

**DANE COUNTY DRAINAGE BOARD MEETING**  
**January 23, 2020**

Location: Middleton City Hall, 7426 Hubbard Ave., Middleton, WI 53562

Drainage Board Members Present: Scott Ringelstetter and Leonard Massie

Others Present: Elizabeth Spencer (Board Attorney), Barton Chapman (DATCP), Jeremy Balousek (Dane Co. Land and Water Resources Department), Kevin Murphy (Times-Tribune), Gurdip Brar (City of Middleton Mayor).

District Members present:

District No. 19: Jane Hinrichs, Richard Hansen, Bonnie Kruchenberg, Shawn Stauske, Deborah Muresan, Tom and Saveli Vandervest, Alice and Dick Watts, Brian and Shannon Barman, Wayne Rounds Jr., Eileen Brownlee, Cynthia Rich, Jorge A Lara Estrada, William Kahl, Thomas Wagner, Marty Van Haren, Chris Lawn, Luke Fuszard, Jeff Glasel, and Kristy Rupprecht.

Meeting called to order at 6:32 p.m. by Chairman Scott Ringelstetter.

Approval of Minutes from October 24, 2019 Annual Meeting

- There are no corrections to the minutes. S. Ringelstetter moves to approve minutes. L. Massie seconds.
- MC 2-0.

REA Estimate and Sample Assessment

- S. Ringelstetter highlights various areas of REA estimate for \$19,000.
- B. Chapman states Scope of Services in Estimate seems to include everything. However, time and materials may increase, pushing the project over \$19,000. L. Massie thinks \$25,000 is closer to what the actual amount will come to. He expects that if things hustle along, it will take approximately 1 year.
- M. Van Haren requests that the Board explain the background of the flooding and why all this action is happening now.
  - L. Massie explains the general history of drainage in Wisconsin and the specific history of District 19. The issues that are currently being raised started with the August 2018 rain events. A meeting was held in October 2019, which led to the creation of the Sample Assessment. The Board remains interested in additional information that the members of District 19 can provide which may effect assessments.
  - B. Chapman also provides history of drainage, and notes that the last assessment in District 19 occurred in 1958. District 19, like many others, has become more urban and this creates new issues. The Board is a quasi-municipal authority with taxing authority.

- L. Fuszard asks if the \$25,000 mentioned is in addition to the \$19,000?
  - L. Massie- No.
- W. Rounds Jr. asks the Board to explain the equitability of the assessment between agriculture vs. residential properties. Is the \$75 for the residential properties fair? He would also like to submit to the Board a set of wetland maps which may have an impact.
  - B. Chapman notes that the statute on assessments is vague. He believes that the Sample Assessment is slightly higher but that is because the Board is having to start from scratch with no records.
- W. Rounds Jr. asks whether there is voting by the members of District 19 and how it occurs.
  - B. Chapman states that tonight is just a meeting, not a hearing. A hearing is needed before assessment goes into effect.
  - L. Massie states that voting on some items can occur, and it is based on the benefits assigned to the landowners. The Board has the ability to create a scaler for assessments making certain types of property more expensive than others. The Board prefers not to assess when there is no work to be done. The flat \$75 assessed to residential lots may increase.
- Member asks whether money is assessed and collected annually, or only when there is work to be done.
  - S. Ringelstetter states that the Board does not do annual assessments. They prefer to assess only when the money is needed.
- Member asks whether municipal lands are included in the assessments?
  - L. Massie states that if municipal lands are present, then yes, they are assessed, unless there is an exemption.
- The Barmans ask, if people are adding to the problem, can they be added onto the assessment?
  - L. Massie states that the Board cannot assess those outside the boundaries.
  - B. Chapman brings up the option to petition for land to be annexed into a district. L. Massie notes that there must be a direct connection from the ditch to the tile line for this to occur.
- M. Van Haren notes that a retention pond on that hill has an outlet downhill. L. Massie states that the if the water is released outside a district, it is part of the watershed.
- J. Hinrichs states that she has witnessed flooding and that municipalities have contributed with their stormwater, and wants to know how these factors are being considered.
  - B. Chapman states that drainage was not intended for flood mitigation and that this is an ongoing issue.
  - J. Balousek notes that the 2018 storm was well above the projections and what the management systems were building for.
- S. Ringelstetter explains the Example Assessment. It is based on the benefits given to a piece of land. If a property is high/dry, the assessed amount will be low. House lots are typically of a lower value and do not have a high assessment. As such, the Board set a flat fee amount that results in the minimum assessment being \$75. Different types of lots have different code types

which go into the formula. L. Massie notes that it can take a long time to collect the assessment money.

- W. Rounds Jr. asks about the procedure for challenging an assessment.
  - L. Massie states that any challenge to the submission must be submitted in writing and must explain why the assessment should be changed. E. Spencer explains the hearing and petition process for assessments. Changing one member's assessment does not invalidate the entire assessment.
- E. Brownlee notes with respect to the Sample Assessment, it appears as if nothing was assessed for government-owned property. Is the plan not to assess these entities?
  - L. Massie states that they are not being assessed at this date. If county-owned farm land is being rented, then it will be assessed.
  - J. Balousek notes that if the county-owned land is being cropped and drained, the County expects it to be assessed.
  - S. Ringelstetter states that the Board has assessed cities and the county before.
- M. Van Haren asks whether it is possible to withdraw land from a district?
  - S. Ringelstetter states that there is a petition procedure for doing so. People may also petition to dissolve a district as a whole. L. Massie notes that dissolution may create permit issues for cleaning the ditch.
- J. Hinrichs raises issue with the dredging permits. J. Balousek notes that permits are needed for dredging stormwater ponds as there is an issue with placing the dredged material.
- Member asks whether the mock assessment means that he Board would assess \$1 million over 10 years or all at once.
  - S. Ringelstetter states that the Board can stage projects and borrow money.
  - W. Rounds Jr. notes that one problem with the original district was that the assessments were greater than the confirmed benefit units, and thus, it became inactive.

#### Dane County Land Purchase

- J. Balousek states that there is an accepted offer for the purchase of the Hellenbrand land but the sale is not final. The county wants to remove the pump that is currently on the property. The berm is intact and controlling the water. They would like to have a controlled release letting the water flow to the culvert under HWY 14 into District 19. Then the county would like to put the 80 acres into perennial cover to decrease runoff.
- S. Ringelstetter notes the Board has been advised that if the berm on the property is to be removed, then the Board must be notified. While the Board does not yet have an engineering study, they are concerned about the berm removal.
- If the culverts are not at the right level at the highway, who pays?
  - B. Chapman states that there is there is ample opportunity for cost-sharing, but at this time, no one knows.

## ATC in District 19

- There is no ATC representative present. E. Spencer notes that the Board has been provided maps showing where the Badger Coulee project is occurring within District 19, and has a contact at ATC. B. Chapman does not know anything more.

## Next Steps and Board Action

- L. Massie notes that there needs to be an assessment and that a hearing must occur.
- L. Fuszard asks whether there is a time estimate for the hearing on the assessment.
  - S. Ringelstetter states that approximately 3 months are needed and he expects the assessment to be closer to \$35,000. Hopefully a second sample assessment can occur before the hearing. The Board will post to website and E. Spencer will email those for whom we have contact information.
- **L. Massie moves to allow all District 19 landowners 30 days to submit proposed changes to the Sample Assessment, and then the Board will hold a hearing in 3 months to enact the assessment and assess District 19. Ringelstetter seconds.**
  - MC 2-0.

## District 28 Emergency

- S. Ringelstetter states that there is an emergency issue in District 28 where a culvert has failed. There is a question as to who is responsible for the repair and what amount the District should cover. There is no current policy for reimbursing the owner if the owner performs the work to fix the culvert.
- B. Chapman recommends that these matters be handled on a case-by-case basis.

## Public Comments

- Shannon Barman provides comments on the minutes of the October 17, 2019 meeting. On page 3 of the minutes, Jane Hinrichs referred to the practice of businesses hauling snow into District 19, and stated that Westside Warehouse engaged in this practice. S. Barman states that this is false, and that Westside has not and will not allow foreign snow to be hauled in. If the Board decides that this needs to be addressed, she requests that she be contacted so she can provide the correct information. However, she states that others may be hauling in snow.
- B. Barman asks whether the commercial properties are assessed differently.
  - L. Massie explains the scaler and refers to the Land Use Filter/Base Factor Table for Assessments.
- W. Rounds Jr. asks, if the existing ditch does not comply, must the Board make it comply all it once?
  - L. Massie- no, any project can be done in sections.

L. Massie moves to adjourn meeting. S. Ringelstetter seconds. MC 2-0. Meeting adjourned at 8:40 p.m.