

DANE COUNTY DRAINAGE BOARD HEARINGS
March 27, 2019

Location: Town of Bristol Hall, 7747 County Road N, Sun Prairie, WI 53590

Drainage Boards Members Present: Scott Ringelstetter, Leonard Massie, Paul Maly (via telephone)

Others Present: John Mitby (Board Attorney), Elizabeth Spencer (Board Attorney), Christopher Clayton (DATCP), Peter Magoni (Jefferson County Drainage Board).

District Members present:

District No. 2: David Kennedy and Tom Kennedy.

District No. 4: Dennis Laufenberg and Annie Tremaine.

District No. 12: Heather Stefano, Norman Peth, and Brett Skaar.

District No. 21: Doug Tjugum.

District No. 23: Russell Pohlman and Karyn Saemann.

Meeting called to order by President Scott Ringelstetter at 6:20 PM

Opening Statements

- S. Ringelstetter makes introductory remarks regarding the purpose of these hearings.
- L. Massie provides that the Board needs to recommend the Dane County Circuit Court to either dissolve Districts 2, 12, and 23 or reinstate district operations and the district be reinstated.
- J. Mitby provides the history of dissolving drainage districts.

District 2

- A stop work order was entered by the Court in 1954. No work has been performed in the District by the Board since that time.
- The Board opens the meeting for testimony of landowners.
- Landowner D. Kennedy states that his farm tile was repaired approximately 12 years ago, if the landowners downstream do not clean out their ditches what happens? J. Mitby provides that if the district is reinstated the Board would be involved in the clean out. L. Massie explains the Board's duties and function.
- Landowner T. Kennedy explains how their property currently drains and the potential issues downstream. It appears that there would be little harm and lots of benefits to reinstating the districts

- L. Massie explains that there are costs to reinstatement: that all landowners will be required to pay their share of the costs and that the records from the 1950s will need to be brought up to date. He estimates the initial costs would be around \$5,000.
- J. Mitby provides that there will be annual costs for the annual inspection even if ultimately no maintenance or repair work is performed in the district.
- P. Maly explains that there are advantages for D. Kennedy to keep it active but there will be costs.
- C. Clayton reminds all that the current files have some documents on the district but these must be brought up to date.
- J. Mitby states that in all petitions to the court regarding the Board's decisions at these hearings a list of what work must be performed to bring districts up to date and a cost estimation will be provided.
- T. Kennedy supports reinstating the District.
- D. Kennedy supports reinstating the District.
- P. Maly moves to petition the court to reinstate District No. 2 because it is in the best interest of the public welfare. L. Massie seconds this motion. MC 3-0.

District No. 12.

- L. Massie provides that the stop work order for District No. 12 was put into place in 1958. Opens hearing for comment from landowners.
- Landowner H. Stefano does not know how the district pertains to her property, is here out of interest, and lets another party crop her land.
- C. Clayton provides historical map for H. Stefano to identify her property and for Board to review with her.
- L. Massie explains the benefits of an active drainage district and the effects of cleaning out the ditches. S. Ringelstetter notes that the clean out of brush from ditches can be expensive.
- Landowner N. Peth identifies his property on the map which is farmed and comments on the fact that the ditches currently contain debris.
- Landowner B. Skaar also reviews map with Board and notes that the interstate has increased runoff into the ditches.
- L. Massie explains the need to bring records up to date and the assessment of benefits that will need to occur if district is reinstated.
- B. Skaar is in favor of reinstatement.
- H. Stefano supports reinstatement. She additionally requests better maps. B. Skaar states that these can be accessed online.
- N. Peth supports reinstatement.
- P. Maly moves to petition the court to reinstate District No. 12 because it is in the best interest of the public welfare. L. Massie seconds this motion. MC 3-0.
- D. Tjugum asks the Board about whether the members of the districts being discussed this evening should get bids to get a cost estimate before the final decision?
- L. Massie states that he cannot get bids because they cannot currently perform work in the districts.
- J. Mitby notes that in the petition to the court the Board will be noting what work must be performed to bring the districts up to date and a cost estimation will be provided.

- P. Magoni discusses the Jefferson County Drainage Board's experiences and how the Circuit Court ultimately provided funding. J. Mitby states that Judge Frank Remington knows that there is no money and these hearings are being done pro bono.

District No. 23

- R. Pohlman owns land in the district but it is part of a Wetland Reserve Program in perpetuity. He wants to know what will happen to it. The Wetland Reserve Program has plugged up ditches.
- L. Massie notes that wetland has no drainage but if they are harming adjoining district lands that must be addressed.
- C. Clayton provides historical maps for R. Pohlman and Board members to review.
- P. Magoni requests that a letter from landowner David Hughes written to Judge Frank Remington of the Dane County Circuit Court be read into the record. S. Ringelstetter reads the letter. D. Hughes supports reinstatement of the district, states that his property has been negatively affected without the district, states that other district members are in favor of reinstatement, and is upset with how the Board has conducted this process.
- S. Ringelstetter notes that D. Hughes did not provide the names of the other district members whom he states support reinstatement nor are they or D. Hughes present.
- L. Massie explains the history of the Board involvement up to 1971 when the stop work order went into effect. He has obtained some records but believes that some may be lost.
- P. Magoni, not a landowner but an interested party, provides that District 23 flows into Jefferson County Drainage District No. 15. At this time the ditches are more like rivers than ditches. The shoreline banks are being continually destroyed. District 23 is just a mess. At this point, he is concerned about how things will continue on in the future if District 23 is not maintained.
- S. Ringelstetter notes that there has been increased concern of flooding all over the area and this has reemphasized the importance of ditch maintenance. However, there has been a stop work order since 1971 and the Board has not been able to maintain the district. Is the reinstatement of District 23 in the best interest of Jefferson County District 15?
- P. Magoni states that it is in the best interest of Jefferson County District 15 and that the Jefferson County Drainage Board would annex District 23 if possible. He believes that 15 and 23 should assess municipalities and inquires if Deerfield and Sun Prairie are being assessed. S. Ringelstetter states that Deerfield is not currently assessed and that the Board is currently negotiating with Sun Prairie.
- As an interested party, P. Magoni is against dissolution and wants the stop work order removed.
- L. Massie discusses the placement of spoils from the ditches and that they cannot be spread into the wetlands.
- R. Pohlman states that his neighbor says he has a petition out to dredge the Koshkonong creek. L. Massie states that the Board has not received any such petition.
- L. Massie moves to petition the court to reinstate District No. 23 because it is in the best interest of the public welfare. L. Massie seconds this motion. MC 3-0.

L. Massie moves to adjourn meeting. Second by P. Maly. MC 3-0. Meeting adjourned at 8:35 PM.