

# Green Lake County *Drainage Board*

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Green Lake, WI 54941-3188

Roger Sell - 920-398-2268  
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**Drainage Board  
July 11, 2017  
7:00 P.M. – 8:30 P.M.  
Training Room, Green Lake County Government Center  
571 County Rd. A, Green Lake, WI 54941**

**Call to Order:** The meeting of the Drainage Board was called to order by Chairman Krueger. The requirements of the open meeting law were certified as being met.

**Present:** Patrick Krueger, Chair  
Roger Sell, Vice-Chair  
Dick Severson, Secretary

**Also Present:** Matt Janz, Diane Janz, Steve Foust, Todd Morris – Green Lake County Land Conservation Department

**Agenda:** *Motion/second (Severson/Sell)* to approve the agenda as presented. Motion carried.

**Minutes:** *Motion/second (Sell/Severson)* to approve the March 1, 2017 meeting minutes as presented. Motion carried.

**Public Comments:** Janz made the comment that they would like to help with the Sucker Creek issue in any way that they can.

**Appearances:** None

**Landowner Request for No Assessment:** The request is for Mr. Foust who is enrolled in the Managed Forest Law (MFL) program, and according to 77.84(1) MFL is exempt from any additional tax on the land and therefore feels that he cannot be assessed for drainage by the drainage board. The drainage board had made contact with their attorney, Paul Kent. Severson summarized the response from the attorney and stated that he was disappointed the Mr. Foust did not have a response from his attorney. Mr. Foust was given a copy of the response from Paul Kent Re: Drainage District Assessments on Managed Forest Lands. Severson feels that they are collecting a drainage assessment and this is not a tax, and therefore the board is allowed to bill for this. If the assessment is not paid, it is added to the landowner's tax bill as a special assessment. Mr. Foust stated that the board couldn't put an assessment on his tax bill. Severson does not want to spend any more drainage board money to clear this matter up. Mr. Foust stated that if this matter goes to court it would cost both parties \$15,000.00. Severson brought up a proposal to Mr. Foust to split the difference 50/50. The 2017 assessment is \$153.19. The proposal would be to keep the assessment where it is at but only bill Mr. Foust for half of it. Mr. Foust will not accept any offer/proposal without first discussing it with his attorney. Krueger feels that both parties should discuss this matter with their attorneys and try to come up with a solution. Mr. Foust also feels that the annexation was illegal. Mr. Foust was told a board member would visit his site. Past board member Tom Dolata was going to do this but never came to his site. Mr. Foust was going to show the board during the visit that none of his water leaves his property due to a berm constructed to create a wetland. The board made a conference call to Vanessa Wishart, colleague of Paul Kent, during the meeting to have her explain their response. Wishart explained that according to 77.84(1) MFL is not subject to other taxes, but there is some history that the drainage assessments are a tax, and would not be allowed on MFL, and some history

that they are special assessments and not a tax, and they are allowed on MFL. The board will discuss this matter further with Mr. Kent.

**Annual Inspection and Meeting Date:** The board will look at their schedules and try to do the inspection and meeting in mid-October.

**DNR Cropland Assessment Request and Notification to Stop Sucker Creek Water from Entering Town Drain:** Solutions 101 – Specializes in stream restoration work and they would be happy to meet with the board members and landowner to try to come up with a solution for rechannelizing Sucker Creek. Morris will forward their contact information to Brian Disterhaft for consideration. Mr. Foust brought up the option of contacting Operating Engineers, Local 139, they may be looking for some project to work on. Janz would like a copy of the March 2016 meeting minutes from the meeting with the DNR.

**Souder Request to install tile in portion of ditch:** Board will send a letter to Mr. Souder to see where he is at with his request.

**Profile and Cross Section Elevations from Hwy E to County Line:** nothing to report

**2017 Assessment Billing:** *Motion/second (Severson/Sell)* to send out the billing for the 2017 assessments. Motion carried. The 2017 assessment was established at the 07/06/2016 Public Hearing.

**Vouchers:** *Motion/second* ( \_\_\_\_\_ / \_\_\_\_\_ ) to approve \$ \_\_\_\_\_ voucher to

\_\_\_\_\_. Motion carried

County Administrator approves all vouchers.

Severson and the Green Lake County Board Chairman are discussing the voucher procedure.

*Motion/second (Severson/Sell)* to allow the mistake that was made by paying the past bills before the board approved them, but this will not happen again. The drainage board will approve all bills before they are paid. Motion carried.

Severson would like a copy of the minutes forwarded to the County Administrator. Any questions should be directed to Mr. Severson.

**Correspondence:** email from Mr. Foust, Response from Paul Kent.

**Committee Discussion:** Board wondered if the Land Conservation Department has had any complaints following the replacement of road culvert in District 3. No complaints.

**Future Meeting Date:** The next meeting will be **August 9, 2017** at **7:00** P.M. in the **Training** Room of the Government Center in Green Lake.

**Future Agenda Items for Action & Discussion:** Landowner Request for no assessment, Annual inspection and meeting date, DNR Cropland Assessment Request and Notification to stop Sucker Creek from entering Town Drain, Souder Request, Profile and cross section from Hwy E to County Line.

**Adjourn:** *Motion/second (Severson/Sell)* to adjourn. Motion carried.

Respectfully submitted, Todd Morris, Recorder

Meeting expenses: Ditch #1	_____	Ditch #5	_____
Ditch #2	_____	Seneca-Warren	<u>100%</u>
Ditch #3	_____	General	_____
Ditch #4	_____		