

DANE COUNTY DRAINAGE BOARD MEETING
July 2, 2019

Location: Sun Prairie City Hall, 300 E. Main St., Sun Prairie, WI 53590

Drainage Boards Members Present: Paul Maly and Leonard Massie

Others Present: John Mitby (Board Attorney), Elizabeth Spencer (Board Attorney), Tom Veith (City of Sun Prairie), Bob Pofahl (REA), Dan Wierzba (REA), and Daniel R. Muell.

District Members present:

District No. 8: Jerry Bradley, Charles Bollig, Josh Miller, and Stuart Meier

District No.9: Josh Miller

Meeting begins at 1:30 pm without a quorum.

Tom Veith Presentation on MOU Status

- T. Veith reviews map showing watershed of Districts 8 and 9. The watershed overlaps Sun Prairie and Sun Prairie feels like under the current version of the MOU it is being double counted. Sun Prairie wants to view Districts 8 and 9 as one whole unit which would involve them paying 32%.
- J. Miller asks about what specific water is being counted, is it including sewer. T. The solution here must be fair to both parties. Veith provides that the sewer water is just a small percentage and Sun Prairie would up their contribution to 35% to cover sewer etc. J. Miller proposes a 50/50 split with Sun Prairie.
- D. Muell discusses that the discharge created by the city would create a rain event every day. Just using the area on the maps to calculate the percentage that Sun Prairie should contribute does not accurately show the totality of the water issue.
- J. Bradley states that storm water is a huge issue and results in backups in the mains which further back up the laterals.
- REA when determining the percentage that Sun Prairie should contribute assume the ditch was at low flow and at clean conditions. The whole district wide system must get back into working condition.
- J. Miller asks about verification of whether the detention ponds actually work as he has witnessed numerous failures. REA states that there is no verification. T. Veith provides that while there is some monitoring there is not enough staff to monitor and verify proper functioning of the detention ponds.

L. Massie arrives at 2:00 pm. A quorum is now present.

REA Engineering Presentation on MOU Calculations

- REA provides that big storms will always create the need for maintenance; the old party of town likely has minimal storm water control. Looking at the two districts as one single watershed is fine in some cases but as the city grows it may control more and more of the whole watershed or District 9 in its entirety. Thus, a budget is needed that makes clear

distinction between the districts. REA recommended Sun Prairie contribute 58% for District 9 and 32% for District 8.

- T. Veith asks if Sun Prairie is counted separately for District 9 and District 8 will those landowners shown are in both districts also be counted separately. J. Mitby answers that people are charged in their own districts.
- REA elaborates that a large percentage of land will have to pay a city annexes more and more acres.
- J. Bradley provides that storm water is causing a problem and the percentage of contribute needs to be figured out to reflect that. J. Mitby proves that he Board could consider assessing the area and expanding District 8.

Discussion

- T. Veith provides that he would not be able to recommend the current percentages to Sun Prairie as there is that double counting. Sun Prairie wants to combine the districts for the calculation.
- L. Massie is concerned about the loss of assessment and collections from home in the future. T. Veith understands but that is the tradeoff for a guaranteed percentage from Sun Prairie.
- J. Bradley and J. Miller support a 50/50 split. J. Bradley asks what would get Sun Prairie to move to a higher percentage of contributions.
- T. Veith states that an increased percent contribute would require some guaranteed maintenance in the MOU.
- P. Maly provides that at Sun Prairie's current desired percentages the other landowners would struggle to be able to provide the two thirds need if a bill would be a million dollars.
- T. Veith inquires to Board about assessing others in the watershed that are not currently in the districts. L. Massie states that they cannot be included.
- S. Meier discusses that failure of the Board to get things cleaned out currently and that they are only being done when the actual landowners perform the work.
- J. Bradley again asks what Tom Veith needs in order to make a recommendation to Sun Prairie. T. Veith states that Sun Prairie doesn't need a lot of notification for work if less than \$25,000 but will need approval and more notice if greater. He could recommend increasing the percentage to 40% or 45% if Sun Prairie can add to the MOU a maintenance requirement with more specifics. Sun Prairie also does not want an escalator as they currently take care of additions through other means like detention ponds.
- J. Mitby suggests an 8 year MOU and at the end of the 5th year the growth pattern be reviewed and either party can quit. L. Massie sees no issue with this time frame but an annual budget for maintenance can happen but Board will need assessments for cost annually or a fixed number will need to be created for the five years. J. Mitby reminds all that assessments for costs are costly to the district. The Board prefers to not hold on to money that is not being used.
- J. Mitby suggests a 6 year agreement, and then analyze city growth with potential for 8 years total. T. Veith does not know the projected growth. J. Mitby provides that after spraying the main and laterals the amount of maintenance should decrease dramatically and everything should be under control.
- L. Massie states that the Board could work with Sun Prairie at a 45% contribution.

- T. Veith states that 45% with the previously discussed conditions would work. This includes not assessing homes, consideration of the treatment plant, treated District 8 and 9 as one unit, and using the 6/8 year time frame.
- S. Meier reiterates concern over growth and suggests shorting it to a 3/5yr year MOU.
- T. Veith asks about laterals. J. Mitby and J. Miller state that all laterals would need to be cleaned out as laterals bring in additional sediment.
- T. Veith state that eh city attorney will review the MOU, provides the insurance requirements for contractors, and will provide red line to J. Mitby that incorporates the changes discussed today. This will all be done in 30 days.
- J. Mitby states that after 30 days the Board will have a meeting to review. All attorneys will need to sign off on the MOU.

Meeting ends at 3:30 p.m.