduction at one of our previous meetings). The question was answered by the fact that Clint said he had already bottomed out on the kayak as it was. Kyle Olson said that his group was more involved in field measurements in Peeble Brook and Mill Brook and showed a map of the streams and the Fox River pointing out exactly where the measurements were taken. The streams are class 1 or class 2 streams and fairly shallow, with the deepest parts noted at about chest

deep. They placed sensors at the bottom of the streams that measured both depth and temperature. Kyle showed charts depicting the variations in water depth over a period of some months or so. He also had similar charts of time versus temperature in these locations. Both locations are greatly impacted by ground water, the level spikes up quickly with rain and then falls off quickly afterwards. Both streams fluctuated greatly with temperature but Peeble Creek fluctuated the most. Kyle and his group used a meter stick and measured the sediment depth in both streams with Mill Creek showing the most sediment. Kyle showed sediment profiles of both streams. The greater amount of sediment in Mill Creek seemed to be caused by poor culvert design under the bridge on County Highway XX, which restricted the water flow. Carrie Litterio said that she was primarily involved in the recreations aspects regarding the Fox River. Her area of interest was the southeastern portion of Wisconsin and the northern portion of Illinois. She was looking primarily at hiking, biking, fishing and cross country skiing. She was looking for what impact the drawdown would cause which would be experienced by the waste water diversion. She noted that die off of fish that occurred this last summer due to the lack of oxygen in the water and predator prey interaction. She pointed out that canoeing and kayaking would be affected by the lower depths. She also pointed out the reduction in property values that could result from the navigability and fishery. She showed pictures of exposed sediment and debris which could reduce property values of adjacent riparian property owners. She pointed out that she had problems getting data from several agencies in Illinois. She said she was shocked by the fact that the agencies in Illinois were not aware of possible water diversion by the City of Waukesha. Jason Freund concluded that no matter what happens with the Lake Michigan water situation there are going to be changes affecting the Fox River whether it is from further drawing off of the shallow aquifer or whatever. Continuing in this discussion Mike Hahn pointed out that SEWRPC sent a letter to the WDNR Bureau of Drinking Water and Ground Water back in 2011 in which calls for the active management of the return flow from the wastewater treatment plant into the Fox River, especially in low flow situations. A copy of this letter was distributed to all commissioners present. Barb Holtz asked if Waukesha was using 100% deep aquifer water now or were they already mixing it with shallow aquifer water. It appears that Waukesha is already mixing deep and shallow aquifer waters, possible 2/3 deep aquifer and 1/3 shallow aquifer water to get to acceptable water quality levels.

- b) Big Bend boat/canoe launch repair/restoration – Francis Stadler Francis reported that at a previous meeting he was asked why they wanted to replace the rock riprap and now he agrees and has reverted back to the original idea of replacing the wooden retaining wall at the launch. The concern is that the creosoted railroad tie wall is aging and is about due for replacement of failure. Francis said he had obtained a quote for replacement of the wall and that it had been okayed by the Village President. The quote was passed around and it was noted that the total price was about \$9700 instead of the \$9000 we allocated in our budget. Chad Sampson asked for some details or discretion of the Versa Lock material which will be used as the retaining material. Francis said that he would be ready

- to make a presentation at the next commission meeting. Francis needs to outline what work has to be done, why it needs to be done and when it will be done. The commission will then assess based on the ten qualifying criteria for a project and then vote on funding the project. At this point, knowing Big Bends intention to do some project at the launch, we allocated 90% of \$9000 in our 2013 budget for it. After the commission approves the project, a cost share agreement will be given to Big Bend to sign committing them and us to be responsible for our shares in the project costs.
- c) Consideration of expanding the Commission's jurisdiction south to the Illinois border Al Sikora reported that he was finally able to get hold of the people in Burlington. We now have a presentation set up for the City and Town of Burlington on Thursday February 14, 2013 at 6:30 PM at the Burlington town hall. The town hall is located on highway 142. Al said that Jeff Thornton has volunteered to make the presentation as he did for Rochester and that Jim Pindel and himself will attend to provide support and answer any questions. Al also said that his contact at Burlington asked that we provide Memorandums of Understanding (MOUs), so that she could schedule a discussion of accepting or rejecting their participation in our commission as soon as our presentation is completed. It was decided that Jeff Thornton would bring along hard copies to be signed and that Al would email the MOUs to his contact prior to the meeting.
- d) Possible request for grant funds for Mukwonago shoreline restoration: Dean Falkner was not present. Alan Barrows said that he had not received anything new concerning this project and was looking to find out what was being changed from the initial engineering that was done.
- e) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Pindel stated that at our last meeting it was decided that he would fashion an email to send to Eric Ebersberger pointing out that we want to be sure that the Environmental Impact Statement (EIS) not only considers the effect on the environment of the conveyances of the water to and from Lake Michigan but also the effect on the Fox River. It was further decided that this email would be first sent with appropriate explanation to the WWMD and the Fox Waterway Agency of Illinois, imploring them to send similar supporting correspondence to Eric Ebersberger. As suggested by Jim D'Antuono the email asked Eric Ebersberger to have a staff member attend one of our meetings as soon as the EIS process starts to explain the process and hear our concerns. As planned Jim Pindel did email a draft copy of the email to Eric Ebersberger to all commissioners and received some comment/correction from the group and then forwarded the email with an appropriate forward or explanation to Kelly Cornelius of the WWMD and Ron Barker of the FWA and received no response from either party. A few days later Jim sent the email to Eric Ebersberger. A few days later Jim received a response from Eric in which he said they could not attend our 1/11/13 meeting but would contact Jim in mid-January to schedule a meeting at which someone from their staff would attend to explain the process

and hear our concerns. At this point we will wait to hear from Eric Ebersberger.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker said that he had extended an invitation to either Tom Slawski or Jeff Thornton to attend one of their board meetings at the end of January (1/25/13) or February (2/28/13) at their headquarters in Fox Lake, Illinois. Ron wants them to make a presentation regarding the Fox River Partnership Summit and added that it is his experience that a presentation shortly before the conference date is most successful in getting people to attend. Presently the FWA has published a public notice that they intent to create a 37 acre island in one of their lakes. Creating an island which provides a local sediment disposal site will save then considerable hauling expenses. It is expected to start construction of the island in the fall of 2013. Ron said that there are six smaller waterway areas that are connected to the Fox River in Illinois. Each one of these waterways has its own concerned commission which dilutes the dollars and makes it more difficult to get things done. Ron said there are too many voices in the choir and so they are trying to get all of the organizations under one umbrella with one voice. Hopefully the main or leading group would be the Friends of the Fox organization.

- b) SEWFRC Website – Al Sikora said that he had nothing to report except that the website is pretty much up to date. He asked those present to visit and review the site.

Correspondence –

- a. 12/7/12 Emails between Benjamin Heussner and Jim Pindel confirming that the Kettle Moraine Natural History Association is looking for a partial payment for work accomplished on the Mukwonago River Restoration project within Eagle Springs.
- b. 12/7/12 Email from Jim Pindel to all Commissioners with draft copy of email to be sent to WWMD & FWA and to Eric Ebersberger of the WDNR.
- c. 12/10/12 Email to Kelly Cornelius of WWMD and Ron Barker of FWA regarding looking for support against diversion of City of Waukesha wastewater away from the Fox River
- d. 12/11/12 Email from Jeff Thornton requesting presentation by Carroll University watershed management class regarding impact of the diversion of Waukesha wastewater from the Fox River to be added to our agenda.
- e. 12/14/12 Email from Eric Ebersberger stating that his group would like to attend one of our meetings after 1/11/13 to hear our concerns and provide an update on their progress.
- f. 1/11/13 Jim Pindel emailed the USGS report “Stream flow depletion by Wells” to all commissioners.

Miscellaneous Issues –

There were no miscellaneous issues.

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

Meeting Closed at 2:20 PM

THE NEXT OFFICIAL MEETING AND WILL BE Friday, February 15, 2013 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

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

Commission members absent:

Randy Meier (Town of Waterford)
Robert Bartholomew (Town of Vernon)
Ron Peterson (Village of Big Bend)
Shelley Tessmer (Town of Waterford)
Any representative from the Town of Waukesha

Also present: Tom Slawski of the Southeast Fox River Partnership, Ron Barker of the Fox Waterway Agency of Illinois, Paul Kling of the WWMD and Brian Cushion of Racine County.

At 1:02 PM, 2/15/2013, Chairman Al Sikora called the meeting to order.

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

Minutes The minutes from the January 11, 2013 meeting were reviewed. It was motioned by Doug Koehler and seconded by Francis Stadler that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for January 2013 was reviewed. In summary we started with \$109,635.48 in our money market account, we made one payment of \$3,750 to the SE Fox River Partnership and made \$18.48 in interest resulting in a final amount of \$105,903.96. It was motioned by Barb Holtz and seconded by Alan Barrows that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) **Mukwonago River Restoration within Rainbow Springs** – Benjamin Heussner was not present to make a report. Jim Pindel reported that he had received an email from Benjamin stating that he could not make the meeting and no work has gone on since the presentation he made to the commission a couple of meetings ago. Most likely construction will have to wait for the weather to improve and the ground to thaw out. Benjamin went on to say that he would

US mail the paperwork for a partial payment to the Kettle Moraine Natural History Association to Jim Pindel. Jim had responded to his email by replying with his mailing address. Not knowing what the amount of the partial payment would be, we agreed that if there was no urgency to get the payment, we would wait until our March meeting to vote on making this payment. However if the need for the payment was urgent, then if the amount was less than 50% of the \$50,000 we have allotted to this project and the paperwork included invoices or some documentation on what costs have been incurred then Jim Pindel would forward the documentation to Jim Ritchie and if they both agreed the paperwork was in order, we would send a check immediately.

- b) Fox River Partnership Summit – Tom Slawski was present and said that they had 1000 copies of the brochure printed out. Tom made the brochures available to all present. Tom then said there was a press release made and distributed printed copies to all commissioners. The question of reimbursing commissioners their advance registration fee of \$35.00 if they attend the summit was listed on the agenda. Jim Pindel motioned that we reimburse the registration fee for commissioners who attend and the motion was seconded by Barb Holtz. The motion carried unanimously. Tom made a point of the fact that it was important to get the attendance up for this event and the final head count must be in by March 11, 2013. To point out the importance of this Summit, Tom said that in discussion with Chuck Dunning of the U.S. Geological Survey (USGS), he made him aware of a program called “WaterSMART”. This is a new program in which they are now performing pilot projects like “The Colorado River Basin Focus- Area Study”. Tom passed out color copies of a brochure which explained the WaterSMART program and used the Colorado project as an example of what they can and want to do. It may be a stretch of the imagination, but with their interest in our Summit it could be possible our river system/watershed could be another pilot project. Importantly for us this federal group is assigned to develop a science to accurately forecast the availability of water for future economic, energy production and environmental uses. This emphasized how important it is to get a large attendance at the Summit so that the USGS sees how committed we are to our river system and that enough government agencies, municipalities and regional organizations are concerned and committed. This could leverage more money to obtain more gauges, more data analysis and a framework for us to determine what are sustainable flows for ecology and recreation and how do they mix with the needs of the communities involved. A success that the Summit has already created is that we have been noticed at the state and federal level which should increase our chances of gaining their assistance and financial aid. Alan Barrows pointed out that he has heard that FEMA has begun a study of the Fox River in Wisconsin and Illinois and has had at least preliminary meetings and he thought that we should at least make them aware of our summit. Ron Baker added that FEMA had started their study about five months ago in the lower Fox River in Illinois and are now

moving the study north up the river. The study seems to be concerned with flood potential and a response plan so that all the communities along the river can qualify for emergency funding that might be necessary. Ron said there is another meeting of this group next month and he will be sure to pass out our Summit brochures at that time. At the last meeting there were over 40 communities represented. Tom added that National Public Radio has been made aware of the Summit and he is hoping they will cover the Summit and he asked if anyone had contacts or access to the media that they make them aware of the event. Jim Pindel added that the WDRN monthly resource magazine sometimes covers events like ours and it might be a good idea to contact their editor to check for interest. Tom went on to say that he was considering having a folder that would be handed out as attendees entered that would highlight/summarize each of the participating organizations such as us, as well as the speaker biographies. He asked if we could provide pamphlet for this folder. Alan Barrows suggested that we use the project tour pamphlet that was produced some years back because it looked good and highlighted some of our projects. Alan also volunteered that they have some good panel display boards if we wanted to put up some boundary maps and other pictures which could be used to make a display for the commission. Barb Holtz pointed out that she had looked for a way to register electronically on line and could not find it. Al Sikora volunteered that he could help with setting up a PayPal account for future events. It takes some time to set up but it is all free. Tom mentioned that even though there are only ten people registered at this time, it is a good mix of consultants, scientists and municipalities.

- c) Ecosystem Restoration Project(ESR) -Sediment Sampling: –WWMD Jim Pindel stated that a meeting had been held between the ESR Sub-committee and Graef Engineering at which time we were advised that additional sediment samples were required at three locations. Last week Tuesday (2/6/13) he and two associates of Graef Engineering obtained those samples. There were four samples taken at two of the locations and ten samples taken at the third location. The additional samples will cause some slight cost overrun, which Jim said we could probably afford to pay 90% of it. The additional samples will cause some delay in the completion of this project because the samples will have to be analyzed by a lab and then after that it will take Graef Engineering some time to generate the final report concluding our involvement in this much larger dredging project. This is not to say that we might not be involved again in some other portion of this large WWMD project.

Paul Kling added that besides the ESR project there are two other major projects going on within the WWMD. The first being maintenance of the weeds (aquatic plants) both native and invasive. They have increased their budget for both chemical treatment and weed harvesting. They had done some weed harvesting on a trial basis last fall or late summer in Buena Lake with encouraging results. Paul said that the second major effort involves going to the state for some grant money to incorporate a ‘clean boats, clean

waters' initiative. This will involve boat inspections most likely at the public launch near the Waterford library. They have identified an intern to do the work on this project. Paul also said that with the aid of Dr. Thornton of SEWRPC they are in the process of updating their Lake Management Plan specifically with regard to aquatic plant control and invasive species. It is expected that the revised Lake Management Plan will be ready this spring. Paul also said that the WWMD board has discussed the consequences of the diversion of discharge from the City of Waukesha wastewater treatment plant away from the Fox River and would support any actions by the SEWFRC regarding this proposal. John Bostrom a business owner within the City of Waukesha is in the process of putting together information on this possible diversion for the WWMD board. Paul pointed out that if this diversion occurred it would make the dredging of the impoundment that much more necessary.

New Business

- a) Big Bend boat/canoe launch repair/restoration – Francis Stadler Francis asked that this project be tabled until next meeting. He had not had a chance to meet with the person who had the necessary information he needed to make Big Bends presentation. Francis also pointed out that nothing can be done until spring.

- b) Consideration of expanding the Commission's jurisdiction south to the Illinois border Al Sikora reported that Jeff Thornton, Jim Pindel and himself had met with the Town of Burlington the night before at a town board meeting. A representative of the City of Burlington namely Craig Workman the Director of Public Works was also present. Jeff made our presentation and the board appeared to be interested in getting involved with the commission. Board members and others in attendance asked good and insightful questions. One question that came up from a board member was whether we were aware of and what we were doing about the possible diversion of City of Waukesha water treatment plant discharge away from the Fox River. We advised that we have gone on record as opposed to the diversion. Al went on to say that they had on their agenda the approval of the MoU to join the commission, but the decision was tabled until their next meeting to give them a chance to think about it and see what the City of Burlington was going to do. They said that it made no sense for them to not go the same way on this issue. Our time with the board lasted over an hour because of the interest and questions. Jeff pointed out the approval was tabled without prejudice and that the board member who moved to table the measure spoke in favor of acceptance. Jeff also pointed out that someone from the county drainage commission was present, who wanted to know how the commission interacted with other watersheds. He was particularly interested in the Root River watershed where he had more experience. He and others were interested in what the powers of the commission were. Jeff explained that we were a unique entity, did not have taxing authority but had traditionally been able to funnel grant funds to municipalities, river organizations and individuals. Chad

Sampson volunteered to contact the drainage district person and further advise him of what we do and answer any additional questions. Jim Pindel mentioned that one of the board members asked if we had contacted the state legislators of the expansion area to advise them of our plans and explain ourselves to them. We advised that we had not, but with this idea being brought before our commission, Jim said he would put together a letter and/or email to introduce ourselves. Jim asked that someone let him know who the appropriate legislators are. Continuing this thought process, Jim said he would also put together a communication to Senator Mary Lizich and Representative David Craig advising them of what we are doing and why. This communication would also include a request for increased funding for the commission in the next state budget. Jim said he would email draft copies of the communications to all the commissioners for additions and corrections before they are sent out. Al pointed out that we only have three more municipalities all in Kenosha County to contact before we reach the Illinois border and move onto the next phase to the expansion initiative. Al Sikora asked Jim Ritchie as the WDNR representative present, what his thoughts were on our being able to get even greater funding after we expand our territorial boundaries. Jim said that he could not answer with any certitude, but seemed positive because the commission has demonstrated successful projects over the years and had been generally funded by the legislature to the tune of \$200K to \$250K per bi-annual state budget except for the one 2009-2010 budget cycle.

- c) Possible request for grant funds for Mukwonago shoreline restoration: Dean Falkner said that he needed to talk to Alan Barrows about whether he had received the information from WE Energies about what the changes to the project were. Alan said that he had received the email from Dean but hadn't been able to act on it yet. Dean said he would follow up on this project. Dean went on to say that he needed assistance or guidance regarding an area he has for storm water runoff which is similar in scope to the recently completed Mill Creek gully erosion repair project. Dean thought that with the reduction in the Mukwonago shoreline restoration project, he might be able to get both of these projects done for the initial budgeted amount dedicated to the shoreline restoration. Dean also pointed out that he will be putting in a building for a generator near to junction of the Mukwonago and Fox rivers. This building project will facilitate the proper equipment generally in the vicinity of the WE Energies location so that he might be able to minimize some of the costs. Dean was looking for help in organizing the projects so that this one time mobilization of equipment could be used to gain more bang for his buck.

At this time Jim Pindel said that later in the agenda under miscellaneous issues he intended to bring up the fact that he needs more and as many projects as people are aware of for inclusion in the 2014 commission budget. The potential projects just mentioned by Dean fall into this category. And so Jim requested all present to put together a list of potential projects for 2014 – 2015 so he can put some substance in the proposed budget for review at our next meeting. Jim asked that everyone email him with project names, probable execution dates, a sponsor and cost estimates. Alan Barrows mentioned that there was a section of the Fox River

in the City of Waukesha with apparent erosion that needed attending to that should qualify as a future project. He is looking for someone internally to champion this project. Barb Holtz asked if we shouldn't get more involved in projects to attack the invasive species in our water shed. She pointed out that they are seeing more and more phragmites along the Mukwonago River. Barb said she thought it might be time for our commission to get involved. Jim Pindel stated that the WWMD has done much in this regard in the Waterford impoundment but not funded by us. Jim suggested that the Friends of the Mukwonago River sponsor this project and then we fund it. Regarding the budget the plan is to bring a preliminary budget for discussion to the March meeting, vote on it at the April meeting, have a public hearing and formal approval in May and then pass it on to the counties.

At this point Alan Barrows brought up another point of new business. He said that twelve years ago the commission worked on a project with Waukesha County called the Hintz Wetland Restoration. Originally the project was budgeted at \$27,000 but came in under budget at \$11,425. As part of the agreement Waukesha County was responsible for maintaining the property for the next ten years. They recorded the cost share agreement on the property title. This time period has passed since the project was completed twelve years ago. Alan has provided a document "Satisfaction of Cost Share Agreement" which he would like to see executed. This document has to be notarized. Alan would like to make a presentation on this project during one of the next two meetings, the one in which the WDNR is not making a presentation on the Environmental Impact Statement with regards to the City of Waukesha water treatment plant discharge diversion away from the Fox River. Alan pointed out that the Nature Conservancy has purchased the land along side of this site and the county has purchased other adjacent lands. The larger area has been opened up to public hunting. Alan said there are two components to his presentation, the first to get the county off the hook to further maintenance and the second is to use this project as a template to show how we could record our cost share agreements on properties to insure that the requirement of maintenance when included stays with the property. Of course the satisfaction of the maintenance requirement would have to be the final point of closure.

At this point the topic of discussion changed when Dean Falkner brought up the fact that the water quality base standards for phosphorus content in waste water treatment plant discharge is very rigorously controlled. It is very expensive to take care of the phosphorus at the treatment plant, but this brings up the issue of addressing non-point source pollution. This would mean addressing runoff from farm fields into the Fox River. Dean is in the process of preparing the upcoming permit for the Village of Mukwonago and would like to address non-point source pollution by utilizing grass strips or something else along that line. Dean said he is aware of an area requiring some work along the Fox River near where the Mukwonago River flows into it where work needs to be done. Dean asked that anyone who could identify exactly where this property was and possibly what needed to be done, would notify him. The Village is determined to address this issue.

At this point the topic of discussion changed again when Don Scott asked about the proposed new water treatment plant in the Village of Big Bend. Francis Stadler said that all he knew about it was that the water going out would be much cleaner than that going in. He also said that it was being designed to remove some particular contaminant and it would be one of the first in the state to address this contaminant. Don Scott asked about the water volume discharged into the Fox and Francis said that he did not know at this time. The plant will be located near the Village Park. Dean Falkner pointed out that there could be possible cooperation between the Villages of Big Bend and Mukwonago, seeing that the Village of Mukwonago already has trained staff for monitoring and operating a waste water treatment plant and Big Bend was new to the game. The inlet line to the new plant will run along highway 164 down to the Village Park with laterals for future connection at each intersecting street.

At this point Alan Barrows motioned that we accept the "Satisfaction of Cost Share Agreement" form that he passed around for the commissioner's review as well as agree to sign off on the completion of cost share agreement for the Hintz Wetland Restoration project. The motion was seconded by Don Scott and passed unanimously.

- d) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Francis Stadler started the discussion by asking if it was true that the state of Michigan would not agree to the use of Lake Michigan water for the City of Waukesha. Jeff Thornton pointed out that historically Michigan has not agreed to the diversion of Great Lakes water away from the Great Lakes Basin. Jeff went on to say that at this point we do not know Michigan's take on this issue and that he didn't think that Waukesha has submitted its application to the counsel of governors. Jim Pindel pointed out that at our last meeting Mike Hahn was present and handed out a letter dated 7/29/2011 from Kenneth Yunker the Executive Director of SEWRPC to Ms. Kay McConnel the Water Supply Specialist of the WDNR summarizing the SEWRPC's position on the diversion. Jim questioned some of the points in the letter. The letter states in conditions of high flow in the receiving stream (Root River) and low flow conditions in the Fox River return flow management could divert treated wastewater to the Fox River. Jim questioned whether this was a possible condition that the Root River would be in high flow when the Fox was in low flow since they are both subject to the same weather conditions. Later in the meeting Ron Barker of the FWA pointed out that in Illinois they do experience these sort of conditions, there are times when the Des Plains River is very high and the Fox River is in low flow conditions even though they do flow relatively close to each other. Jim stood corrected. The letter also cites the "economic and environmental benefits attendant to the discontinuation of the use of household water softening devices" and "long-term sustainability of the deep aquifer for use by other municipalities and industries in the region", which he felt were political points that had nothing to do with the environmental impact on the Fox River.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker said that he was looking forward to Jeff Thornton making a presentation to his Board of Directors on 2/28/2013. The meeting will be at 7:00PM at the FWA offices on Fox Lake, Illinois. Ron said he was pleased to see that our wetlands were filled with ice instead of water and was hoping for a gradual melt to bring back some of the 19 inches of water that their lake/river level was down last year. After the discussion referred to earlier, where Ron explained that the water levels in the Des Plaines River and Fox River even though close in proximity can be very different. Jeff Thornton pointed out that to the best of his knowledge the City of Waukesha had not adapted any provisions for diverting water back into the Fox River only for returning all water to Lake Michigan. Ron then made the comment that he couldn't see any chance that people along the receiving stream would not object strongly to having additional flow added to their stream under already flood conditions. There would probably be claims for payment of flood insurance and even payment for flood damages caused by the additional flow. Ron also stated that they are continuing with their winter dredging projects and have been hampered in their shoreline stabilization projects by the wide variations in temperature. One day the ground is frozen and the next day all mud.

- b) SEWFRC Website – Al Sikora said that he had nothing to report except that the website is pretty much up to date. He asked that if anyone noticed anything missing that they notify him. Al also said he would add the new information for the Fox River Summit.

Correspondence –

- a. 1/31/13 Draft MoU's for City & Town of Burlington from Jeff Thornton forwarded by Al Sikora to the City & Town.
- b. 1/31/13 SE Fox River Summit brochure distributed to all Commissioners
- c. 1/31/13 Email from Jim Pindel to Eric Ebersberger reminding him that we had not heard from him as anticipated.
- d. 2/4/13 Email from Town of Waterford with letters of appointment for 3 years for Mary Pindel and Shelley Tessmer.
- e. 2/6/13 Email from Eric Ebersberger requesting next SEWFRC meeting date after February and asking for notes on Carroll University presentation. Responded with unapproved excerpt from meeting minutes.
- f. 2/11/13 Email from Dean Falkner stating he could not attend our meeting (though he did arrive a little late) saying that he would contact Alan Barrows concerning the WE Energies property project.
- g. 2/11/13 Email from Benjamin Heussner stating that he could not attend the meeting and that he would US mail the documentation for a partial payment to the Kettle Moraine Natural History Association for the Rainbow Springs project.

Miscellaneous Issues –

All miscellaneous issues were discussed previously.

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

Meeting Closed at 2:30 PM

THE NEXT OFFICIAL MEETING AND WILL BE Friday, March 15, 2013 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Don Scott (Town of Vernon) (Vice-Chairman)
Doug Koehler (City of Waukesha)
Chad Sampson (Racine County)
Alan Barrows (Waukesha County)
Barb Holtz (Town of Mukwonago)
Randy Craig (Town of Vernon)
Robert Bartholomew (Town of Vernon)
Dean Falkner (Village of Mukwonago)
Mike Hahn standing in for Jeff Thornton (SEWRPC)
Jim D'Antuono (Wisconsin DNR)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Randy Meier (Town of Waterford)
Francis Stadler (Village of Big Bend)
Ron Peterson (Village of Big Bend)
Shelley Tessmer (Town of Waterford)
Mary Pindel (Town of Waterford – Alternate)
Any representative from the Town of Waukesha

Also present: Jim Ritchie, Eric Ebersberger and Nicki Clayton of the WDNR, Ron Barker of the Fox Waterway Agency of Illinois, John Bostrom of the WWMD, Brian Cushion of Racine County and Michael Schwar a resident of the Town of Vernon

At 1:02 PM, 3/15/2013, Chairman Al Sikora called the meeting to order.
The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the February 15, 2013 meeting were reviewed. Mike Hahn commented that on page 7 under the discussion concerning the diversion of water away from the Fox River by the City of Waukesha, Jim Pindel made an interpretation of a part of the SEWRPC's letter summarizing the SEWRPC's position on the diversion which did not agree with the intention of the letter. The statement by Jim was "The letter states in conditions of high flow in the receiving stream (Root River) and low flow conditions in the Fox River return flow management could divert treated wastewater to the Fox River". Ron said that the intent of the Water Management Plan was that under conditions of low flow in the Fox River, no matter what the conditions were in the receiving stream, water should be diverted back into the Fox River. Essentially water would be diverted into the Fox under low flow conditions and would also be diverted to the Fox under high flow conditions in the receiving stream causing some additional flow in the Fox, but not more than is presently experienced. It was motioned by Don Scott and seconded by Mike Hahn that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for February 2013 was reviewed. In summary we started with \$105,903.96 in our money market account and made \$16.25 in

interest resulting in a final amount of \$105,920.21. It was motioned by Randy Craig and seconded by Dean Falkner that the Treasurers Reports be approved. The report was approved unanimously.

At this point we jumped ahead in the agenda to item d. of New Business:

d. Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River. Eric Ebersberger and Nicki Clayton of the WDNR were present to address this issue. Eric started by saying that he and Nicki were from the Water Use section in Madison which is responsible for implementing the Great Lakes Compact legislation which includes water diversion proposals like the request by the City of Waukesha. Eric provided a handout which summarized the following:

The Problem- Waukesha's application states that the city needs the new source of water to address current water quantity and quality concerns. Waukesha currently obtains its public water supply primarily from the deep aquifer. Groundwater pumped from the deep aquifer contains high levels of radium, a carcinogen. Water levels within the deep aquifer have dropped more than 500 feet and continue to decline at a rate of up to 9 feet per year.

Proposed Water Source Solution – Waukesha seeks to divert up to an annual average of 10.9 million gallons of water per day with a maximum day diversion of 18.5 million gallons per day. The water is proposed to serve an area that includes the City and some surrounding communities. Oak Creek has been identified as the water supplier.

Proposed Wastewater Return – The application identifies the Root River and Lake Michigan as possible locations to return its treated wastewater. The WDNR has requested that more information be provided for wastewater return options. The WDNR is still waiting for this information.

WDNR's Waukesha Application Review Process:

Step 1 – Public Hearing I, introduces the review process, receive comments on the Environmental Impact Study (EIS) scope and review process, allows for a 30 day public comment period. This is the only step completed to date.

Step 2 – WDNR Technical Review / EIS Draft – Review of the application and public comments, provide a draft of the technical review, EIS and a preliminary decision on the application. This step is still in process.

Step 3 – Public Hearing II – Receive comments on the draft technical review, EIS and Preliminary decision followed by a 45 day public comment period.

Step 4 – WDNR finalizes Review and EIS – Review public comments, finalizes EIS and determine if the application is approvable, followed by a 30 day comment period on the final EIS.

Step 5 – Regional Body & Compact Council Review – If application is approvable, WDNR forwards the application to the Regional Body and Compact Council.

Step 6 – WDNR Final Decision – If the compact Council approves the application. WDNR will make the final decision regarding approval of Waukesha's application.

The City's application must meet several strict criteria under the Compact. The Compact prohibits diversions of water out of the Great Lakes Basin except for straddling communities such as New Berlin which has obtained a diversion or if you are in a

straddling county, which is the case for the City of Waukesha. There are stricter criteria for communities who do not straddle a continental divide but exist in a county which does straddle a divide. The WDNR has received the application from the City and a major issue is that the City has to show that they have no reasonable water supply alternative in the Mississippi Basin. This is a very complicated issue. This City is also working on a Water Conservation and Efficiency Plan for which the Compact has strict rules. The language in the Compact is vague as to what standards have to be met in this regard. However the state has a Compact Implementing Statute which is what the WDNR will follow for Waukesha's application. The City is still working on defining their exact water demand and then the WDNR must rule on whether it is reasonable. It is still not clear how much of the Town of Waukesha will be in the water service area. The Great Lakes Compact requires that all the water taken from the Great Lakes be returned to the Great Lakes basin except for the amount for human consumptive use generally in the range of 10% - 12%. The WDNR is still waiting on all these final details and then it will require at least 90 days to complete Step 2 as defined above. If the WDNR believes that the application is approvable it will forward the application, draft technical review and draft EIS to the Regional Body. The Regional Body consists of other seven Great Lakes state and the provinces of Quebec and Ontario. The Regional Body prepares the declaration of findings which defines whether they felt that the application met the criteria for diversion. The Regional Body forwards their findings to the Compact Council which consists of just the eight US states. The states then vote on accepting the proposal and the vote has to be unanimous, that is every state has veto power. If the application is approved by the Council it is sent back to the WDNR where it would be responsible to provide any final permits or approvals. Eric said that he was not able to provide a timeline for this process, once they receive all the information they are waiting for it would probably be at least five months to complete the process. Eric pointed out that this is the first time the WDNR, the Regional Body and Compact Council have been through this process and so the timing may be affected accordingly.

At this time Eric asked if there were any question or comments. Jim Pindel asked if Eric had reviewed the section of our last month's meeting minutes which reported on the study done by Carroll University regarding the environmental effects on the Fox River that would be caused by this diversion. Eric reported that he and his staff had reviewed the study and this is an issue that has to be included in the environmental impact statement. However the impact on the Fox River is not one of the criteria for the diversion proposal itself. Eric said that in his discussions with the other states the main concern is that all the water taken from the Great Lakes gets returned to the Great Lakes except for the consumptive use on a continuous basis. There is not consideration for effects and consequences in other watersheds. Waukesha's initial proposal utilizing Underwood Creek allowed for the return water to be diverted to the Fox River under flood conditions and this was considered unacceptable since they required continuous return flow. There can be no disruption in the return flow; it is all the water all the time. As it stands now for all the water taken from the Great Lakes up to 18,500,000 gallons per day has to be returned continuously to the Great Lakes. When asked if the supply system was being sized for 10.9 million gallons per day or 18.5 million gallons per day, Eric said it would be sized to 18.5 gallons per day. One slight advantage for the Fox in

the case of Waukesha obtaining the diversion is that the City would no longer be drawing from the shallow aquifer which would then probably provide more water to the Fox. There is also a requirement that they minimize the amount of Mississippi basin water that is introduced to the Great Lakes. This will be handled by minimizing the amount of Infiltration and Inflow (I&I) to the sewer system. Minimizing the I&I only helps the Fox River.

Jim Pindel went on to say that our main concern is that if we have dry conditions like we experienced last summer when the people from Carroll University had to portage their kayaks in the northern section of our jurisdiction and people in the Waterford impoundment could not navigate in the shallow bays due to silt build up, the loss of an additional 2" of water depth would be intolerable. Eric said he understood our situation and that if the diversion does come about there will be some level decrease in the Fox River. These consequences will be part of the EIS but this is not a decision making document it is more of an advisory document. The decision making authority has to do with Great Lakes Compact. Don Scott asked if there were any properties with private wells that dumped into the Waukesha sewers. Eric said he was not aware of any and if there were a few it would be insignificant. Eric also pointed out that if the diversion were to occur all the residencies would be required to be hooked up to City water. Jim Pindel asked that since what we have been trying to do is to affect the EIS and if the EIS is not a decision making document, what should we be doing differently. Eric said we were doing the right thing by trying to work through the WDNR on getting our voice heard in the EIS. Dean Falkner said that he was concerned that Waukesha was working on expanding their water sources without paying enough attention to water conservation. There doesn't seem to be any emphasis on conservation. There is a large concern about the radium in the water but there must be other alternatives to Lake Michigan water for solving the radium problem. Eric said the water conservation and reduced consumption are considered in the review of Mississippi basin alternatives; this goes back to the phrase 'reasonable water supply alternatives'. This phrase is not defined in the Compact but is defined in Wisconsin's implementing statute. The WDNR has told the City that Wisconsin's definition is what is being used for approval of their application. The first factor in the statute is cost. A cost within 30% of the existing cost of water supply is considered reasonable. This definition works in Wisconsin but there is no guarantee that the other seven states will have the same concept of what is reasonable. Dean Falkner asked if water reuse has been considered for the Waukesha situation. Dean said he is aware of communities that reuse water for sprinkling and industrial use instead of drawing off fresh ground water or from some lake. He wondered if reuse coupled with conservation could not satisfy Waukesha's needs. Eric said that the WDNR has requested Waukesha to investigate water reuse, but admitted that we are not as sophisticated as California or Arizona in our laws regarding water reuse. So there are limitations in Wisconsin as to what water can be reused for. Dean then said that the rates charged by the Public Service Commission (PSC) should change from decreasing with higher volume usage to increasing to encourage water conservation. Eric said that the water rates in Waukesha already had an increasing block rate structure. Mike Hahn asked Eric to clarify that the maximum daily diversion rate was 18.5 million gallons per day from day one or would be daily maximum rate graduate up as time when on to this 18.5 million gallons per day rate. Eric said as it stands right now the rate is 18.5 gallons

per day from day one. Ron Barker asked if any other communities had received diversions of Lake Michigan water and Eric said that New Berlin as a staggered community had been granted additional diversion in May 2009. Eric pointed out that New Berlin was already getting Lake Michigan water for its eastern about 1/3 of the community and with the additional diversion was supplying another 1/3 of its community. Eric said that the Waukesha application was the first of its kind and that there were other communities waiting to see how it ends up before they make an application themselves. Ron said he was aware of seven communities in Illinois who were watching the Waukesha application so that they might apply for a diversion. Eric pointed out that Illinois has a unique situation in which they get their allocation of 3.2 Billion gallons per day of Great Lakes water and it is up to them to manage it. Barb Holtz asked if Waukesha had considered using some of its well water and augmenting it with some Lake Michigan water. Eric said that it was determined to be cost prohibited to maintain both water sources. Barb went on to ask that if Waukesha's deep aquifer water was connected to Lake Michigan did this have any bearing. Eric said this concept was discussed and that there was a credit point if your current water supply was linked to the Great Lakes but this was a minor point compared to the Compact itself. Dean Falkner asked if the cost of rehabilitating Waukesha's sewer system to minimize I&I added to the infrastructure cost of the supply system from Oak Creek would make the overall project unacceptably expensive. Eric said that the costs associated with the sewer rehabilitation would not be considered part of the cost comparison for supply options. Eric said that what we have done so far, communicating with the WDNR and making our position known is exactly what we should be doing. He said that our next major opportunity will be in the Step 3 Public Hearing II. He said we can make our position known personally in the hearing or in writing, it is not necessary to attend the hearing. Eric said that he would be sure that we were advised of the time and place of these hearings. Eric said that there is a website dedicated to the Waukesha application and you access it by going to the WDNR website and type in "water use", this will put you to the main water use page and there you have to select Waukesha and there you can access all the application materials.

Old Business

- a) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner was not present to make a report. Jim Pindel reported that he had received documentation from Ben in the US mail and forwarded it to Jim Ritchie. The two Jims agreed that in keeping with our mode of operation we could provide this cash advance to Historical Society. Jim will email Benjamin to ask who to make the check payable to and where to send it.
- b) Fox River Partnership Summit – Tom Slawski was not present but he emailed a short report to Jim Pindel which he shared with the commission. The report stated the following:
 - a. The deadline for the summit has been extended right up to the morning of the conference, so please let everyone know that it is not

too late to register. Tom did ask that people contact him in advance if possible and no one with \$35 in hand will be turned away.

- b. We have just over 100 registered attendees for the summit as of yesterday morning. Letters are still coming into the PO Box.
- c. A small program change is the Ken Klick will be the speaker instead of Jim Anderson on behalf of the Lake County Forest Preserve.
- d. Susan Bence, investigative journalist, for UWM = National Radio has registered and will spend the entire day at the summit.

Al Sikora added that the sense of the email sent by Tom Slawski was that even though he has over 100 people signed up he is looking for as many more as he can get. So everyone should do whatever they can to encourage other attendees.

Later in the meeting Ron Barker stated that he and his group passed out about 500 brochures at the Lake County Boat Show, which followed just after the FWA meeting attended by Jeff Thornton and Tom Slawski.

- c) Ecosystem Restoration Project (ESR) -Sediment Sampling: –WWMD John Bostrom of the WWMD reported that they have received the results of the additional sediment sampling which had been conducted. There were 18 additional samples taken, 4 at two different locations looking for Arsenic and 10 samples in one other location looking for DDT. All 18 samples came back negative indicating that there are no pervasive contaminants in these areas. In the case of the DDT there were no indications of this chemical present and there was even some concern of the original sample being contaminated. These test results will be reviewed between the WDNR and Graef Engineering to modify any special handling that was expected due to the presents of these contaminants. It appears these were false alarms. Graef will now be able to generate the final sediment sampling report closing out this task in the dredging application process. This report will be available for public review. There has been a manager change within the WDNR for this project; Travis Holt has replaced Jennifer Jerich as the WDNR's lead person. At this point the emphasis of the group is to find sediment disposal sites and so they will be sitting down with landowners to discuss the results of the sediment sampling showing that it is all good soil and trying to find enough locations for all the sediment to be removed from the impoundment. The ESR group has had contact with the Army Corps of Engineers and the good news there is that they will only require a general permit from their standpoint. The sediment sampling project funded by grant funds by the SEWFRC will be completely finished in the second quarter or this year with the completion of the final sediment sampling report from Graef Engineering.

New Business

- a) Big Bend boat/canoe launch repair/restoration – Francis Stadler At the last meeting Francis asked that this project be tabled until next meeting, when he would make his presentation. Neither Francis or Ron Peterson from Big Bend was present so the project has been tabled again until next meeting.

- b) Consideration of expanding the Commission's jurisdiction south to the Illinois border Al Sikora said that there was really nothing new to report. For those who were not present at the last meeting Al reported that Jeff Thornton, Jim Pindel and himself had met with the Town of Burlington and a representative of the City of Burlington namely Craig Workman the Director of Public Works. Both the Town and the City have draft copies of MoU's provided by Jeff Thornton. The Town said that they needed some time to think about their participation and it is most likely that we will have to make a separate presentation to the City of Burlington in the future. Chad Sampson mentioned that he had a conversation with Diane Baumeister the Town Administrator initially on a different topic and that she had asked him some questions about the commission. Chad said he explained that it was a win-win situation working with the commission and he pushed for our expansion to the south.

- c) Possible request for grant funds for Mukwonago shoreline restoration: Dean Falkner said that he was trying to get people together and asked Alan Barrows if Mike Reese had talked to Alan's person to review exactly what was being changed from the original design. Alan said that they had met with Mike Reese and the changes were not that significant. Alan said he had written down the points of the conversation and that most of it was in regard to woody vegetation for stabilizing the river banks considering that there are overhead power lines that eventually could be interfered with. Also there was some concern about the some species that were going to be left like Siberian Elm which they considered an invasive species. There were also some emails that went back and forth between Jim D'Antuono and Mike Reese in 2012 which Alan now has copies of. Alan visited the site last week Wednesday and took pictures of the site which he passed around to the commission members present. WE Energies doesn't seem to be very concerned with the fact that the property is highly eroded and much of the problem at the site seems to be goose manure. The geese seem to eat the vegetation on the site exposing it to erosion plus adding their droppings. Dean Falkner added that there are similar problems on the Village side of the river and that they need to come up with a common solution to the goose problem. Alan said that WE Energies stated that they have biologists which they could donate to the project. Alan said that he has summarized all the information he has into a sequence that that could be used to take this project forward. Step one is to find someone to champion the project. Alan said that he felt that Mike at WE Energies would be a good choice and they would have to pay 10% of it. Dean said that he agreed and that the goose situation had to be address by both WE Energies and the village. Alan offered the fact that cutting back on the tall weed vegetation and

adding shrubbery was a good means of keeping geese out because it hides the food vegetation from the geese in the water. Dean also said that someone at WE Energies said their foundation could make a donation to a 501 c3 organization to help with this project, but a 501 c3 organization must be found. When asked by Jim Pindel for a new budget figure for this project the consensus was about half of the original figure or \$50,000.

- d) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: This agenda item was discussed previously so that Eric Ebersberger could leave early for a meeting later in the afternoon in Madison. **Please refer to page 2 above.**
- e) Shoreline erosion mapping and stabilization planning study proposed by Graef Engineering: Jim Pindel stated that as he was working with Graef Engineering taking the additional sediment samples in the Waterford impoundment earlier reviewed by John Bostrom, he had discussed some of the work done by our commission. As a result of these discussions Jim received an unsolicited proposal from Graef which made a lot of sense. The study boils down to six tasks as summarized below:
1. A paper study including GIS and aerial review of our territory to evaluate land uses, property ownership and locate areas of potential erosion.
 2. Field reconnaissance to identify and GPS map areas of significant erosion.
 3. Create maps of eroded sections, potentially restorable sections and place a priority and feasibility value on each.
 4. Generate a report detailing all the findings from the work above.
 5. Conduct a study to identify potentially restorable riparian and floodplain wetlands to manage and mitigate sediment releases.
 6. Possible creation of a wetland mitigation bank.

Jim Ritchie offered the fact that he was aware of a similar study conducted by the City of Brookfield using a different engineering firm a couple years ago. Jim said he would try to find a copy of that report and especially the criteria they used to judge the severity of the erosion for a particular site. Jim Pindel said that this would be helpful especially in task 1 above and also in this regard he had asked Jeff Thornton if they took GPS readings of the erosion sites they photographed during their last river survey in 2010. Jeff said they took photos only not GPS locations. Barb Holtz added that as Graef was conducting it field reconnaissance it would be helpful if they identified and GPS located any invasive species they encounter along the Fox and its tributaries. This would give us a handle on attacking this problem which we are obliged to do as part of our implementation plan. Jim did mention that even though he could not locate the copy of the proposal he had with him, he had already forwarded the proposal and cover email to all the commissioners. Chad Sampson said he was aware of a study performed on a lake by a lake association (later Dan Treloar said the lake was in Waushara County) in which they photographed the entire shoreline and GPS mapped the location at the same time. The outcome was a document that recorded the exact location and erosion conditions existing around the entire lake. This gave the

association the ability to address the problem areas. Dan Treloar added that there is a link, he would try to provide, on the internet where you can see this panoramic view with GPS coordinates, where they prioritized the extent of the erosion.

- f) Review preliminary 2014 SEWFRC Budget Jim Pindel referred to the “2014 Budget for Counties Rough Draft 030113” spreadsheet he provided for all commissioners. In summary the balance forward into 2013 was \$29,635.48 after adding all real and estimated income and subtracting all real and estimated expenses, the net available from non-grant funds come to \$29,993.11. Looking at the grant funds taking the \$200,000 we received in ENUM-18 and subtracting the \$188,265 in actual and estimated grant funded projects, we have a total of \$11,735 available grant funds going into 2014. This figure is without any new state grant enumeration in the state’s 2013-2014 budget. We are hopeful of some new funding but at this time cannot count on it in our proposed budget. At this point we reviewed potential project for the remainder of 2013 and into 2014. Jim asked all present to identify projects in the next two weeks for inclusion in the proposed budget we need to approve at the next April meeting. One potential project that has somehow fallen off the radar is the Restoration of the Wetlands adjacent to the Fox River in Vernon Marsh, which had been proposed by Brian Glenzinski while he was still with the WDNR before he moved to Madison. Alan Barrows said that he knows the new wildlife manager for Vernon Marsh and he would look into what happened to this project. Alan also said that they are presently working on the project that we supported with \$50,000 for Ducks Unlimited in the Vernon Marsh.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker started by thanking Jeff Thornton and Tom Slawski for coming down and making a presentation about the SEWFRC to his board of directors. The presentation was well received. By coincidence the day after their presentation the Lake County Boat Show was held and Ron’s group was able to hand out about 500 brochures for the Fox River Summit which hopefully will increase the attendance. Ron spent a lot of time promoting the value of our partnership and the conference itself.
- b) SEWFRC Website – Al Sikora said that he had nothing to report at this time.

Correspondence –

- a. 2/15/13 Email with proposal from Graef Engineering concerning shoreline erosion mapping and stabilization planning study
- b. 2/20/13 Email to Eric Ebersberger advising him of our next meeting date (today 3/15/13). Eric responded 2/21/13 that he would attend.
- c. 2/20/13 Email from Jim Pindel to all Commissioners and friends of the commission asking for new projects for 2014 budget

- d. 2/20/13 Forwarded email response from Kurt Peot about Mukwonago Shoreline restoration to Dean Falkner
- e. 2/21/13 Email from Jim Pindel to Jim Ritchie concerning partial payment request for Mukwonago River culvert removal project.
- f. 2/21/13 Email from Jim Pindel to Dan Treloar asking for names of the Senator(s) and Representative(s) along the Fox River in Kenosha County. Dan responded on 2/22/13 with names and email addresses.
- g. 2/22/13 Email from Jim Pindel to all commissioners with draft copies of letters to present and hopefully future state legislators concerning our proposed boundary expansion. Received responses from Dean Falkner, Jeff Thornton and Don Scott.
- h. 2/27/13 Emails to Sen. Lazich and Rep. Craig with update on SEWFRC activities
- i. 3/1/13 Emails to Samantha Kerkman, John Lehman, Neal Kedzie and Tyler August introducing the SEWFRC and advising our plan to extend down to the Illinois border.
- j. 3/14/13 Email from Tom Slawski with report on Fox River Summit
- k. 3/14/13 Marketing brochure received from Crispell-Snyder saying they merged with GAI Consultants
- l. 3/14/13 Jim Pindel sent an email to the clerk of the Town of Waukesha, Jamie Salentine, requesting that they assign someone to our commission.
- m. 3/14/13 Email from Rep David Craig stating that we had not been included in the Wisconsin State Budget, but that he would try to work with the WDNR to get us some funding.

Miscellaneous Issues –

Chad Sampson mentioned that on his way to the meeting he notices a lot of work being done along Highway 164 and was concerned that this work would undo some of the projects we accomplished in the past along the highway. Don Scott advised that the road was going to be widened and sewer installed in Big Bend. Apparently there is a sign up stating that the highway will be closed starting March 26, 2013. Several of the commissioners asked John Bostrom present to represent the WWMD to make sure that the WWMD monitors the work done to not ruin their accomplishments.

Alan Barrows said that he had a three panel display available for the summit and asked anyone who had display pictures or information to provide it to him. Alan volunteered to print and assemble it. Alan said he had a jurisdiction map to put on the display as well as our logo. Al Sikora said that for any pictures on our website he could provide larger photos to Alan.

Barb Holtz let the commission know that Tom Slawski would be making a presentation tomorrow morning at 9:30 AM in the Mukwonago library to the Friends of the Mukwonago River, if anyone wanted to attend.

Regarding the date for our next meeting, Jim Pindel suggested 4/19/13 for our April meeting followed by 5/17/13 for our public hearing and May meeting. These dates were accepted by the commission.

Don Scott motioned to end the meeting and the motion was seconded by Chad Sampson the motion passed unanimously.

Meeting Closed at 3:00 PM

**THE NEXT OFFICIAL MEETING AND WILL BE Friday,
April 19, 2013 at 1:00 PM. (Meeting Location: Big Bend-Vernon
Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI
53103.)**

Commission members present:

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

Commission members absent:

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

Also present: Don Baron, Paul Kling of the WWMD, Brian Cushion of Racine County, Tom Slawski of the Fox River Partnership, Laurie Longtine of the Town of Waukesha and Brian Schneider, Geof Parish of Graef Engineering.

At 1:05 PM, 4/19/2013, Chairman Al Sikora called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the March 15, 2013 meeting were reviewed. It was motioned by Randy Meier and seconded by Randy Craig that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for March 2013 was reviewed. In summary we started with \$105,920.21 in our money market account and made \$17.99 in interest resulting in a final amount of \$105,938.20. It was motioned by Bob Bartholomew and seconded by Dean Falkner that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) **Hintz Wetland Restoration Project** – Alan Barrows made a PowerPoint Presentation after stating that in 2002 Waukesha County applied to our commission for grant funds for this project with the stipulation that the county maintains the property for the next ten years. Alan then reminded the

commission that a couple meetings back he brought a document (Satisfaction of Cost Share Agreement) to the meeting for us to sign releasing Waukesha County from this obligation since it had in fact expired. Rather than execute the document at that time Alan proposed to do a presentation on the project and have the document signed at that time and so Alan made this presentation today. The presentation started with the map of the commission's area of jurisdiction with a red star indicating the location of this project. The Hintz property is located in Waukesha County's Fox River Greenway parks program. Alan then showed an aerial photo of the property from 2000 and a picture from 2002 from ground level showing the straight line ditches on the property. Alan then presented part of the plan that showed the change to a more natural channel meander rather than the existing straight line ditches. After going through the bidding process the county had a contractor come in and fill in the straight line ditches and create the meandering streambanks. Alan provided photos of the construction showing the use of long reach hoes and bulldozers that were used to establish the more natural environment. Alan then showed a photo of the property in 2005 with the meandering stream and natural vegetation. Since then the county has spent a lot of effort replacing the reed canary grass with native species. Alan then presented a memo summarizing the work that has been done by the Parks department over the years since 2005. This report was also used as a condition for the EPA monies that were also part of this project. Alan then showed a map of the area and indicated the adjacent properties owned by the county and the Nature Conservancy. This land and some other park lands have been opened up to public hunting. The old gate was replaced by a newer gate moved further back from Edgewood road to provide some limited parking for hunters and other recreaters. Alan showed the documents that attached the maintenance requirement to the property and the document he wanted signed to release the county from this expired obligation. This document was signed after the meeting and notarized by Chad Sampson a notary public. The signed document will be recorded on the property. Barb Holtz asked if the county does any burning on the property and Alan said they didn't but there were many burning opportunities on county lands. There was a short discussion about the fact that these maintenance agreements and release documents being attached to the property itself was a good business practice that we should consider on all future project when applicable. Alan pointed out that a recorded agreement goes with the property title so if the ownership changes the agreement still stands. Randy Craig asked how many acres were involved and Alan guessed that it was about 60 acres initially. Through additional purchases the county land in this area has grown to about 500 acres.

- b) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner was not present to make a report and we were aware of the fact that no work was being done until later in summer when things dry out a little more.

- c) Fox River Partnership Summit – Tom Slawski passed out copies of the Official Declaration as amended at the summit. Tom stated by all accounts it was considered a successful summit by participants from both sides of the Wisconsin – Illinois border. There were a total of 145 attendees and the next summit is being planned for March 22, 2014 to be held in Illinois. All the presentations from the summit are available on the Southeastern Fox River Partnership website. Tom said that Dr. Priscolli the keynote speaker had a good time and enjoyed meeting with people from the Midwest. Tom said he was working out the final details of the financials and would be submitting the final documentation for completing the project in the future. There is potential for collaborative projects between Wisconsin and Illinois and Tom will keep us appraised as things develop. Al Sikora asked for an electronic copy of the Declaration so that he could post it on our website.
- d) Ecosystem Restoration Project (ESR) -Sediment Sampling: –WWMD Don Baron in collaboration with Brian Schneider of Graef also present said that all the sediment samples had been analyzed and that Graef would produce the draft copy of the final report by next Tuesday 4/23/13. As soon as the WWMD accepts the final draft of the report, Graef will submit their final invoice and the project can be closed out.
- Don then asked if he could report on the HWY 164 activities that we presently going on because of the resurfacing/rebuilding project going on. Don said he has been in contact with the project manager and has supplied him with the engineering plans from Crispell-Snyder and pictures of how the stormwater runoff project looked before they started their construction along HWY 164. The project manager informed Don that the contractor doing the work in that area of HWY 164 is the same contractor that the WWMD used to do the work in the first place. This contractor will take care of putting everything back the way it was before the roadwork project.

New Business

- a) Shoreline erosion mapping and stabilization planning study proposed by Graef Engineering: Geof Parish of Graef provided a handout of the proposal for the study to the commissioners and made a brief presentation. The intent of the study is to map areas of significant erosion along the main stem of the Fox River within the boundaries of the commission. This would involve an initial desktop evaluation of the topology, plan views, GPS and all available data. Then there would be a meeting to evaluate the findings with the commission. This would be followed with a field survey documenting areas of erosion obtaining GPS coordinates for these locations followed by a prioritization based on the severity of the erosion conditions. The goal would be to generate a list of potential projects identifying where we can do the most good to prevent overall erosion into the river. During the survey Graef would itemize potential areas for wetland and shoreline restoration reducing sediment and nutrient

inputs into the system. Francis Stadler asked what the cost of the study would be and Jim Pindel responded by referencing the email from Geof that has been forwarded to all the commissioners which estimated the costs as follows:

1. The paper study \$2,000
2. Field Reconnaissance \$9,000-\$11,000
3. Creation of GIS map \$2,000
4. Detailed report with recommendations and priorities \$4,000-\$6,000
5. Wetlands Study \$4,000
6. Possible creation of Wetlands mitigation bank \$8,000

At this point the commission reviewed the Project Acceptance Criteria grading system that we had adopted this last year and the study passed the requirements of having at least 28 award points with having 48 points and passed the other required criteria of meeting the objectives of the FRC and having a good likelihood of meeting its objectives. During discussion regarding each of the points in the Acceptance Criteria, Alan Barrows expressed concern about the reference to the wetlands mitigation bank saying that he didn't see a connection between such a bank and the commission. Geof said that the purpose was to identify areas that could be used in a mitigation bank and that there was a shortage of banks in southeastern Wisconsin. Identifying potential wetland areas would provide an opportunity for someone to fulfill this need. Jim Pindel said that he thought that we could keep track of wetlands that needed restoration and then if someone did some construction that eliminated some wetland in our jurisdiction that person could restore some of the wetland we kept track of in exchange for the wetland they eliminated. Alan Barrows said that it was much more complicated than that and involves the Army Corps of Engineers and the WDNR. Geof explained that there are basically three ways to do wetland mitigation the first one is when an entity impacts a wetland they can pay a set fee to the WDNR and then the WDNR will address the wetland mitigation, which is called onsite mitigation. The second way is for the entity that affects the wetland restores wetlands on their own property and the third way is the wetlands mitigation bank which is owned and operated by a third party. This third party restores wetlands and then sells credits. It was pretty much agreed that the commission would not be the best banker for this type work. It was also agreed that having an inventory of wetlands that had been drained or degraded would be helpful for future consideration. As it turned out in order to keep our 2014 budget from going negative, Jim Pindel said that he had eliminated the wetlands study and mitigation bank from our budget and now it appears that was appropriate. Don Scott expressed concern that this was just a study developing a list of potential projects and not accomplishing any real work to aid the Fox River. Don went on to say that the study could potentially identify a large number of projects that we would not have the resources to ever complete. Alan

Barrows added that all the information on wetland locations and wetlands that need restoration is already known and public information. During these discussions we made Graef aware of the fact that besides areas of erosion we were also concerned with locations of invasive vegetative species and so these would have to be included in the GIS maps as well. We would in the future identify the different invasive species we were interested in. It was motioned by Randy Meier and seconded by Barb Holt, with the condition that the study includes vegetative invasive species. The motion carried unanimously except for Don Scott who opposed for the reasons stated earlier, that he felt this was too great of a portion of our budget to not get any physical work done.

- b) Waterford Impoundment Public outreach and Education Project – WWMD Don Baron provided a handout to the commission outlining the reasons for having the public outreach meeting, who will be participating and the details of when, where and cost of the outreach. Don said that the public needs to understand the dredging process and dredged material management. As recommended by the WWMD's PR/Marketing committee they are extending their hand to the public and other stakeholders involved. The first meeting will be held on June 15, 2013 at Evergreen Elementary School from 9:00 to 11:00 AM. There will be different stations manned by participating organizations. Some of the station participants will be the Chamber of Commerce, Graef Engineering, the WDNR, SEWRPC, Racine County, WWMD, and Fox River CAUSE. Don pointed out that the Graef Engineering proposal to the WWMD for organizing the meeting, providing an aerial exhibit, a dredging process story board, economic benefits analysis and assistance at the initial meeting was attached to the handout. The total price of the work by Graef to the WWMD is \$9400, for which they are applying for a 90% grant from the commission. The purpose of this outreach is to keep the public informed and there will be a special website set up for this project that the public can access for up to date information, just like they did for the Waterford dam repair project in 2011. Jim Pindel reported that he had sent this proposal from Graef Engineering to the WWMD to Jim Ritchie of the WDNR asking if this was a grant eligible project. Jim Ritchie responded by email saying that we have funded other public outreach educational projects like the Fox River Summit and that navigational dredging meets the goals of both the WWMD and the SEWFRC and so this is a grant eligible project. Jeff Thornton said that we have supported educational programs in the past but usually at a flat rate rather than on a cost share basis. Jeff then asked Don if they would accept a cash donation rather than a cost share. Jeff suggested a \$5000 contribution from the commission rather than a 90% cost share. Don said that he would have to take it up with the WWMD board. At this point we reviewed the Project Acceptance Criteria and the outreach project passed the requirements of having at least 28 award points by having 48 points and passed the other

required criteria of meeting the objectives of the FRC and having a good likelihood of meeting its objectives. It was motioned by Chad Sampson that we support the outreach program with a \$5,000 donation and the motion was seconded by Dean Falkner. The motion passed unanimously.

- c) Big Bend boat/canoe launch repair/restoration – Francis Stadler passed out copies of a proposal and contract from a company named Extreme Exteriors. This document outlined the work that needed to be done to replace the old wooden retaining wall with a stone Versa Loc retaining wall. The proposal included \$775 for lawn restoration coming to a total cost of \$9,767.00 which is slightly higher than the original estimate of \$9,000. Attached to the proposal were pictures of the existing installation and detail cut sheets of the Versa Loc retaining wall. Francis walked around a picture of a different already installed Versa Loc retaining wall to show what they expect the final structure to look like. At this point we reviewed the Project Acceptance Criteria and the retaining wall restoration passed the requirements of having at least 28 award points by having 40 points and passed the other required criteria of meeting the objectives of the FRC and having a good likelihood of meeting its objectives. Barb Holtz expressed concern with some apparent erosion to the north of the retaining wall and pointed out that installation of some sort of vegetative buffer instead of replacing the grass just behind the retaining wall would be in order. It was the consensus of the commission that there are better vegetation options than grass behind the retaining wall. Al Sikora stated that the motion to approve this project would stipulate native species plantings or a vegetative buffer instead of lawn restoration. Jeff Thornton said that he could send a recommended plant list to the Village. It was motioned by Bob Bartholomew to accept this project at a 90% cost share with a vegetative buffer instead of lawn and the motion was seconded by Randy Craig. The motion passed unanimously.
- d) Consideration of expanding the Commission’s jurisdiction south to the Illinois border This item was accidentally passed over during the meeting.
- e) Possible request for grant funds for Mukwonago shoreline restoration: Dean Falkner said that he did not have a formal application completed for this project. Alan Barrows said that he was asked to put together an action plan for this project. So he started by putting together a sequence of what needed to be done to get the project going and funded. Step #1 is identifying the project sponsor and we are stuck in step #1, we don’t have anyone who wants to step forward to take control. Alan said he was directed to get the list of complaints from WE Energies regarding the original design and the list wasn’t that long and all the items have been addressed in the revised design. When Alan sent the revised design over to WE Energies asking them if they would sponsor the project and provide

the 10% cost share, he was told no. Alan said that his take on it is that WE Energies has no interest in seeing this project done. Dean agreed with Alan on this point. Dean said that he was checking with the village of Mukwonago to see if they would take on the project as far as bidding it and overseeing it with someone else providing the funding for the construction. Dean felt that this had a good chance of happening as long as the WE Energies Foundation would pay for the construction. Jim D'Antuono added that since we made the changes to the design based on meetings with WE Energies last summer, what is the procedure now to apply for their Foundation's funding. How do we get into that queue? Jim questioned whether anyone at the foundation even knew about this project. Jim suggested that the village write a letter to Julie Simmons at WE Energies asking what is the process and what must we do to apply for foundation funding for this project. If the foundation needs a 501c3 organization as the recipient of the funding possibly we could use the Friends of the Mukwonago River or Southeastern Fox River Partnership in that role.

- f) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Pindel pointed out that Eric Ebersberger made a presentation at our last meeting and it was clear from that presentation that his environmental impact statement could not be completed by this time. Jim also mentioned that Barb Holtz had sent him an email with an attachment concerning the Canadian government's concerns over this diversion which he had forwarded to all the commissioners. When asked by Francis Stadler, Jeff Thornton said that the National Wildlife Federation in Michigan recommended against the diversion. Laurie Longtine of the town of Waukesha then spoke saying that she has been working on the Great Lakes Compact and its implementation plan for a long time. She said they had a town meeting last night and their inclusion in the water service area is a point of contention on the board. The city has not included the entire town in the service area and some of the board members want all of it included and others do not. Presently more portions of the town are excluded than included. There was to be a vote on this issue at last night's board meeting but the board was contacted just before the meeting by the water utility wanting to broker a meeting among all the concerned parties this coming week to work out a deal. Most likely this issue will be voted on at the last town board meeting of the month next Thursday night. Laurie said that the city is far from having a complete application for the diversion and has still not provided information that the WDNR has sought. Jim Pindel asked if the town had assigned a commissioner to the FRC and Laurie said that that would probably be her. She said she has asked to be on the commission and is on the agenda for next week. Then Jim said what we need is a letter of appointment from their chairman or board.

- g) Review preliminary 2014 SEWFRC Budget Jim Pindel referred to the “2014 Budget for Counties Rough Draft for 4/19/13” spreadsheet he provided for all commissioners. In summary the balance forward into 2013 was \$29,635.48 after adding all real and estimated income and subtracting all real and estimated expenses, the net available from non-grant funds come to \$29,993.12. Looking at the grant funds taking the \$200,000 we received in ENUM-18 and subtracting the \$196,725 in actual and estimated grant funded projects, we have a total of \$3,275 available grant funds going into 2014. This figure is without any new state grant enumeration in the state’s 2013-2014 budget. This spreadsheet has to be updated with the change from \$8100 to \$5000 for the Waterford Impoundment public outreach and to 90% of \$9,767 instead of the original estimate of \$9000 for the Big Bend boat launch retaining wall. Next the Proposed 2014 Budget formatted as it will be published was reviewed realizing that the numbers will be slightly modified because of the two changes in the Waterford Impoundment outreach and the Big Bend retaining wall. During the discussion Jim Pindel said that he thought that we would have been \$66,000 short in our budget to do all the projects we wanted to do. As it turns out the Fish Habitat and Walleye stocking project Jim thought we would be doing for Benjamin Heussner will not be done. Having contacted Jim Ritchie of the WDNR to review the eligibility of this project, Jim Pindel found out from Jim Ritchie that this project was not grant eligible. During the discussion with Jim Ritchie earlier this day, Jim Pindel found out that our funding no longer comes down through the Recreational Boating Authority from the gasoline tax for gas used in marine equipment. At the next FRC meeting Jim will clarify how our funding is derived. It was motioned by Randy Craig and seconded by Dean Falkner that the 2014 proposed budget be accepted with the changes noted. The motion passed unanimously.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker was not present and Jeff Thornton said that over the last week the FWA efforts have been to prepare for the eminent flood conditions.
- b) SEWFRC Website – Al Sikora left the meeting just before this point, so no report was made.

Correspondence –

- a. 3/21/13 Email from Barb Holtz with attachment about Canada questioning City of Waukesha’s request for Lake Michigan water
- b. 3/23/13 Email from Barb Holtz with attached video showing how to identify Phragmites

- c. 3/28/13 Email from Tom Slawski asking for final \$1250 payment for the Fox River Summit. Responded with what is needed to close out the project
- d. 3/31/13 Email response from Jim Ritchie stating that the Waterford Impoundment Public outreach and Education Project would be grant eligible.
- e. 4/4/13 Email from Geof Parish of Graef Engineering clarifying the length of Fox River in our jurisdiction in Racine and Waukesha counties
- f. 4/3/13 Email from Geof Parish with breakdown of costs for erosion study
- g. 4/8/13 Email with attachments from Jim Pindel with letters of support for two environmental projects for the City of Waukesha
- h. 4/8/13 Email from Dean Falkner with attachment of MRI meeting notes showing he is trying to get projects going for our commission.
- i. 4/15/13 Email from Jim Ritchie stating that the Fish Habitat / Walleye stocking project is not grant eligible.
- j. 4/17/13 Emails between Jim Ritchie, Alan Barrows, Benjamin Heussner and Jim Pindel confirming that a sponsors cost share can come from in-kind work contributions.

Miscellaneous Issues –

Jim Pindel asked the commission exactly who should be contacted when you see blooms of silt flowing into the Fox River. Chad Sampson and Alan Barrows said that they should be contacted for their respective counties. Also Jim D'Antuono said that you can simply call the WDNR's tip line which is an 800 number shown on the back of all WDNR hunting and fishing regulations. Jim D'Antuono suggested that this information should be added to our website, so that others will know what to do.

Jim Pindel also asked the commission if we should take up Jim D'Antuono's offer at a previous meeting to have the USGS make a presentation at one of our meetings about what it would take and cost to add flow/depth gauges along the Fox River, which certainly would be desirable now under the flood conditions we are experiencing. Jeff Thornton added that the USGS was looking for participation in their Water Smart program and these gauges would fit the bill. It was decided that Jeff Thornton would contact the USGS and try to arrange a presentation.

Chad Sampson said that before the meeting he received a call from a person who said they saw a lava flow of mud coming down into one of the bays on the Fox River. Chad and Brian from Racine County stopped at the site on their way to the meeting and did see a significant farm field problem. Chad said we should add a new project to our list titled Wood Drive Cropland erosion control project. Chad said he will be contacting the farmer and may at some time come to us for funding.

Alan Barrows motioned to end the meeting and the motion was seconded by Bob Bartholomew the motion passed unanimously.

Meeting Closed at 3:37 PM

THE NEXT OFFICIAL MEETING AND PUBLIC HEARING
WILL BE Friday, May 17, 2013 at 1:00 PM. (Meeting
Location: Big Bend-Vernon Fire Station #3, W233 S7475
Woodland Lane, Big Bend, WI 53103.)

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Chad Sampson (Racine County)
Alan Barrows (Waukesha County)
Barb Holtz (Town of Mukwonago)
Randy Meier (Town of Waterford)
Francis Stadler (Village of Big Bend)
Ron Peterson (Village of Big Bend)
Jeff Thornton (SEWRPC)
Jim Ritchie standing in for Jim D'Antuono (Wisconsin DNR)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Don Scott (Town of Vernon) (Vice-Chairman)
Doug Koehler (City of Waukesha)
Randy Craig (Town of Vernon)
Robert Bartholomew (Town of Vernon)
Dean Falkner (Village of Mukwonago)
Shelley Tessmer (Town of Waterford)
Any representative from the Town of Waukesha

Also present: John Bostrom, Dick Kosut, Don Baron and Paul Kling of the WWMD, Tom Slawski of the Fox River Partnership, Brian Schneider, Ron Londre of Graef Engineering, Daniel Feinstein of the USGS and Michael Schwar s resident of the Town of Vernon.

At 1:14 PM, 5/17/13, Chairman Al Sikora called the Public Hearing to order.

The only order of business was the review of the Southeastern Wisconsin Fox River Commission Proposed Budget for 2014. The proposed budget was read for the record. Al Sikora asked the non-commission attendees (the public) if they had and questions or comments concerning the proposed budget. Al Sikora then asked the attendees a second and third time if there was anyone who wanted to speak in favor of or against the proposed budget.

There were no comments from the Public concerning the budget.

The Public Hearing was closed at 1:19 PM.

At 1:20 PM, 5/17/2013, Chairman Al Sikora called the regular SEWFRC meeting to order.

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

Proposed Budget for 2014 - The first order of business was to approve the Southeastern Wisconsin Fox River Commission Proposed Budget for 2014. It was motioned by Randy

Meier and seconded by Francis Stadler that the proposed budget be approved and the budget was approved unanimously.

Minutes The minutes from the April 15, 2013 meeting were reviewed. It was motioned by Alan Barrows and seconded by Chad Sampson that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer’s Report for April 2013 was reviewed. In summary we started with \$105,938.20 in our money market account. We made payments of \$17,933.80 as a cash advance for the Mukwonago River restoration in Rainbow Springs and paid \$210 in reimbursements at \$35 each to the six commissioners who attended the Fox River Summit and made \$15.24 in interest resulting in a final amount of \$87,809.64. It was motioned by Randy Meier and seconded by Francis Stadler that the Treasurers Reports be approved. The report was approved unanimously.

At this point Don Barron of the WWMD stated that he had conversation with Representative David Craig concerning funding for our commission and said that he encouraged him to support us with even higher funds than last time. Jim Pindel reported that he had been contacted by Senator Mary Lazich last Monday and she had advised him to contact Rep David Craig and Rep Robin Voss to get support from the Assembly side for our bid for funding. Jim said that he talked to Rep David Craig about supporting our funding and he said he would do what he could but that he was not on the finance committee. He also said that he had authored a bill to allow riparian owners on the Waterford impoundment to remove up to 10 cubic yards of sediment in front of their property per year instead of the present 2 cubic feet. The jest of the discussion was that there is activity to try to get funding for our commission in the upcoming State Budget. Jim Pindel then asked Jim Ritchie to explain to the commission exactly how our funding comes to us through the state budgeting process. Jim Ritchie explained that the commission has received 5 or 6 grants through the Recreational Boating Facility (RBF) program which has been around since the early 1980’s. The RBF grants have always been funded through the gasoline tax collected for motor boats use. There is a formula based on the number of boat registrations and the tax amount is calculated annually. This money is put into the RBF grant fund and this is how the program has operated since it was started. In the current state budget that funding source changed for the RBF grants instead of coming from the fuel tax which they refer to as the Water Resources Account that grant program was moved into a subset of the Stewardship Grant Program which is funded through bonding (borrowed money essentially). Talking to their accounting department it turns out that our ENUM-18 is from segregated funds, which is the Water Resources Account, which comes from the motor boat fuel taxes. In the future it is uncertain which program our funding if any will come from. In either case the funding would come from the RBF grant funds and difference would be transparent to us. On this topic, Jim Pindel reported that just before the meeting Jim Ritchie provided a letter to Jim Pindel stating that we need to apply for an extension to ENUM-18 and that Jim Pindel already had a formal request for extension with him that he presented to Jim Ritchie. Jim Ritchie said that they would process the extension in the near future.

Old Business

- a) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner was not present and Jim Ritchie said that Benjamin’s plan this whole spring is to get started again hopefully in June.

- b) Fox River Partnership Summit – Tom Slawski said that he had nothing new to report at this time and that he was in the process of putting a planning team together for the 2014 Summit.

- c) Ecosystem Restoration Project (ESR) -Sediment Sampling: –WWMD John Bostrom reported that they had received a draft copy of the Sediment Sampling Analysis from Graef Engineering and were in the process of reviewing the report. John didn’t see anything that should hold up the process since the report looked to be proper and complete. It is expected that the review process will be completed by the end of the month. Jim Pindel asked if the report had been given to the WDNR, and John responded that it will be once the review process is completed. John then thanked the commission for the \$5,000 grant to help with their community outreach program scheduled for June 15th.

- d) Shoreline erosion mapping and stabilization planning with invasive species mapping – Graef Engineering. Jim Pindel started by saying that after our last meeting, we requested Graef to propose the additions of invasive species mapping to the original erosion mapping proposal. In response Geof Parish of Graef sent an email offering two different options, the first being mapping of all new infestations and the second an all-inclusive species identification and mapping. This email was forwarded to all commissioners. Jim said that at a meeting with Graef on a different topic he advised Geof to go with the first option. Jim also said that by the next meeting we would expect to have a new proposal from Graef as well as an approximate start and end date for the project. Brian Schneider of Graef added that he would recommend the first option since the second was very comprehensive including all invasive species, some of which you cannot do anything about. Ron Londre added that there are three newer invasive species that would be targeted. At a relatively low cost these species can be eradicated before they gain a major foothold. Francis Stadler asked how do you control or eradicate these invasives. Ron responded that the only way was to use herbicides. At this point Francis asked how they controlled the herbicides so that they did not impact the fish populations. Ron explained that the herbicides used have a surfactant additive that helps them to penetrate the targeted vegetation which they use on dry land. Because surfactant is a dispersant it is not used over water or on shorelines so there is no run off into the waterway.

Waterford Impoundment Public Outreach and Education Project – WWMD Don Barron stated that by accident our commission was omitted as a participant in the Outreach. Don went on to say that they have Evergreen School set up for June 15th from 10:00 AM to 1:00 PM for the program. Don said that they are looking

for a big turnout since the proposed dredging project will be beneficial to all of the community. Don enumerated a number of participating organizations including the WWMD, Fox River CAUSE, SEWRPC, SEWFRC and the Chamber of Commerce. There will be a pontoon tour of the impoundment in August for the Chamber of Commerce to show them the needs and potential of the dredging project. Jim Pindel reported that when he found out that we were a participant in the Outreach and it was on a date that he would not be available, he asked Al Sikora to man our booth/table and Al accepted the challenge. Jim also contacted Alan Barrows to see if we could make use of the three panel display/backdrop that Alan provided for the Fox River Summit so it could be used at the Outreach. Alan said he would provide the display and needs to meet with the others involved for any additions or changes to the display and to pass it on to Al Sikora before the Outreach. Chad Sampson was asked if he could assist Al at the Outreach and Chad said that he had other commitments.

e) Big Bend boat/canoe launch retaining wall – Francis Stadler Before Francis started his report Jim Pindel presented him with a signed copy of the Cost Share Agreement so that Francis could get it signed by someone authorized by the Village to commit to their share of the costs involved. Francis reported that they had awarded the contract to the bidder whose proposal he provided to us at the last meeting. So now the contractor is waiting for the water to recede to the point he can get started on the project.

New Business

- a) Consideration of expanding the Commission's jurisdiction south to the Illinois border Jeff Thornton said that we had asked the City of Burlington's Public Works Director to arrange a meeting for us with the City and nothing has happened. Al Sikora said that he would follow up with the City Public Works Director as well as with the Town of Burlington since they said that they would think about signing a MoU with us to join the commission.
- b) Possible request for grant funds for Mukwonago shoreline restoration: Dean Falkner was not present. Alan Barrows said that there was an email exchange between Jim D'Antuono and Mike Grisar of WE Energies. Mike Grisar is the one who communicated the changes that We Energies wanted to the original design so that they could sign off on the project. Mike clearly has a background in this kind of restoration work. Alan said he was pleased to see Mike involved because he would be capable of taking the lead on this project. It appears that we still are at the impasse of finding a sponsor (Project Manager) for this project. Jim Pindel reported that just after the last commission meeting he had received an email from Paul Kling regarding this project. Paul who was present said that the one thing that stands out to him is that on WE Energies website they have several pages boasting about how environmentally sensitive they are and

how much they do for the environment and yet they will not address this situation where they are allowing erosion and environmental damage to the ecology. Maybe our best chance is to shame them into some action. Paul didn't see why we should pay for something that is justly their responsibility.

- c) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: There was no new news on this issue and so it was passed over.

- d) A non-agenda item Presentation by the USGS on gauging we might consider along the Fox River: At our last meeting, we asked Jim D'Antuono or Jeff Thornton to approach their contacts at USGS to make a presentation about what gauging was available and what were the costs involved. Daniel Feinstein of the USGS made a PowerPoint presentation with handouts for all in attendance. Daniel started out by saying that he was not sure what kind of project we had in mind so he could not tailor his presentation to our needs, so his presentation was somewhat generic. Daniel's first slide showed the location of all of the ground water monitoring gauges and wells within the Fox River watershed. Randy Meier asked why all the gauges we located in northern Illinois and there were none in Wisconsin. Daniel said most likely there had been a specific project in this area that required the special monitoring. Most of these wells are shallow wells and they look for trends by monitoring these wells. Daniel's second slide homed in on the data collected by one particular well. It showed that the location of the well was near Big Bend and a table of the data collected with an associated graph showing the trends in the depth of the water at this location. This well is continuously monitored and can be looked up on the USGS website. All work done by the USGS is public knowledge and they are not allowed to compete with private enterprises. The next slide dealt with water quality monitoring sites. Daniel said that the USGS monitoring is somewhat generic like looking for nitrates or pesticides for background information, but not as specific as to be looking for pharmaceuticals or specific chemicals. If someone has a project concerned with a particular contaminant they would be better served by working with a private consultant. As an example of some non-USGS work, Daniel then showed a slide of the UWM water quality monitoring network showing their test sites in the Menominee, Fox and Root River watersheds. Barb Holtz asked why Mukwonago and the Mukwonago River were excluded from the Fox River watershed. Daniel replied that this slide was prepared by UWM not the USGS so it was probably an oversight. To introduce us to the amount of data available, Daniel's next slide showed the location of all the streamflow gauging stations within the Fox River watershed and adjacent areas. Daniel zeroed in on the gauging station at the exit of the Mukwonago River into the Fox River. Some of these gauges come and go due to cost and budgeting

restraints, for example the streamflow gauge at Brookfield has been discontinued. Daniel said they had a pretty good handle on the flow of water in the Fox River and he could show us some of this data. It was noted that it would be very interesting to compare the USGS data to the flows that are indicated in our implementation plan to corroborate our data. The next slide not only showed the location of all the streamflow gauges but also their individual names. This slide was followed by a slide that also tabulated the history and cost of each of the gauges by named location. Daniel's next slide homed in on the approximate operating costs for different types of gauges. For example, a stage only (water height) gauge has an annual operating cost of \$4750 whereas a discharge (flow rate) gauge has an annual operating cost of about \$11,600. Velocity site gauges cost more to install about \$22,000 and more to operate about \$14,400 annually. Some additional costs provided indicated that converting a well from an existing data logger to a real-time system would cost about \$10,200 with an annual real-time operating cost of \$5,600 annually. When Daniel said that he would need to know what kind of project we were looking at to decide what kind of monitoring we needed, Jim Pindel said that our most likely needs would be to monitor upstream flows to operate the Waterford Dam as a flood abatement control and to monitor the effects on the river if the City of Waukesha diverts its wastewater discharge away from the Fox River. When asked if the USGS was asked for data regarding the effects of Waukesha's proposed wastewater diversion, Daniel said that most of the work the USGS has done is with regard to finding alternate water sources. One of the alternatives explored was to draw water from shallow wells along the Fox River and return the wastewater discharge back into the Fox. This approach would provide a sort of closed loop water cycle system. Daniel said that he had a presentation specifically regarding this topic, but we do not have the time right now to go through it. Daniel said that Waukesha's usage is down somewhat right now to about 6,000,000 gallons per day but they are looking to expand their domain. Daniel also said that there are some water quality issues with this plan seeing the wastewater treatment plant does not remove all the contaminants like chlorides and pharmaceuticals. To incorporate all the different stresses that a watershed must endure a comprehensive groundwater flow model would have to be created. This type of model would allow for quantitative and reliable cause and effect information. Models similar to what we might need would be the one provided to SEWRPC for regional flow, shallow-deep, historical, no transport at a cost of about \$350,000 or for Dane County at about \$300,000. Some thought was then given to an all-inclusive Fox River model which would cover the Fox River watershed from top in Wisconsin to bottom in Illinois. This type of model would be very expensive and take two to three years to develop. Barb Holtz asked about the possibility of River Bank Inducement and Daniel said that it was being done throughout the US in areas that were favorable for it. Unfortunately

our Fox River location is not geologically favorable. When asked if River Bank Inducement would cause the deep aquifer to rise or recharge, Daniel said that surprisingly the deep aquifer has already started to recover due to less industry and conservation measures. With regard to where to place additional gauges if we wanted to optimize the operation of the Waterford dam for flood abatement it seemed like gauges would be required at the Barstow impoundment, the Mukwonago River and in Big Bend.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker was not present and Jeff Thornton said that the agency has been very busy contending with the flood conditions they are experiencing. According to a report Jeff saw earlier this week the flood waters are receding and the agency should be able to attend our meetings again soon.
- b) SEWFRC Website – Al Sikora said he had no updates on the website.
- c) Highway 164 Construction update: - WWMD Don Baron said that he received email pictures of sediment coming into Tichigan Lake from runoff from the construction. This erosion was coming down where the WWMD did their 164 stormwater abatement project some years ago. Don forwarded this information to the construction project manager and he responded to Don with pictures of what buffers and filters they had put in to address this situation. He also explained to Don that the topsoil has been removed so there is nowhere for the water to sink into the ground. They also found out that a culvert had some holes in it and so it was being replaced. Don noted that he has noticed some additional runoff coming into the lake south of the area mentioned above. He said that he and Paul Kling will address what needs to be done to stop this sediment flow. Don also said the contactors are starting their landscaping work which should also help the runoff problem. The construction is still on schedule for completion November 1, 2013.

Correspondence –

- a. 4/23/13 Email from Paul Kling of WWMD regarding WE Energies property on Mukwonago River offering assistance and suggestions, forwarded to Alan Barrows and Dean Falkner
- b. 4/25/13 Final Fox River Summit Declaration forwarded to all commissioners
- c. 4/25/13 Contact information from Jim D’Antuono to try to get aerial photos of Fox River during flood conditions
- d. 4/26/13 Final correspondence with Racine Legals to publish Public Hearing Notice and Proposed 2014 Budget
- e. 4/24/13 Final correspondence with Freeman Legals to publish Public Hearing Notice and Proposed 2014 Budget
- f. 4/26/13 Email from Jim Pindel to all commissioners explaining why we could not get aerial photos during flood conditions

- g. 5/3/13 Email from Graef Engineering forwarded to all commissioners regarding two options for invasive species mapping
- h. 5/1/13 Email from Jim D'Antuono to Mike Grisar explaining who we are since we were attempting to get aerial photos of Fox in Flood
- i. 5/6/13 Email from Alan Barrows with contact information of private companies who could do aerial photos
- j. 5/3/13 Email discussion between Jeff Thornton and Dean Falkner regarding the merits of GIS mapping of invasive species
- k. 5/9/13 Correspondence showing that USGS would make a presentation
- l. 5/14/13 Email from Jeff Thornton to USGS telling them what we are interested in
- m. Email from Jim Pindel to all commissioner concerned that we might not have quorum for this meeting.

Miscellaneous Issues –

Jim Pindel pointed out that at the last meeting Jeff Thornton provided printouts of Subchapter VI of the Wisconsin statutes which define our commission and its regulations. So copies were distributed to all commissioners present.

Also Jim Pindel pointed out that our last version of the implementation plan listed the normal height of the Waterford dam as 773.4 feet above sea level and the minimum height as 772.6 feet above sea level but he could not find what the maximum level is supposed to be. Jim asked if Jeff Thornton or anyone else could advise where to find this information.

At this point Alan Barrows provided a completed and signed Satisfaction of Cost Share Agreement to Jim Pindel for our records for the Hintz Wetland Restoration project.

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

Meeting Closed at 2:51 PM

THE NEXT OFFICIAL MEETING WILL BE Friday, June 21, 2013 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Chad Sampson (Racine County)
Alan Barrows (Waukesha County)
Barb Holtz (Town of Mukwonago)
Randy Meier (Town of Waterford)
Shelley Tessmer (Town of Waterford)
Ron Peterson (Village of Big Bend)
Robert Bartholomew (Town of Vernon)
Doug Koehler (City of Waukesha)
Mike Hahn (SEWRPC)
Jim D'Antuono (Wisconsin DNR)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Don Scott (Town of Vernon) (Vice-Chairman)
Randy Craig (Town of Vernon)
Dean Falkner (Village of Mukwonago)
Francis Stadler (Village of Big Bend)
Any representative from the Town of Waukesha

Also present: John Bostrom, Dick Kosut, Don Baron and Gary Bluemel of the WWMD, Dan Treloar of Kenosha County and Michael Schwar s resident of the Town of Vernon.

At 1:04 PM, 6/21/2013, Chairman Al Sikora called the SEWFRC meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the May 17, 2013 meeting were reviewed. Barb Holtz pointed out an error on page 3 of 8 where it was stated that “the herbicides used have a surfactant additive that helps them to penetrate the targeted vegetation and not run off into the waterway”. Barb said that the surfactant is a dispersant and would run off into the water and so cannot be used over water or on shorelines. So the herbicide would be used with the surfactant on dry land but without the surfactant on or near the water. With the correction noted above it was motioned by Chad Sampson and seconded by Ron Peterson that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer’s Report for May 2013 was reviewed. In summary we started with \$87,809.64 in our money market account. We made payments of \$119.95 to Bella Mia for our website hosting and paid \$167.98 to the Racine Journal Times for our Public Hearing announcement and Budget publication and made \$14.88 in interest resulting in a final amount of \$87,536.59. It was motioned by Shelley Tessmer and seconded by Randy Meier that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner was not present and Jim Pindel stated that he had received an email from Benjamin yesterday saying that he could not attend our meeting. Benjamin also stated that conditions at the site had dried out to the point that work could commence. He expects that work could start as soon as next Monday. Benjamin also asked if he could get an extension past June 30, 2013 when he believed that our ENUM expires. Jim responded to Benjamin that we had received a one year extension and so this was not a problem.

- b) Fox River Partnership Summit – Tom Slawski was not present and so Mike Hahn reported for him. Mike started out by saying that with Jeff Thornton's retirement, Tom Slawski will be the new commissioner representing the SEWRPC and Mike himself will serve as his alternate. Mike said that Tom expected to have all the paperwork ready to complete and close out the 2013 Summit project by our next meeting. Tom has started planning the 2014 Summit and has had discussions with organizations in Illinois and is trying to set up the first planning meeting with them. Remember that the next Summit will be held in Illinois.

- c) Ecosystem Restoration Project (ESR) -Sediment Sampling: –WWMD John Bostrom said that the intention was to have the project wrapped up before this meeting. However there was some additional engineering work required and that he has only received the possibly last two invoices yesterday. John said that the ESR project team would be meeting later today and hopefully they could approve the sediment sampling report soon and get it off to the WDNR for their review. The intent is to get this report off before the scheduled WWMD meeting next Thursday. Overall the report gives the sediment a clean bill of health and the next step is to make the NR30 permit application.

- d) Shoreline erosion mapping and stabilization planning with invasive species mapping – Graef Engineering. Jim Pindel stated that he had forwarded the revised proposal from Graef Engineering which included mapping the newly arrived invasive species' as well as the erosion along the main stem of the Fox River within our area of jurisdiction. The three invasive species to be targeted are common reed grass (*Phragmites australis*), Japanese knot weed (*Fallopia japonica*) and tall manna grass (*Glyceria maxima*). The charge from Graef Engineering for the revised scope of work is based on time and materials not to exceed \$21,500.00. Jim also pointed out that there was a discrepancy regarding where our jurisdiction ended on the south end. Graef said that it ended 3800 feet south of State Highway 20 and I thought it ended at the Waterford Dam. Geoff Parish of Graef said that he thought it went to 3800 feet south of HYW 20 by zooming in on the map of our jurisdiction. Alan Barrows said that this discrepancy was likely due to a difference in the projection system between

Racine and Waukesha's maps and that he could make a correction to clear up this issue. It was the consensus of the commissioners that our jurisdiction stops at the Waterford Dam. Jim D'Antuono asked if Graef was aware of all the previous work that had been done by SEWRPC and the County that could be helpful and avoid being redundant. Jim Pindel said that at the previous meeting we had made them aware of the survey taken for us by SEWRPC and that Alan Barrows made them aware of some of the other data already available. Jim Pindel also stated that the first step by Graef was a paper step where they researched existing data and among other things looked at where the river is now compared to where it used to be.

e) Waterford Impoundment Public Outreach and Education Project – WWMD Don Barron stated that the Outreach program was a huge success thanks to the efforts of all of the different organizations involved. There were about 200 attendees which in one respect is a little disappointing because there are about 1100 riparian owners on the impoundment. There is an expectation that when this issue goes to referendum, then they will see all of them turn up. The WWMD brought along one of the large maps prepared by Graef Engineering which showed all the navigational and access channels intended for dredging. The interest at the outreach was phenomenal with people asking good and interesting questions. One of the questions that was put to Tom Slawski was what kind of response would be required to make the referendum pass and Tom responded that it would take a simple majority. Don said that there are two more outreach meetings planned and that the maps already provided will be available for them as well. Al Sikora said that when the dates for the additional outreach programs are set, he would be willing to post them on our website as well. Apparently there was a constant flow of interested people throughout the entire course of the event. Craig Helker representing the WDNR had quite a few questions regarding weeds and said that this was one of the best informative events he had ever attended.

f) Big Bend boat/canoe launch retaining wall – Francis Stadler was not present, but Jim Pindel stated that before the meeting started, Ron Peterson gave him a copy of the signed Cost Share Agreement. The agreement was signed by Jamie Soneberg. Jim also said that at last month's meeting Francis said that the intent was to get the work done this summer and Ron Peterson agreed. Shelley Tessmer asked if the project had gone out for bid and Ron said it had and it was all settled and agreed by now. Shelley then asked who was awarded the contract and it was stated that the bid was won by Extreme Exteriors of Big Bend. When Shelley asked how much the project cost, Jim Pindel looked into the 2014 proposed budget and told her our 90% contribution was \$8,790.30. So the cost of the project was that sum divided by 0.9.

New Business

a) Consideration of expanding the Commission's jurisdiction south to the Illinois border Al Sikora said that he was supposed to reach out to the City and Town of Burlington, but he didn't have a chance. At this point

Jim Pindel made that suggestion that at our next meeting, hopefully with Tom Slawski in attendance, we should approach him with heading up this effort. His position of President of the Fox River Partnership would probably lend itself to his contacting and learning to know these people in the Fox River municipalities. We will leave this issue until next meeting.

- b) Possible request for grant funds for Mukwonago shoreline restoration:
Dean Falkner was not present. Alan Barrows said that there was an email exchange between Dean, himself and a woman at WE Energies concerning this project. This new contact at WE Energies asked many of the same questions that we have covered before, like what is the background of what was done before and what needs to be done to carry this project forward. The outcome of this whole process is that there will be a meeting at the site next Monday which will be attended by this new woman contact at WE Energies, Dean Falkner, Alan Barrows and possibly Jim D'Antuono to try to settle what will happen. One of the things that came out of the recent emails is that WE Energies may have an alternate plan. So we can compare our plan to what WE Energies wants to do and see where it leads us. What complicates the process is that so many different factions have to be involved. You need someone to grant access to the property, you need authorization to operate machinery under the ATC wires up above. We need someone from WE Energies involved who can interface with all these different concerns. There is also the consideration of the cost share percentage as it seems there are some challenges for WE Energies to dedicate funds to the project. Alan pointed out that when the Village of Mukwonago did the shoreline restoration on the opposite bank, it worked well because they had a contractor who was committed to three years of maintenance for the site. Unless maintenance of this WE Energies site does not have a maintenance component for three, five or even ten years it will probably not be successful. Originally we intended to get the Friends of the Mukwonago River involved, so that possibly a 501 C3 organization could solicit donations from others possibly even the WE Energies Foundation to fund the sponsor's cost share. At this Barb Holtz offered to contact Dick Jenks of the Friends of the Mukwonago River to see if he or some other representative of the Friends could attend Monday's meeting. Jim D'Antuono added that unless their infrastructure is threatened any funds spent by WE Energies is monitored closely by the PSC. This falls in the category of a 'nice to do' project but these are the kind of project scrutinized by the PSC. Shelley then asked if WE Energies Foundation money could be used and Alan responded by saying we have had both positive and negative responses to that question. This is one of the issues that needs to be resolved. Most likely the best way to solve this situation is to have the Friends apply for funding from the Foundation.

- c) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Al Sikora asked Jim D'Antuono if he had any information on this topic and Jim responded that all he knew was what he has read in the newspapers. They are trying to move forward with an application and the WDNR has promised to provide a quick review. At this time Oak Creek will be the supplier of the Lake Michigan water and they are still trying to determine which is the best discharge location or waterway. They have a goal of having everything done by the deadline of 2018.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker was not present and Mike Hahn said he had nothing to report.
- b) SEWFRC Website – Al Sikora said he had no updates on the website.
- c) Highway 164 Construction update: - WWMD Don Baron said that he attended a meeting with the contractors yesterday and that they were installing new silt fences where necessary. With the rain that has occurred recently some of the fences have to be replaced with fences that have a metal mesh backing for additional strength. They will begin seeding in the next week and continue to complain about the traffic along 164, noting some traffic is going at high speeds endangering the workers. Asphalt application will start in the first area on the highway in the second to the last week of July. They had the rock riprap ready for installation where the WWMD did their HWY 164 project some years ago, but it was limestone and Don pointed out again that the WWMD used field stone since it had a longer life, so they need to replace the riprap with field stone. As part of the reconstruction they have installed culverts on both the east and west sides of the highway which will increase the flow rate into the creek that eventually discharges into Michigan Lake. The WWMD has gotten Norm Aplinalp a retired WWMD commissioner involved since he was the project manager when this work was originally done. Norm has written them letters regarding this issue. Norm has also contacted engineers who say that the increased flow will require more check dams to be installed to slow the flow down to prevent erosion. The contractors said they would take it under consideration. The contractors said that they have reduced the pitch going into the system to 1%, so the water will be absorbed more by the grass than before. Don said he contacted Jim Ladwig of Racine County asking that his engineers look into the situation and make sure it is being done properly.

Correspondence –

- a. 5/30/13 Email with attachment from Jim Ritchie extending ENUM – 18 until 6/30/14

- b. 5/30/13 Email announcing the retirement of Dr. Jeff Thornton on 6/7/13 with response from Jim Pindel wishing Jeff the best and thanking him for all the work he has done for us.
- c. 6/7/13 Email correspondence originated by Dean Falkner setting up a meeting concerning WE Energies site erosion control
- d. 6/7/13 Email correspondence concerning WE Energies site erosion control project with background from Alan Barrows
- e. 6/20/13 Email from Benjamin Heussner stating he could not attend today's meeting and advising work could start as soon as next Monday on the final five culverts.
- f. Don Barron added that he on behalf of the WWMD sent us an email thanking us the \$5000 and support of their public outreach program.

Miscellaneous Issues –

Considering the fact that both Shelley Tessmer and Chad Sampson were present, Jim Pindel asked that since the last follow up evaluation of the Schmidt & Caton Island erosion control project was performed July 2, 2010, if it wouldn't be appropriate to do a follow up inspection at this time. Shelley said that quite a bit has changed on the island in the meantime and that yes she would do (presumably with Chad's assistance) a follow up inspection.

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

Meeting Closed at 1:45 PM

THE NEXT OFFICIAL MEETING WILL BE Friday, August 2, 2013 at 1:00 PM. (Meeting Location: Big Bend-Vernon Fire Station #3, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

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

Commission members absent:

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

Also present: John Bostrom, Gary Bluemel of the WWMD, Jim Slawny Chairman of the Town of Vernon and Laurie Longtine resident of the City of Waukesha.

At 1:06 PM, 8/2/2013, Jim Pindel acting a Chairman 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 21, 2013 meeting were reviewed. It was motioned by Alan Barrows and seconded by Francis Stadler that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for June 2013 was reviewed. In summary we started with \$87,536.59 in our money market account. We made payments of \$84.86 for Office Supplies that accrued over the last few years, \$49.56 for business cards for Al Sikora and Jim Pindel and paid \$275.68 to the Waukesha Freeman for our Public Hearing announcement and Budget publication and made \$14.34 in interest resulting in a final amount of \$87,140.83. Jim Pindel pointed out that he has not signed the contract with Graef Engineering because unless we receive funding in the Wisconsin State 2013-2014 budget we do not have the money to pay for the project. Jim went on to read from page 502 of the state budget that the WDNR is directed to provide a grant of \$200,000 to the SEWFRC from the recreational boating aids grant program. This would bring the total amount provided by the state to \$1,475,000 since our creation. Jim D'Antuono added that Jim Ritchie has to wait for the Administration department to advise him that an ENUM can be issued to us. So at this point we will not make any financial

commitments for grant funds until we get formal notification from Jim Ritchie. It was motioned by Francis Stadler and seconded by Randy Meier that the Treasurers Reports be approved. The report was approved unanimously. At this time Chad Sampson asked if we had sent letters of appreciation to the legislators involved and Jim Pindel stated that this would serve as a reminder to send such letters when we get formal notification.

Old Business

- a) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner was not present and Jim Pindel stated that he had received an email from Benjamin saying that he could not attend our meeting. Benjamin also stated that conditions at the site have been too wet to start construction and so they were waiting for a dry spell. Barb Holtz reported that she attended a paddle (a meeting) at the site. She took pictures of the site showing the high water conditions and passed the photos around for the commission to view.
- b) Fox River Partnership Summit – Tom Slawski started by saying that everyone should reserve the date for the next Summit which will be held on Friday 3/21/14. The organizing committee met in early July and decided to stay with the Friday venue. They are working through the program and Tom said he had a concern about our ability to use grant funds for a Summit that was held out of state in Illinois. Tom said that he was aware of the fact that Jim Pindel had contacted Jim Ritchie to see if grant funds could be used. Jim also said that if grant funds could not be used the commission could decide to use non-grant funds for the Summit. Tom said that they are looking for a location in Illinois and have thought about renting a bus to take the Wisconsin contingent down to the summit. Jim Pindel suggested that it would be great if the summit was held close to the Fox Waterway Agency (FWA) because all of us north of their location would be interested in how they harvest our topsoil and formed lakes and islands from it. Also the people south of their location would be interested in seeing how much silt they are recovering before it gets down to them.
- c) Ecosystem Restoration Project (ESR) -Sediment Sampling: –WWMD John Bostrom started by again thanking the FRC for the support we have provided toward their dredging effort. John said that they have submitted their grant payment request forms for the phase 2 sediment sampling. The sediment sampling report has been issued to the WDNR and now they are working on phase 3 of the project which amounts to the chapter 30 dredging permit and other permits required. The WWMD signed a contract with Graef Engineering for this work last week. It is anticipated that phase 3 should be completed by the end of November. John said that there was a overrun of the budget because there were three ‘hot spots’ identified in the initial testing which required additional samples to be taken at the three locations at additional expense. The 90% contribution requested from the FRC would be less than \$2000, but John did not have the exact figure available. John stated that the additional samples indicated that all three

'hot spots' were clean and no special handling of the slit would be required. Jim Pindel said that he had scanned the documentation provided for the phase 2 sediment sampling and forwarded it to Jim Ritchie who reviewed it and said it was acceptable, so the FRC will issue a check to the WWMD for the \$59,040 soon. Jim then pointed out to all present that when we pay this \$59,040 we will have used up the entire cash advance we received against ENUM-18. So now we can issue a check immediately but from now on we will have to wait to receive a check from the \$100,000 that the WNDR is holding for us, so the repayment process will take a bit longer. John pointed out that he provided charts and maps which were spread out over some tables at the head of the room for our viewing and information. At this point Shelley Tessmer motioned that we provide 90% of the cost of the additional testing and Randy Meier seconded the motion. The motion passed unanimously.

d) Shoreline erosion mapping and stabilization planning with invasive species mapping – Graef Engineering. Jim Pindel stated that he had already said that he did not sign the contract with Graef Engineering because of not being sure of our state funding but will sign the contract as soon as we are sure we can afford it.

e) Waterford Impoundment Public Outreach and Education Project – WWMD Jim Pindel stated that at the last FRC meeting Don Barron made a report saying that the Outreach was very successful and right now we are just waiting for the payment request forms from the WWMD. John Bostrom said that they are still waiting for invoices from Graef Engineering and as soon as that happens they will provide the forms to close out the project. Jim said he will drop this project off the agenda but it will continue to show up in the treasurer's report.

f) Big Bend boat/canoe launch retaining wall – Francis Stadler said that he inquired about the construction time but did not get an answer but he still thinks it is intended to be completed this summer. Probably the recent rain has slowed down the start of the project. Shelley Tessmer asked if the project went out for bid and Francis said that it didn't have to. Jim Pindel made the clarification that in our Implementation plan it states that if the local municipality requires bidding then the project must follow those bidding requirements. Francis said that the contract was below the bidding level of the village.

New Business

a) Wood Drive Erosion Control Project – Chad Sampson Chad said that this project evolved from a complaint from a land owner saying that a farmer had a lot of water coming off his property washing out their private driveway. The owner thought that the farmer should fix the driveway and remedy the problem. Chad's PowerPoint presentation included an aerial view of the properties involved focused down close enough to show the terrain and location of the driveway and farmer's house and barns. The problem occurs when the large volume of water from the watershed

surrounding this area comes down and is concentrated against this private road which acts as a dam with only one culvert. Apparently the problems isn't cause by high velocity waters coming off fast slopes but just the large volume of water that has to be accommodated by this single culvert under the road. The water gathers silt through the farm field and deposits it after the culvert into a wooded wetland area and eventually into the Fox River. Alan Barrows asked how big the watershed was that drained off into this farm field and Chad estimated that it was anywhere from 80 to 120 acres. Chad also pointed out that additional water flows into this area from a retention pond off of a nearby subdivision. Chad said that they are proposing a grass swale, possibly repairing some drain tiles and rebuilding the road with additional appropriately sized culverts. Chad showed pictures of the situation from his first visit to the site on April 19th, the pictures showed large volumes of standing/slowly running water. Chad also showed some pictures from a later date when the water had receded showing silt build up and the fact that the culvert was pretty well buried. It could also be seen that the stone from the driveway had washed out from the flow of water during heavy rain conditions. It could also be seen that the farmer could not plant this area which was only dirt and weeds. Chad proposes that the grass swale be 15 to 30 feet wide and the road being raised up with earth fill to get it up above the water levels encountered. Also more and larger culverts will have to be added to accommodate the volume of water. They are considering stone or rock riprap and the entrance and exit of the culverts to stabilize it. At this point Chad's staff estimates the project to cost about \$10,000 with \$5000 coming from the SEWFRC, \$2000 - \$3000 coming from the county and the rest coming from the 5 or 6 property owners who utilize this driveway. The farmer does not want to participate by paying or losing any of his farmland. Chad said that they are working with the farmer because he cannot farm the land anyway right now and eventually he may be able to harvest hay from the grass swale. Chad showed some pictures of a similar road/driveway project they accomplished some years ago to show what this road might look like when the project is completed. The pictures showed the site just after construction was completed and late when the grass and vegetation had a chance to grow up. Shelley asked what the function of the grass would be and Chad said that it would hold the soil in place not letting it go off in suspension in the water. Bob Bartholomew asked if we had any history of the farm field and Chad said that the field rotates back and forth between corn and soybeans which is pretty erosive with no hay in the rotation. Chad also said another concern is that the property has already mapped been out with roads for a future subdivision. The farmer also said that this was the second year in the last 5 or 6 years that he could not plant this area of his field. Bob also pointed out that there might be some cost sharing with the federal government, but Chad said the farmer was not interested because he was not interested in the long term rental program. John Bostrom of the WWMD said that the

district has worked all around this location to mitigate erosion and so if Chad could share the information with him the WWMD might be able to share in the costs involved. Tom Slawski asked if this was a navigable stream because if it was the culverts would need to accommodate turtles and other amphibians. Dean Falkner asked if anything could be done to slowdown the velocity of the water coming down into this area and Chad pointed out that the problem had to do with the sheer volume of water not velocity. When asked Chad said it was about a 1% grade. Further the farmer had no interest in ponding or holding back any of the water. Shelley Tessmer asked what kind of grass they would plant and Chad said probably normal lawn grass or whatever the framer wanted to hay off. Francis Stadler motioned to cost share \$5000 contingent on our having the funding available and Shelley Tessmer seconded the motion. The motion passed unanimously.

- b) Consideration of expanding the Commission's jurisdiction south to the Illinois border Jim Pindel started by reminding the commission that at our last meeting he had proposed having Tom Slawski head up this effort. The reason being that Tom is not only a SEWFRC commissioner but is also the President of the Southeastern Fox River Partnership. Our area of jurisdiction is limited to the participating municipalities in Waukesha and Racine counties, whereas the Partnerships jurisdiction covers the entire Fox River. Tom would then be supporting both organizations at the same time. It requires a team effort to approach these new municipalities. In the past Jeff Thornton made the presentations but now either Tom or Jim could make the presentations, but it would be Tom's job to organize and coordinate the meetings. Tom said that he agreed and it made a lot of sense for him to take on this role. Dean Falkner asked if we had or would contact all the state legislators involved in these new communities. Jim Pindel stated that late last summer or early fall he emailed all the appropriate legislators telling them who we are and why we want to include communities including their constituents. Jim went on to say that he has a concern about how we operate once we go on to expand down to the Illinois border. Right now we have 16 commissioners, but once we expand that number will be greatly increased. Do we have large (harder to handle) commission meetings or do we have a north and a south contingent that meet independently. We need to take some time to figure out how to organize and control this larger entity. Also with our larger area of participation, where do we hold the meetings to minimize travel time? Jim pointed out to Tom Slawski that we need to have a meeting or at least a conversation with Al Sikora to find out who he has been contacting and where we stand right now with the Town and City of Burlington. Shelley Tessmer suggested that maybe the new municipalities have membership in the commission but not necessarily having a commissioner on the board. Jim Pindel stated that the state statute that defines who we are and how we operated specified how many

commissioners from each participating municipality. It would seem that if a municipality belonged to the commission it would have a representative to watch over the wellbeing of their municipality and try to get a reasonable portion of our funding for their community. Jim also pointed out that some of our member municipalities like the Towns of Waterford and Vernon have three commissioners and maybe this could be cut back to two each. Randy Meier asked if we would get more funding if we had a larger area of jurisdiction and we all agreed that this would make sense but we would have to get the legislators from the new areas involved to appropriate larger grants. In any case the state statute that defines us and our operation will need changing and legislative action.

- c) Possible request for grant funds for Mukwonago shoreline restoration:
Both Dean Falkner and Alan Barrows were present. Alan Barrows passed a packet of information around to all the commissioners to review. The first sheet listed an eleven point suggested project development sequence. The first two steps identifying a project manager and revising the restoration plan have been completed. A brief overview of the project is that it covers about a 400 foot stretch from lower Phantom Lake to the Village of Mukwonago dam. It covers the inside curve of the river and due to the impoundment there it is rather slow moving. The area of concern is broken up into three different owners and four or five different unique sections. There is a 100' section that WE Energies is not interested in restoring; there is another 100' section with power poles that are in jeopardy that they will take care of restoring, there is a section owned by a private property owner and a final section of about 35' of county highway right of way. The Monday after our last commission meeting there was a meeting at the site attended by Alan Barrows, Dean Falkner, Barb Holtz and Jim D'Antuono representing our commission as well as people from WE Energies. At this meeting WE Energies committed to restoring the 100' section with the power poles they also committed to having someone represent them in the process of pulling permits and coordinating their involvement. When Alan returned to his office he talked to management and they identified Jim Rose as the project manager. Referring back to Alan's suggested project development sequence the third through fifth steps obtaining three bids, determining cost share percentages, applying for cost share funding from our commission, preparing a 10 year maintenance agreement and obtaining all necessary permits has to be done concurrently within the next two weeks in order to get the project done this year. There is a 30 days public notice required for WDNR permitting and an additional 30 days public notice for plan review which is why the steps 3 through 5 must be completed in the next two weeks to do the actual construction work in mid-October. At this time WE Energies has granted Alan two weeks access to the property to go in and survey. We will have to go through the permission process again to do the actual construction. Alan also has to meet with Alex Seifert the private owner,

Alan said that Dean Falkner has engaged Alex and he seems to be onboard with the project. Alan said that the working agreement for this project will look a lot like the one shown in figure B3 of the appendix to our implementation plan. It will breakdown the roles and responsibilities of all the participants. Another change that came from the meeting with WE Energies is that because they have so many overhead power lines they do not want to have any trees, so the design will have to be revised to eliminate the trees and substitute bushes. The present design had biologs (coconut logs) backed up with soil bags. So the design will be revised to remove the soil bags and instead provide a 3:1 slope with erosion matting. In discussion between Alan Barrows and Dean Falkner it was decided that we needed a written agreement with Alex Seifert before we commence with the project. Dean volunteered to get this done. The goose manure problem will be addressed with a three string fence to stop them and eventually the bushes will make it a less desirable location because there will be more cover for predators making the geese more uncomfortable.

- d) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim D'Antuono said he had no news regarding this subject. Jim Pindel said that he had seen on the news that the City was nearing completion of the application and believed that they were now on a fast track to complete their approval. Laurie Longtine of the Waukesha County Environmental Action League addressed the commission say that their organization was greatly involved in the generation of the Great Lakes Compact and its implementation plan. They are also part of a coalition of environmental and conservation groups. The coalition had written a letter to the WDNR asking for an additional set of hearings since this application has changed dramatically from the original concept. Since the original application in 2010 they have changed the water supplier and water route as well as the discharge supplier and route. These changes have caused cost and environmental changes which the public has not been made aware of. Their fear is that now that some form of application is completed and they are on a fast track, as soon as the application is turned over to the WDNR for review the clock starts on the 90 period for the WDNR to complete its review and assessment. What they got out of their effort as a commitment from the City of Waukesha for three public information meetings. Laurie will advise Jim Pindel of the times and locations and he will forward this information to the rest of the commission. Laurie is looking for the support of our commission to oppose the diversion of Lake Michigan water to the City of Waukesha. The WDNR has also said that they will take two weeks after they get the application from the City before the 90 day clock starts ticking. Laurie also mentioned that the Waukesha Freeman had interviewed Katy Steep of the WDNR who said that the WDNR's role is not to stop things but to permit them and she was worried that this was a directive to pass on the application. The coalition has asked for a clarification of her remarks.

Kathy also said that they felt that the other member states in the compact would probably expect Wisconsin to do a very thorough job of reviewing the application and would not expend the same amount of energy that they expected Wisconsin to do.

- e) Consideration of purchasing a Three Panel Backboard for table top display purposes: Alan Barrows Jim Pindel started out by stating that we have borrowed the three panel back drop from Alan Barrows belonging to Waukesha county on two occasions and in discussion with Alan he suggested that we buy our own. When asked about the cost, Alan said that the one Waukesha County owns cost about \$300 and that looking on line he saw that they varied from \$100 to \$300. Francis Stadler motioned that we purchase a backdrop limited to \$300 and the motion was seconded by Randy Meier. The motion passed unanimously. Alan said that he requested in to the company that supplied the panels for Waukesha County and will bring that information to our next meeting.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker was not present and Tom Slawski said he had nothing to report.
- b) SEWFRC Website – Al Sikora was not present, but it was suggested that Barb Holtz provide the present condition photos she passed around to Al so they eventually could be incorporated into the website coverage of this project.
- c) Highway 164 Construction update: - WWMD Don Baron was not present, so no report was made.

Correspondence –

- a. 6/27/13 Email from Highway 164 project manager to WWMD about field stone versus limestone for lined channels to slow down runoff into Tichigan Lake
- b. 7/02/13 Email from Laurie Longtine requesting that the City of Waukesha submit a revised and comprehensive application for the use of Lake Michigan water.
- c. 7/03/13 Emails between Dean Falkner and Alan Barrows after the meeting with WDNR and WE Energies
- d. 7/11/13 Email with site map of WE Energies project from Alan Barrows
- e. 7/11/13 Email from Alan Barrows to WE Energies outlining questions and concerns.
- f. 7/11/13 Email from Tom Slawski forwarded to Jim Ritchie asking if we can fund 2014 Fox River Summit if it is held in Illinois
- g. 6/12/13 US Mail from Kenneth Yunker appointing Tom Slawski to our commission

- h. 7/22/13 Email from Benjamin Heussner giving project update for the Rainbow springs culvert removal project
- i. 7/21/13 Email from Laurie Longtine stating that the Town Chairman would not appoint her to the commission.
- j. 7/23/13 Email from Jim Pindel to Paul Kling of the WWMD stating that the SEWFRC and WWMD could jointly do a project on Town of Waterford property without their financial assistance.

Miscellaneous Issues –

Shelley Tessmer and Chad Sampson pointed out that the Schmidt and Caton island project was not on the agenda and they had recently made an inspection of the site. So we will include this project under Old Business on next month's agenda.

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

Meeting Closed at 2:37 PM

THE NEXT OFFICIAL MEETING WILL BE Friday, September 13, 2013 at 1:00 PM. (Meeting Location: Town of Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

Commission members present:

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

Commission members absent:

Shelley Tessmer (Town of Waterford)
Any representative from the Town of Waukesha

Also present: John Bostrom, Dick Kosut, Don Barron, and Paul Kling of the WWMD, Dan Treloar of Kenosha County and Ron Barker of the Fox Waterway Agency (FWA) of Illinois.

At 1:00 PM, 9/13/2013, Chairman Al Sikora called the SEWFRC meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the August 2, 2013 meeting were reviewed. Barb Holtz made a correction to sheet 2 of the minutes where it stated that she attended a 'panel' at the site. It should have read a 'paddle' at the site. It was motioned by Bob Bartholomew and seconded by Randy Craig that the minutes be approved as corrected. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for July and August 2013 was reviewed. In summary we started with \$87,140.83 in our money market account. We made payments of \$59,040, \$2,578.35 and \$5000 to the WWMD and made \$14.80 for July and \$8.96 for August in interest resulting in a final amount of \$28,982.81. Jim Pindel then made the statement that we had indeed received a \$200,000 grant in the Wisconsin State 2013-2014 budget. He then stated that he had sent letters of thanks to Mary Lazich and David Craig for their work in getting us funded. He also said that he will send a thank you letter to Scott Gunderson. Francis Stadler asked why the payments to the Racine Journal Times and the Waukesha Freeman for publishing our public hearing announcement and budget were taken from non-reimbursement funds even though they are required by law. Jim Pindel answered that these charges are not grant eligible. Jim Ritchie added that the

administrative functions of the commission are not grant eligible. Jim Ritchie went on to say that the expenses for the publications are required by the State Statutes but not by the grant. Don Scott asked what triggers the money held by the WDNR to be transferred to the commission. Jim Pindel answered that after we use up the entire \$100,000 cash advance, each time a project is completed when the paper work is submitted to Jim Ritchie and is approved by the WDNR a check is issued by the WDNR to us which we then deposit in our Money Market Account. It was motioned by Randy Meier and seconded by Don Scott that the Treasurers Reports be approved. The report was approved unanimously.

Old Business

- a) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner was not present and Jim Ritchie said he had not received an update from Benjamin. Barb Holtz then said that she had run into Benjamin and he reported that all the culverts have been removed. Barb also stated that the shoreline restoration was probably being done at the same time. Benjamin also told Barb that the flow of the Mukwonago River was approximately twice what it was last year when they took out the first two culverts. You have to remember that last year we were under drought conditions and this year we are at probably normal rain conditions.
- b) Fox River Partnership Summit – Tom Slawski started by reminding everyone that the date for the next Summit will be Friday 3/21/14. The organizing committee had been working on finding a suitable venue along the Fox River in Illinois and was not able to come up with one, so the 2014 Summit will again be held at the Veterans Terrace in Burlington. This also negates the concern with using Wisconsin grant funds for a project to be carried out in Illinois. Now the organizing committee can focus on generating the actual program for the summit.
- c) Shoreline erosion mapping and stabilization planning with invasive species mapping – Graef Engineering. Jim Pindel stated that as soon as he was certain that we had the new \$200,000 grant he signed, scanned and emailed the contract to Graef Engineering for this project. Jim also said that he had received an email from Geof Parrish stating that Graef would do the field survey the last week of September and the first two weeks of October. Jim said that he advised them that duck and goose hunting would be open during this time period, so they need to be careful and wear bright colored clothing. Jim also said that Graef expected to provide the map and documentation the last week of November or the first week of December.
- d) Big Bend boat/canoe launch retaining wall – Ron Peterson said that the contractor said that everything is ready and the construction should begin very soon. Ron said the Village was not in a big hurry but did want the project completed before winter.

- e) Schmidt & Caton Island erosion control methods – Site inspection report. Chad Sampson said that he did not have a report ready at this time but probably could report on it at our next meeting.

New Business

- a) Wood Drive Erosion Control Project – Chad Sampson_Chad said that he had an engineer visit the site because of some of his concerns. Now it looks like they are going to put concrete over the top of the driveway to hold things together. Apparently just adding additional culverts was not enough. This becomes a bit of a problem because no one on Chad's staff has a Professional Engineers license, so he will have to go outside his staff to get an approved design. Even though they are putting plans together right now this probably will cause some delay. It is still expected that the work can be completed this fall. Chad said he is still working with the farmer and he wants to see the plan and price. The farmer will not be paying for any of this project the cost will be shared by Racine County, our commission and the property owners that use the driveway. Dick Kosut of the WWMD asked Chad if he was aware of the erosion occurring in a large swale on the adjacent farm field owned by Kevin Malchine and would the new larger culverts being installed as part of the highway 164 construction have any effect on that field. Chad said that he was not aware of the exact problem Dick was referring to but the County has completely mapped out the watershed and he didn't expect any changes to the amount of water and water flows because of the 164 construction project. If this ever becomes an erosion control project it would be separate from the Wood Drive project.
- b) Consideration of expanding the Commission's jurisdiction south to the Illinois border Jim Pindel started by saying that just today he forwarded all the information he had including the MoU signed by the Village of Rochester and all other contact information he had to Tom Slawski. Right now we are at the point where we need to schedule a presentation to the City of Burlington and hopefully get the Town of Burlington to attend so that we can make our case for their inclusion in the commission. It will be up to Tom Slawski to organize the presentation and follow up with what we need to do to get both the Town and City to sign up.
- c) Consideration of how we operate with a larger membership base: Jim Pindel provided a handout to all the commissioners present. The handout provided a table showing the present makeup of the commission with eight municipalities and two counties with voting rights and the two ex-officio non-voting members the WDNR and the SEWRPC. With this makeup we have a total of 17 commissioners with 15 with voting power. The second table showed the makeup of the commission if the additional 8 municipalities and additional County of Kenosha were added. This configuration would result in 26 commissioners and require 13 for quorum. This configuration looked to be unmanageable. The next

configuration assigned 1 voting commissioner and an alternate for each member municipality and county resulting in 21 commissioners', 19 voting, and requiring a total of 11 for quorum. The final configuration was the same as the last but excluded the Villages of Twin Lakes and Paddock Lake since we have to decide if they should be included because the main stream of the Fox River does not flow through them. Also we need to find out if they want to participate in the commission. At this point Jim Pindel said that he thought that the Town and Village of Mukwonago were not on the main stream of the Fox River, but on the Mukwonago River which was a major contributor to the flow of the Fox River. Jim was corrected and the main stream of the Fox does flow through the Village and Town of Mukwonago. In this final configuration we have a total of 19 commissioners' and need 10 for quorum. The overall feeling of the commission was that the final two configurations made the most sense and should be pursued. Jim Pindel went on to say that we need to make up a list of points we will present to our legislators when we want to change the state statues that define us. Besides the above recommendation we could suggest that quorum is made by the number of voting and non-voting commissioners and any votes that are taken passed by a simple majority of the voting commissioners' present. Jim Pindel asked if anyone knew why the Towns of Waterford and Vernon had 3 commissioners and the Village of Big Bend had 2 commissioners. Al Sikora said he believed that it was because they had the most shoreline along the river.

- d) Possible request for grant funds for Mukwonago shoreline restoration:
Alan Barrows said that he talked to the project manager Jim Rose in his office and he is still working on administrative activities such as a chapter 30 permit and a request for proposals to get bids on the project. Alan said that there will be plan changes since our last meeting. There is also a plan agreement that Dean Falkner has to take to the private land owner involved. Alan said he talked to Mike Girsar of WE Energies yesterday and he is interested in doing some invasive species cutting in the meantime and so will be cutting buckthorn with WE Energies personnel. It will be some time before the project shapes up to come to a final definition and cost estimate.

- e) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie said he had nothing to report. Jim Pindel said that the only activity he was aware of was that Laurie Longtine requested our cover letter and formal resolution. I emailed the two documents to her and copied all the commissioners with it. Jim Ritchie added that this last week there was the Great Lakes Symposium in Milwaukee attended by all the US state members as well as the Canadian members and the topic of the City of Waukesha diversion was a topic of

discussion.

- f) Consideration of purchasing a Three Panel Backboard for table top display purposes: Alan Barrows said that the supplier he contacted and requested a sample to present to the commission had not responded. He will again make the request and if it is fruitless he will contact different suppliers. If in the meantime we have a need for a display panel we can borrow one for Racine or Waukesha County.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker said that the City of Chicago sends its thanks. They are receiving 45,000 cubic yards of our topsoil to create and groom 9 soccer fields on the south side of Chicago.
- b) SEWFRC Website – Al Sikora said that he had nothing special to report but reminded all present that they need to provide photography and text so he can keep the website current. Alan Barrows said that he had recently updated the map on our website so that the completed projects moved to completed leaving only two dots as current projects.
- c) Highway 164 Construction update: - WWMD Don Baron said that they were still on schedule for finishing up the low spot between Beach Road and East River Bay Road by the end of October. The Waterford Chief of Police reported that there have been complaints of the large trucks going through subdivisions and this was being addressed. Don said he reported some washouts along some of the roadsides that he reported to them after the last big rain. These situations are being taken care of.

Correspondence –

- a. 8/22/13 Email from Jim Pindel to Jim Ritchie of WDNR with revised documentation for WWMD sediment sampling project with cost over run
- b. 8/22/13 Email from Jim Pindel to Jim Ritchie of WDNR with documentation for WWMD public outreach project
- c. 9/3/13 Email from Jim Pindel to Chad Sampson and Dan Treloar trying to confirm the number of municipalities we would include if we expand to the Illinois border
- d. 9/4/13 Email response from Chad Sampson regarding municipalities in Racine County
- e. 9/4/13 Email response from Dan Treloar regarding municipalities in Kenosha County
- f. 9/5/13 Email with signed contract attachment sent by Jim Pindel to Geof Parish at Graef Engineering to get Erosion & Invasive species mapping project underway

- g. 9/9/13 Email from Laurie Longtine requesting letter and resolution SEWFRC regarding diversion of City of Waukesha treated wastewater away from the Fox River

Miscellaneous Issues –

Jim Pindel brought up the fact that there was a very interesting article in the most recent issue of the Wisconsin Natural Resources Magazine. The article had to do with “Areas of Concern” (AOC) in Wisconsin. The situations that were described mirror many of the problems we are facing. The five AOC’s in Wisconsin are the St. Louis River, the Menomonee River, the Sheboygan River and Harbor and the Milwaukee Estuary. The federal EPA has awarded nearly \$88M to these funds in Wisconsin. The 14 criteria for gaining AOC status are:

- Restriction on fish and wildlife consumption
- Tainting of fish and wildlife flavor
- Degradation of fish and wildlife populations
- Fish tumors or deformities
- Bird or animal deformities or reproductive problems
- Degradation of benthos
- Restrictions on Dredging
- Undesirable Algae
- Restrictions on drinking water consumption or odor and taste problems
- Beach closings/recreational contact restrictions
- Degradation of Aesthetics
- Added costs to agriculture or industry
- Degradation of plankton populations
- Loss of fish or wildlife habitat

The unfortunate problem is that this program is only for rivers in the Great Lakes basin. With the approval of the commission Jim Pindel will send an email to Jim D’Antuono our official commission member asking if we can qualify for this AOC program or if there is any other comparable program for the Mississippi watershed that we could qualify for. We would ask Jim D’Antuono to forward our inquiry to whoever could address our request.

Randy Craig brought in two boxes of historical documents that he received many years ago from Forest Drews. He would like to unload these documents and so offered them to the commission (Jim Pindel as secretary/treasurer) for review and keeping. The documents will be reviewed and processed accordingly. After the meeting Dick Kosut of the WWMD suggested that whatever is leftover should be given to the Waterford Library so they can review it and see if anything is of historical value to them.

It was motioned by Francis Stadler and seconded by Doug Koehler that the meeting be closed. The motion passed unanimously.

Meeting Closed at 1:53 PM

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

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Ron Peterson (Village of Big Bend)
Chad Sampson (Racine County)
Alan Barrows (Waukesha County)
Barb Holtz (Town of Mukwonago)
Doug Koehler (City of Waukesha)
Dean Falkner (Village of Mukwonago)
Francis Stadler (Village of Big Bend)
Jim D'Antuono (Wisconsin DNR)
Tom Slawski (SEWRPC)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Don Scott (Town of Vernon) (Vice-Chairman)
Randy Meier (Town of Waterford)
Robert Bartholomew (Town of Vernon)
Randy Craig (Town of Vernon)
Shelley Tessmer (Town of Waterford)
Any representative from the Town of Waukesha

Also present: Dick Kosut of the WWMD and Dan Treloar of Kenosha County.

At 1:10 PM, 10/11/2013, Jim Pindel acting as Chairman until Al Sikora arrived 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 13, 2013 meeting were reviewed. It was motioned by Francis Stadler and seconded by Doug Koehler that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for September 2013 was reviewed. In summary we started with \$20,546.24 in our money market account. We made a payment of \$1,250 to the Fox River Partnership as the final payment toward the 2013 Fox River Summit and made \$2.46 in interest resulting in a final amount of \$19,298.70. Dan Treloar pointed out a typo in the report the ending balance in the Money Market Account should have been as of 9/30/13 instead of 5/31/13. Francis Stadler reported that he had read an article in the Mukwonago Chief section of last Sunday's Milwaukee Journal Sentinel regarding shoreline stabilization and erosion control projects along the Mukwonago River. There was no mention of the support (funding) provided by our commission. Barb Holtz of the Town of Mukwonago was made aware of this comment and may be able to advise the proper people who were involved in developing this article. It was motioned by Francis Stadler and seconded by Chad Sampson that the Treasurers Reports be approved as corrected. The report was approved unanimously.

Old Business

- a) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner was not present and Jim D’Antuono stated that the situation was exactly as reported in last month’s meeting minutes that the project was pretty much completed. Jim Pindel reported that he had received a US mail letter from Joicelyn Schwager of the Natural History Association requesting a payment of \$16,178.63 which was due on 10/4/13. Jim Pindel said that he contacted Jim Ritchie and Benjamin Heussner of the WDNR and found out from Jim Ritchie that we should be getting the \$100,000 cash advance against ENUM-19 this week and found out from Benjamin Heussner that the payment could be a couple weeks late without any problems. So Jim Pindel said that even though we would exceed the 50% cash advance limit we imposed on ourselves, we would issue a check to the Natural History Association as soon as we receive the ENUM-19 cash advance.
- b) Fox River Partnership Summit – Tom Slawski started by reminding everyone that the date for the next Summit will be Friday 3/21/14. The organizing committee is working on getting speakers and especially a keynote speaker. Tom also advised everyone that the 2014 Summit will be held at the same location as the 2013 Summit.
- c) Shoreline erosion mapping and stabilization planning with invasive species mapping – Graef Engineering. Jim Pindel reported that he had heard from Geof Parrish of Graef Engineering who said that they had an issue with their canoe and would be starting on the field survey this coming week. Geof also said that the late start would not affect the overall timeline since they should still have the final report to us in late November or early December. Alan Barrows said that he had not been contacted by Graef Engineering. He had offered to share the GPS data that he had collected when they did the recent inventory of the Fox River. Alan asked Jim Pindel to advise Graef to contact him so that they might take advantage of the data which shows hot spots and some gaps in the data collected. Jim Pindel said he would ask Geof Parrish to contact Alan.
- d) Big Bend boat/canoe launch retaining wall – Ron Peterson said that the contractor will start the project this coming week and most likely will finish the project the same week.
- e) Schmidt & Caton Island erosion control methods – Site inspection report. Chad Sampson said that he did not have a report ready at this time but probably could report on it at our next meeting.

New Business

- a. Wood Drive Erosion Control Project – Chad Sampson Chad said that they had a plan about 80% completed for the project. Chad also reported that the professional engineer he had on staff resigned and went to work for the

City of Greenfield. So now Chad has no one to sign off on the design. So Chad is looking to get a sign off from the regional professional engineer or possibly some other alternatives. The plan is to get this project completed this fall so that it is effective next spring when the water flow will probably be high again.

- b. Consideration of expanding the Commission's jurisdiction south to the Illinois border Tom Slawski said that he had contacted both the Town and City of Burlington and that he had a set date of November 14, 2013 for a presentation to the Town. The City did respond and advised that we should make our presentation to the City Counsel. Jim Pindel added that the presentation Tom Slawski sent to Al Sikora and himself was not the presentation that Jeff Thornton had been making. Jim said there was a presentation Jeff made up for the Fox Waterway Agency of Illinois and modified somewhat for a presentation to the Lake Winnebago municipalities. This PowerPoint presentation was somewhat scaled back for the expansion introduction to the new municipalities. Tom thought that he might have a way to find these presentations. Al Sikora said that he would look to see if he had a copy of the presentation to send to Tom. Jim D'Antuono warned us that Burlington might want to bring up their dam as a topic and we certainly do not want to take ownership of this issue.
- c. Consideration of how we operate with a larger membership base: Jim Pindel pointed out that at our last meeting we agreed to try to change the makeup of the expanded commission to one commissioner and one alternate commissioner from each county and municipality. Jim went on to say that the new state statutes that define us should limit the cash advance amount on any project to 50% of the total grant amount. However we should have the ability to award larger cash advances for special situations. Jim also stated that the new statutes should state that quorum is met by 9 commissioners either voting or exofficio, but when a vote comes up the decision is based on the majority vote of the voting commissioners present.
- d. Possible request for grant funds for Mukwonago shoreline restoration: Alan Barrows said that he went to the site last week to look around. One thing Alan was concerned about was what materials were used on the Indianhead park side of the river on the county right-of-way. On photos Alan said it looked like rock and actual site investigation showed that it was indeed a river rock or natural stone material used along the bridge abutment. On the side we are working on now it is just broken concrete. So what Alan plans is to use natural stone along the abutment and then change over to biologs of some other soft erosion control media. Alan said that he talked to WE Energies and they are getting anxious to get the work done because the power poles are getting dangerous. Now the

emphasis is on getting the permits and bids to get the job done. Alan asked Jim D'Antuono if it would be possible to have the dam adjusted to get the water level down during the construction phase of the project. Jim D'Antuono pointed out that dropping the water level at the work site would also drop the water level in Lower Phantom lake which would likely cause complaints from the local residents. After a little further discussion it was pretty much decided by Alan to forget dropping the water level. Jim Pindel asked if the \$46,000 figure we have in our budget was still a good number and Alan said that we are now at the point of getting bids to do the work and that even though WE Energies has a preferred contractor, Alan will get three bids for doing the work. Alan said it is even possible we will have two different contractors working on the same linear project. So the cost of the project will not be known until the bids come in.

- e. Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim D'Antuono said he really didn't have anything to report except that the City has not submitted its application to the WDNR yet.
- f. Consideration of purchasing a Three Panel Backboard for table top display purposes: Alan Barrows said he has not heard back from the supplier that the county bought their backboard from. Alan asked one of the program assistant in his office to take the lead on getting information and possibly samples for us. So Alan expects to have something for us at our next meeting.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker was not present and Tom Slawski said that he had not heard anything to report.
- b) SEWFRC Website – Al Sikora said that he had nothing to report regarding the website.
- c) Highway 164 Construction update: - Don Baron of the WWMD was not present. Dick Kosut said that he heard that they are now expecting to finish the middle of November. Al Sikora reported that they were tearing up the highway near highway 36.

Correspondence –

- a. 9/19/13 Emails between Jim Ritchie and Jim Pindel saying we have the new grant and sending the completed application form via email and US mail back to Jim Ritchie
- b. 9/20/13 Email to Scott Gunderson thanking him for the grant from the WDNR and for his support of the commission. Also included a short summary of our current activities.

- c. 9/30/13 Email from Jim Pindel to Jim D'Antuono concerning our request to be considered as an "Area of Concern" (AOC) or being considered for some other similar program in the Mississippi watershed.

Jim D'Antuono reported that he had forwarded our email to several people within the WDNR. Jim did say that the AOC program was for the Great Lakes watershed only and that it was primarily concerned with areas of high concentrations of chemical contaminants. These areas of contamination are generally due to past industrial discharge most commonly PCBs. Jim said he was not aware of any similar program for inland waters and that the programs for the Mississippi watershed were mostly concerned with contaminant flow into the Gulf of Mexico.

Jim suggested that we go back in our records and look at a study that was done for the commission by a consultant to find what grants and programs existed that might be applicable to our commission. Pointing out how tight federal grant money is Jim mentioned the Pike river restoration project in Kenosha county which had nine phases to the project, six have been completed and there has been no action toward the last three phases to bring the project to completion.

Miscellaneous Issues –

Chad Sampson said that the draft copy of the Racine county budget has just come out and it is available on the Racine county website. Chad looked for the Fox River Commission as a line item but it was not there. The budget is open for comment for about the next month, so if we wanted we could formally make a case for funding which would be reviewed by the proper authorities.

Barb Holtz made the announcement that the Friends of the Mukwonago River were hosting a watershed awareness weekend starting tomorrow. There are four speakers and a lunch included tomorrow for an entrance fee of \$10.00. On Sunday from 1:00PM to 3:00PM is a tour of the Rainbow Springs property and restoration project guided by WDNR officials. For more information on the watershed awareness weekend, Barb said we should consult the Friends of Mukwonago River website.

It was motioned by Dean Falkner and seconded by Ron Peterson that the meeting be closed. The motion passed unanimously.

Meeting Closed at 1:51 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
November 15, 2013 at 1:00 PM. (Meeting Location: Town of
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,
WI 53103.)**

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Don Scott (Town of Vernon) (Vice-Chairman)
Ron Peterson (Village of Big Bend)
Randy Meier (Town of Waterford)
Chad Sampson (Racine County)
Alan Barrows (Waukesha County)
Barb Holtz (Town of Mukwonago)
Dean Falkner (Village of Mukwonago)
Francis Stadler (Village of Big Bend)
Jim Ritchie standing in for Jim D'Antuono (Wisconsin DNR)
Tom Slawski (SEWRPC)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Doug Koehler (City of Waukesha)
Robert Bartholomew (Town of Vernon)
Randy Craig (Town of Vernon)
Shelley Tessmer (Town of Waterford)
Mary Pindel (Town of Waterford – Alternate)
Any representative from the Town of Waukesha

Also present: Paul Kling of the WWMD and Michael Schwar of the Town of Vernon.

At 1:05 PM, 11/15/2013, Chairman Al Sikora called the SEWFRC meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the October 11, 2013 meeting were reviewed. It was motioned by Randy Meier and seconded by Ron Peterson that the minutes be approved. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Report for October 2013 was reviewed. In summary we started with \$19,298.70 in our money market account. We made a deposit of \$100,000 the cash advance against ENUM-19 and made a payment of \$16,838.58 to the Kettle Moraine Historical Association as a second cash advance payment toward the culvert removal project within Rainbow Springs and made \$11.30 in interest resulting in a final amount of \$102,471.42. The grant funds sheet of the report reflected the addition of \$200,000 from ENUM-19 resulting in current available grant funds of \$176,466.35. It was motioned by Francis Stadler and seconded by Randy Meier that the Treasurers Reports be approved. The report was approved unanimously. Then Randy Meier asked if there was a deadline for when the grant funds had to be spent by. Jim Pindel stated that we were granted a one year extension on ENUM-18 so all its funds must be spent by 6/30/14. Regarding ENUM-19 all the funds must be spent by 6/30/14, but we can apply for a one year extension out to 6/30/15.

Old Business

- a) Mukwonago River Restoration within Rainbow Springs – Benjamin Heussner was not present. Barb Holtz reported that the Friends of the Mukwonago River ran an open house at Rainbow Springs on the Sunday after our last meeting. It was attended by about 35 people and the toured all seven sites where the culverts had been removed. Barb reported that the landscaping and erosion control measures taken looked very impressive. Barb also said that she took pictures which she intends to bring to a future meeting. Jim Ritchie said he will contact Benjamin Heussner asking him to process the forms and documentation so that the project can be closed out.

- b) Fox River Partnership Summit – Tom Slawski said that he and his committee are on track and are about half way finished with the program. He has some great keynote speakers lined up. The two main keynote speakers had articles published in the North American Lake Management Society magazine. They have developed a program called ‘clear choices – clean waters make a difference’. Their program won the award for the most outstanding outreach program for this last year. Tom said that if this conference had a theme it would be “tools”. Tom expects to have the brochure ready by our next meeting. Tom said that he will take Al Sikora up on his offer to help him establish a PayPal account for collecting the admissions. Someone from the Federal Fish and Wildlife Service will talk about programs to assist in water and recreational trail development. Tom said he is already getting asked when the next summit will be and he is hopeful of exceeding the 150 participants we had last time.

- c) Shoreline erosion mapping and stabilization planning with invasive species mapping – Graef Engineering. Jim Pindel reported that he had heard from Geoff Parrish of Graef Engineering. Jim passed around two pictures of sites where erosion was noted and said the Graef said that there were three sites of obvious significant erosion. One area was an unvegetated slope extending from a road to the water adjacent to a bridge. Alan Barrows said that he was pretty sure where this site was and that it needed attention. Alan said it was a new bridge in the City of Waukesha and that he had talked to Doug Koehler about it. Jim also said that they only found colonies of phragmites and none of the other two species they were looking for. Jim said Graef is now working on the GPS map and is prioritizing the erosion sites so we can address them in the best manner. Their report will be ready by our next meeting. Considerable discussion ensued concerning how we know that fixing one site might not cause problems nearby and so we realized that we depend on the expertise of our county, WDNR and SEWRPC members to guide us in reviewing the plans and designs of the projects. Alan Barrows pointed out that the culvert removal project in Rainbow Springs has a Notice of Termination associated with that permit and this would not be a bad thing for us to collect on projects. The notice shows that the regulatory

authorities have signed off accepting the outcome of the project.

d) Big Bend boat/canoe launch retaining wall – Francis Stadler stated that the project is nearly completed and that there was an oversight in the estimate of the project cost. There was a \$1400 item that was quoted as part of the proposal that was not added into the final cost estimate. The commission accepted the fact that this was a simple oversight, not any fault of the contractor or a cost overrun and so Dean Falkner motioned that we revise the expected cost to include the additional \$1400 and the motion was seconded by Ron Peterson. The motion passed unanimously.

e) Schmidt & Caton Island erosion control methods – Site inspection report. Chad Sampson provided a report in a handout form to all commissioners. Shelley Tessmer and Chad did the physical site inspection sometime in August. The report started with an aerial view of Elm Island Bay and the Fox River surrounding the island, followed up with a close up aerial of the island showing the locations of the different erosion control method tested. The next photo was a view from the river showing all the test sites next to each other. The following close up photos recorded the conditions of the coconut fiber logs, the rock riprap and the fiber block. In conclusion Chad stated that the most successful demonstration of erosion control was still the erosion matting with native planting and the rock riprap. Both sites demonstrated minimal or no erosion and good plant growth with natural and native appearance. The plant growth was not as successful in the fiber block currently this site is growing up with some weeds. One of the coconut fiber logs was missing causing this portion of the island to be unprotected and eroding. The site includes native species that were planted including rush plants, sedges, marsh milkweed and other native plants.

New Business

- a. Wood Drive Erosion Control Project – Chad Sampson Chad said that Dick Kosut suggested that he contact the farmer who rents the land just to the east of the project site. Chad thought that it would be a good idea to get the whole situation completed at one time. Chad said he is still in negotiations with the farmer who owns the land that floods and erodes above the roadway that needs rebuilding and additional culverts. Chad said he would like to see a grass swale all the way from highway 164 down to the roadway that currently acts as a dam. The programs that the county has to offer usually require a 10 to 15 year commitment and sometimes the land owners don't want this especially if they are thinking about possibly selling the property. Chad is hoping to get things in place this winter so that the work can be accomplished in spring. Barb Holtz asked if the county used native grasses when they installed a grass swale. Chad said they don't because the native grasses take longer to get started and so they use ryes and other grasses that grow and establish themselves more quickly so the grass and ground doesn't wash out. Chad did say that they use native grasses in buffer zones where there is less risk of getting washed out. Barb suggested that they mix in some native grasses either

initially for a while after not only because they are native but because they have deeper roots which hold the ground together better.

- b. Consideration of expanding the Commission's jurisdiction south to the Illinois border Tom Slawski said that he and Jim Pindel had a meeting last night with the Town of Burlington, this was a follow up meeting since Al Sikora, Jeff Thornton and Jim Pindel made an initial presentation with the town about 2 months ago. Tom thought that they were interested and would probably sign on with the commission. It seemed that some of their members were concerned that our opposition to the City of Waukesha diverting its treated waste water away from the Fox River meant that we were opposed to the Great Lakes Compact, not wanting them to return whatever water they took from Lake Michigan back to Lake Michigan. We tried to explain that we didn't want Waukesha to take water from Lake Michigan in the first place since we felt there were other/better options to resolving their radium problem. We had agreed to send them a copy of the resolution we sent to the City of Waukesha, the WDNR and others. Also Jim Pindel said that after the meeting he realized that they were under the impression that the commissioner they would appoint would have to be one of the board members. Jim will advise them in the email with the resolution attached that they can appoint anyone of their citizens. Tom pointed out that their main concerns were flooding issues and so Waukesha reducing the flow in the river was not a big concern to them. Tom also said that he had contacted the City of Burlington and it looked like we would make our presentation to them in January or February.
- c. Consideration of how we operate with a larger membership base: Jim Pindel pointed out that at our last meeting we agreed to try to change the makeup of the expanded commission to one commissioner and one alternate commissioner from each county and municipality. Jim went on to say this item on the agenda was intended so that any of the commissioners could bring up points that they thought could be included in the state statues when they are rewritten based on our proposed expansion. Barb Holtz said maybe we should have something written into the statues that require all member municipalities to have commissioners assigned. For example, right now the Town of Waukesha has not had a commissioner assigned for a long time. Barb then asked if we had contacted the Town of Waukesha requesting the appointment of a new commissioners and Jim Pindel said that he intended to but hadn't done it yet. It is on him to get it done by the next meeting.
- d. Possible request for grant funds for Mukwonago shoreline restoration: Alan Barrows said that he didn't have a lot to report right now. The project leader from his group Jim Rose is out of the country right now. Alan said that it was interesting looking at the report that Chad Sampson just made concerning the Schmidt & Caton island project. The coconut

logs which didn't work out so well are the primary erosion control option being used on the WE Energies proposed project. Alan said that he would be in favor of a new product called American Excelsior Block. It is a Wisconsin product in square sections of shredded aspen in a cotton sock which is biodegradable. Alan said that in the section of the project which is no county right-of-way they will be using field stone. The goal is to get the request for proposals out within the next 30 days. At that time we will finally have a solid cost estimate. Don Scott asked if any consideration was given to prevention or protection against ice damage. Alan agreed that this is a major concern and that they would review the design considering the effects of ice. Alan said that ice is one of the reasons that stone is used often at the waterline and Chad added that decreasing the slope of the shoreline causes the ice to slide up the slope instead of digging into it.

- e. Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie said there are four public hearings scheduled the only one left will be held in Milwaukee next Monday night. Al Sikora pointed out that the meeting schedule was sent to all commissioners last week. Barb Holtz said that a friend of hers from the Friends of the Mukwonago River attended the meeting on 11/14/13 and told her that two attendees spoke out against the diversion because of the negative impact it would have on the Fox River. Tom Slawski said it would be to our benefit if we went on record opposing the diversion because of the negative impact on the Fox River. It was decided that Tom and Jim Pindel would put together some bullet points and send them out to the commission so that each of us, in our own words, could individually go on record against the diversion. There is a link in the email sent by Jim Pindel with the meeting schedule where the comments can be sent. Tom pointed out that it would be a lost opportunity if we didn't comment.
- f. Consideration of purchasing a Three Panel Backboard for table top display purposes: Alan Barrows said he will simply purchase the three panel display and make sure we have it before the Fox River Summit next March. He pointed out that what we had for the last Summit was good but could be updated and improved upon. Possible additions to the display would be to feature the work we did within Rainbow Springs and at the Big Bend boat launch.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois – Ron Barker was not present and Tom Slawski said that he had not heard anything to report.
- b) SEWFRC Website – Al Sikora said that he had nothing to report regarding the website.

- c) Highway 164 Construction update: - Don Baron of the WWMD was not present. With the fact that the construction is completed, this item will be removed from the agenda.

Correspondence –

- a. 10/14/13 Jim Pindel email to Graef Engineering asking them to contact Alan Barrows of Waukesha County about GPS data the county has already collected.
- b. 10/11/13 Email from Jim Ritchie saying that the cash advance from EMUM 19 has been US mailed to us. Jim Pindel responded that the check was received and deposited into our Money Market account.
- c. 10/15/13 Email from Jim Pindel to all commissioners that our next meeting will be on 11/15/13.
- d. 10/18/13 Email with link forwarded from Barb Holtz to all the commissioners concerning the City of Waukesha submitting their application for use of Lake Michigan water. The article boasts the benefits to the Root River but does not mention the detrimental effects to the Fox River.
- e. 10/22/13 Email from Laurie Longtine advising us of a presentation by Dr. David Garman on 11/14/13 on water use, water management and conservation. Asking us to attend and promote.
- f. 10/25/13 Email from Brian Schneider of Graef Engineering asking if the FRC has done any work toward phosphorous reduction and Total Maximum Daily Load. This email was forwarded to all commissioners asking if anyone had any comment.
- g. 10/27/13 Email response from Dean Falkner stating “I haven’t heard of the Fox River getting a TMDL for phosphorus. I believe this is going to be an issue that needs to eventually be addressed. Phosphorus is a mobile element within the aquatic environment. A notable issue is the whole concept of the water quality based phosphorus limit and how the DNR will enforce it under these options.
- h. 11/7/13 Email from Jim D’Antuono concerning TMDL for phosphorus in the Fox River. There is no TMDL scheduled for the Fox at this time. Maureen McBroom said she will get back to Jim in January concerning urban non-point grants and TRM grants.
- i. 11/15/13 Email from Laurie Longtine reminding us too late that Dr. David Garman is making a presentation 11/14/13 on water policy, water use and management and water conservation. The intent was to consider these topics in regard to the City of Waukesha’s use of Lake Michigan water.

Miscellaneous Issues –

Paul Kling of the WWMD stated that they were proceeding with their project to dredge parts of the Waterford impoundment. They are currently in phase 3 of the program which should end up with an application to the WDNR for a dredging permit. Presently most of the work being done is to find dewatering, storage and disposal sites. The WWMD is working hand in hand with Graef Engineering to secure these sites. Jim

Pindel added that the WDNR has stated that the sediment can be sold but only by the truck load.

Paul went on to say that the WWMD has identified several new projects around the impoundment and that is has been working with Chad Sampson to get at least one of them organized. Paul indicated that they will be coming to us for funding.

Paul also said that the WWMD is concerned about the diversion of the City of Waukesha's treated waste water away from the Fox River. He said that they are looking to us for information that they can use to educate their members on this issue.

Alan Barrows said that after a two inch rainfall there was some erosion at the end of the rock spillway the county had installed. The county has installed an additional twelve feet of rock which has stabilized the situation. Alan said that they will continue to monitor the site and make additions and corrections as needed. He did say the Parks division did a real nice job of adding the stone.

It was motioned by Don Scott and seconded by Chad Sampson that the meeting be closed. The motion passed unanimously.

Meeting Closed at 2:29 PM

**THE NEXT OFFICIAL MEETING WILL BE Friday,
January 10, 2014 at 1:00 PM.** (Meeting Location: Town of
Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend,
WI 53103.)