

**DANE COUNTY DRAINAGE BOARD MEETING**  
**February 25, 2020**

Location: Town of Westport, 5387 Mary Lake Rd., Waunakee, WI 53597

Drainage Board Members Present: Scott Ringelstetter and Leonard Massie.

Others Present: Elizabeth Spencer (Board Attorney), Josh Miller (Dried Up Drainage), Carson Patzner (Dried Up Drainage)

District 2 Members present: Debra Duren, Dawn Duren, Suzanne Dorsey-Sterling, Tom Wilson, Tom Kennedy, David Kennedy, Dan O'Connell

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

Review and Approve Minutes for February 20 Meeting.

- S. Ringelstetter and L. Massie review the minutes. L. Massie notes one correction regarding the state of District 10.
- L. Massie moves to approve minutes with the correction. S. Ringelstetter seconds. MC 2-0.

Current Status of District

- S. Ringelstetter explains the structure of the Board, Board members, and the dissolution process that occurred. A hearing was held last March and it was determined to reactivate the district. The Board has driven around the district but is unfamiliar with it, as this is the first time that the district has been active since 1955.
- L. Massie states that the State Drainage Engineer, Bart Chapman, has retained a file on the district, and the Board has some files going back to when the district was created in 1921. It appears that the district was first suspended in 1928, and then the stop work order was briefly lifted in 1954.

Assessments and Records

- L. Massie explains that the Board must now develop an assessment of benefits for the district based on the ag soils and yields based on corn. This allows for a calculation of benefit units to determine the assessment share. The more a landowner benefits, the larger share of the assessment they pay. Houses/residential properties are usually assessed a flat fee of \$75.00/lot. The Board will provide a sample assessment based on a \$50,000 assessment for landowners to review. This is not an estimate of the costs of work in the district.
- Currently, the District likely only has a few dollars.
- Board is working with Bart Chapman regarding the main ditch requirement to pass a 10-year, 24-hour storm. The Board does not know if the ditch in this district can do that. They must have an engineering firm confirm. If they must modify any of the historical plans of

the district, Bart Chapman must approve this. All landowners may comment on plans at a hearing.

- If an assessment for cost is made after an assessment of benefits occurs, landowners will receive a green sheet in the mail listing their assessment. A landowner has 4 months to pay. If you fail to pay, you will be charged 6% interest. All assessments are certified once a year. If the assessment has gone unpaid, it goes on the landowner's tax bill.
- The Board must run an assessment of benefits and an assessment for cost before it can hire any engineer to help determine what work must be done. Hopefully, the old plans of the district will be sufficient and little engineering work will be necessary.
- It is possible to dissolve the district if the landowner elects to do so. However, once a district is dissolved and each landowner controls their position of the district, it will be unlikely that anything will ever be fixed.

### Public Questions and Comments

- How many landowners are in the district?
  - L. Massie does not know, but it includes everyone in the outlined boundaries on the map.
- Is one lot assessed at a time?
  - L. Massie states that the Board does not assess annually. The Board does like to maintain funds to cover the annual inspection and report, an emergency fund, and administrative costs. To release the funds, the Board must issue an order to the county treasurer.
- Is a district just one ditch/district? Is it just the watershed?
  - L. Massie explains that districts were created long ago and were not based on the watershed. The creation of districts was project based, and related to the need for an outlet in the farm system. Now, we have houses and additional municipalities being created within the districts.
- Is the district meant to keep certain properties from being landlocked?
  - L. Massie states that the districts permit a group to work together so that all owners benefit from the drainage.
- On the provided map, what represents the ditches?
  - L. Massie explains the main ditch and laterals are not represented on the maps. An engineer must be hired to fully map out the district.
  - S. Ringelstetter states that, at this time, we really only know where the main drain is in this district.
- L. Massie notes that District 2 has a unique issue with the location of Lake Mendota and its established level. S. Ringelstetter notes that the lake may have been lower when the district was created. The district sits on the lake at its south end. T. Kennedy notes that the Tenney locks, which raise the water level of the lake, were put in place prior to the establishment of the district.
- J. Miller asks whether anyone has looked at the ditch that runs to the outlet.

- L. Massie states that the Board look at the ditch last August, but had difficulty finding the outlet.
- Dawn Duren asks whether the district includes stormwater runoff, and whether the district can be expanded
  - L. Massie states, yes, this includes stormwater runoff. To expand the district, there must be a direct connection shown. The Board lacks authority to assess those outside the district.
- Debra Duren and Dan O’Connell both detail issues with water ponding in their yards. Debra notes that, while problems go back to the 1980s, their impact has now significantly increased.
- L. Massie notes that the Board can go upstream to make others pay for flooding damage, but the difficulty with doing this is that it can result in a prolonged legal battle, for which the landowners would have to pay. The legislature is best suited to address flooding issues from residential communities. S. Ringelstetter explains that in order to add additional landowners to the district, you must demonstrate that the district is to spec, and at spec it is still having issues with the excessive water from the landowners outside the district.
- Debra Duren asks, what actually gets cleaned out?
  - L. Massie states that the ditches are cleaned. The Board can add additional laterals to help with drainage. However, the Board cannot predict what needs to happen without complete plans for the ditches. A district may maintain a pump station to help with the water. A consulting engineer can do an assessment of what documents we have now, and can help determine the location of any plugs within the ditches.
  - T. Kennedy notes, it appears that since 1955, no one knows what has happened on the western side of the railroad tracks.
- J. Miller suggests that the Board get an inspection done and report back.
  - L. Massie states that a sample assessment of benefits should be created, so the landowners can see their share of the assessment. Then an engineering firm is needed to help gather basic information. This cost may range between approximately \$5,000 to \$10,000. Then the Board can meet again, and a hearing on the assessment of benefits can occur, along with the actual assessment for costs. However, this will likely not happen before summer. People do have the right to dispute the assessment for benefits at the hearing.
  - S. Ringelstetter shows a previous sample assessment done for another district.
- L. Massie explains that the actual timetable to get the district into good condition is approximately 4 years. However, if the Board can do things quicker, they will. Part of the issue here is that the district has gone largely undisturbed for 65 years. Once the district is brought to good condition, it becomes more of a maintenance program.
- The Board’s next action is to obtain a sample assessment.

S. Ringelstetter moves to adjourn meeting at 7:50 p.m. L. Massie seconds. MC 2-0.