

DANE COUNTY DRAINAGE BOARD MEETING
February 13, 2020

Location: Deerfield Community Center, 10 Liberty St. #130, Deerfield, WI 53531

Drainage Board Members Present: Scott Ringelstetter and Leonard Massie

Others Present: Elizabeth Spencer (Board Attorney) and Bart Chapman (State Drainage Engineer)

District No. 23 Members present: Joyce Anne Heiman, Harold Heiman, Harry Weir, Vince Heiman, Curt Stenjen, Tina Hinckley, Duane Hinchley, Dan Kelly, Greg Frutiger, David Lemke, Randy Zakowski, Alan Mekkelson, Brent Brattlie, Wayne Wollin, Dave Muehl, Frank Brodt, Mike Schlobohm, Karen Kessenich, Russ Palmer, Chad Herbrand, Karyn Saemann, Lucas Ward, Eldon Schmitz, Peter Magnoni (for David Hughes).

Meeting called to order at 6:33 PM by Chairman Scott Ringelstetter.

Previous Suspension and Dissolution Actions and Available Maps

- S. Ringelstetter discusses the history of dissolution and suspension in District 23 as described in the DATCP petition to dissolve District 23. The district was ultimately reactivated in August 2019. Tonight is meant to be an information meeting.
- L. Massie states that the Board does not know how much money was spent decades ago in the district. After the district was suspended, no money would have been spent, and there is likely nothing in the district now.
- Bart Chapman has obtained the original 1955 plans created by Russell Doolittle which include alignments of all the drains. He has also found a soils map from the then College of Agriculture Soils Report. These documents provide the baseline for dredging and repairs that will be needed in the district and help provide estimate of what it would cost to return the district to the baseline. A new engineering study would need to be done to compare with the old plans. After that, an assessment and then projects could occur.
- L. Massie notes that the Board has been provided an estimate by Resource Engineering Associates for \$29,000. However, this was done without knowledge of the plans B. Chapman has. As such, it is likely that the costs for new plans will be lower than the current REA estimate. B. Chapman thinks it is more in the range of \$10,000 to \$15,000.
- B. Chapman notes that the baseline for the district is a 10-year, 24-hour storm, and the plans must be designed for this flow.

Current Status of District, Boundaries, and Observed Issues

- Pete Magnoni states that drainage by Sun Prairie and Deerfield should be considered as part of the impact. The drainage here is affecting Jefferson County, as District 23 connects to Jefferson County District 15.
 - B. Chapman notes that the municipalities can be assessed, but you can only assess drains connected to your district.
 - L. Massie states that a Memorandum of Understanding exists between Districts 8 and 9 and Sun Prairie.
- Approximately 63,000 acres are part of the watershed and drain into the district. Members are concerned that the district will not be able to pay for this entire area. B. Chapman notes that it is possible to bring in land through the annexation process provided in Chapter 88 of the Wisconsin Statutes, and there are currently cases over annexation being fought in the circuit court of other counties and in the Court of Appeals. The district members must petition to do this. L. Massie also explains the option that the members have to dissolve the districts. P. Magnoni notes that, in his experience in Jefferson County, the costs and expenses with these processes add up.
- Members are concerned over the locations of the previous district meetings in the county. S. Ringelstetter states that the Board will often hold meetings for several districts at once, and that it is only required to meet within the county.
- Village Chairman M. Schlobohm notes that the Village has concerns over the phosphate levels. They must meet certain levels at the sewer plant, and costs will increase if the phosphate levels increase.
- Member asks, if Sun Prairie continues to grow, how might this harm the district? L. Massie notes that Sun Prairie does not have representatives at the meeting as they are not part of the district. It is possible to try to work with Sun Prairie regarding their input to the district.

Assessments

- L. Massie notes that there is the potential to assess municipalities. The Board does have a copy of the original assessment of benefits and this original assessment can be used. The Board can revise the assessment of benefits, and there would be a public hearing if this were to occur. All assessments are paid to the county treasurer.
- The Board would like copies of any contracts with the NRCS wetland program. Wetlands are not assessed, as they receive no benefits.
- Members note that Gene Score previously tried to get approximately 14 municipalities together to contribute to the District; is this a possibility?
 - B. Chapman notes that involving more parties is a developing issue in the state. Drainage is not meant to be flood control, and the statutes governing drainage were not created for that. The legislature would be in control of resolving these issues.
- L. Massie states that the Board cannot do anything unless there is an assessment.
- S. Ringelstetter notes that a preliminary assessment can be provided to the district.

- Commercial properties are treated differently than agricultural properties. L. Massie notes that there is a scaler used in determining benefits. While commercial buildings do not receive agriculture benefits, B. Chapman notes that at the time the districts were created, a benefit was shown, and that is why it remains part of the district.
- P. Magnoni notes that the district will have significant issues if municipalities are not brought in. L. Massie notes that the legal battles and related legal costs will be huge if this occurs. These types of actions would be far in the future.

Clean-Out and Long Range Plans

- In order for any clean-out to occur, we need an engineer to review the original plans of the district, and then make recommendation on improvements to the district.
- Members ask, would spending money or trying to annex or enlarge the district be better?
 - B. Chapman notes that the Board is correct, in that any addition of municipalities or other areas is a late action. There is a step-by-step process here that starts with the engineering plans and the assessment. L. Massie is correct in that the legal fees and costs can get extremely high. It would be difficult to jump to the Sun Prairie issue first. B. Chapman recommends that an initial assessment and estimate occur so that all district members can understand the costs. The district allows for its members to pool resources and benefits, and provides easier methods for gaining permits to perform work, due to exemptions provided to drainage districts by the statutes.
- Members ask whether the Board can just do nothing and not spend any money?
 - L. Massie notes that the Board is required to perform an annual inspection and prepare an annual report. There will always be a minor cost to the district, even if work is not performed.
- L. Massie notes that many issues brought up tonight go beyond what the districts are meant to handle, because the district's responsibilities are limited to Chapter 88 of the Wisconsin Statutes, which governs drainage. Other counties, like Racine, have tried to deal with this and have huge projects costing \$1,000,000 per year. B. Chapman reminds all that the process to involve municipalities or other lands is not free and will cost members.
- S. Ringelstetter states that the treatment plant lake does not affect the district enough that the municipality will voluntarily get involved. The district will need to be at the proper specification level, and then will need to show that even when it is at this specification level, the treatment plant is still negatively affecting the flow. Thus, the process cannot be initiated merely by getting municipalities involved right away.
- L. Massie reminds all that if the district does get dissolved, it is extremely unlikely that the district will ever be brought back. If there is any vote regarding matters in the district, voting shares are based on the assessed benefits each member receives.

L. Massie moves to adjourn at 8:20 PM. S. Ringelstetter seconds. MC 3-0