

Green Lake County *Drainage Board*

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**Drainage Board
October 14, 2014
6:00 P.M. – 8:00 P.M.
County Board Room
571 County Road A
Green Lake, WI**

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. The Pledge of Allegiance was recited.

Present: Patrick Krueger, Chair
Thomas Dolata, Vice-Chair
Dick Severson, Secretary

Also Present: Richard Heid, Steven Foust, Charles Swartz, Tyler Zick, Gary Abel, Nick Toney – County Board Supervisor, Richard Sobieski, Bob Drover, David Drover, Gene Schroeder, Joe Chappa, George Piechewski, Gerald Frey, Norbert Walejko, Gary Walejko, Donna Zietlow, Rod Zietlow, Todd Morris – Green Lake County Land Conservation Dept., William Curran - Attorney

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

Minutes: *Motion/second (Dolata/Severson)* to approve the September 9, 2014 and September 22, 2014 meeting minutes as presented. Motion carried.

Public Hearing to Consider Adoption of Watershed Assessment in the Seneca-Warren Drainage District: Move into the public hearing at 6:08 p.m. Severson read opening remarks. Krueger read the reason the board moved to a watershed based assessment. Dolata presented the 2 year budget and how the board arrived at an annual budget of \$30,000.

Jerry Frey appeared in opposition of the new assessment. Mr. Frey protested on the grounds that his land acts as a giant retention pond and feels that the water does not leave his land. He is receiving no benefit from the ditch and should not be assessed. Mr. Frey does not agree with the assessment category that his is in and would like his land in a different category because his water does not leave his land.

Tyler Zick owns land with Jerry Frey and objected to the assessment for the same reasons as Mr. Frey.

Steve Foust appeared protesting the assessment of his and 9 other landowners because all the ditches are plugged on his property. Mr. Foust would like the board shut down and the entire district shut down. Water does not leave his land and he does not want water leaving his land. Mr. Foust also sent in a letter to the board, Mr. Severson read the letter into the public record.

Richard M. Sobieski appeared and stated that previous boards had talked about this but never went forward because the existing ditch would have to be enlarged and stated that all land east of Hwy D is just a reservoir. Mr. Sobieski objected due to maintenance concerns and because the current ditch is plugged at the outlet. Mr. Sobieski questioned how the board is going to provide adequate drainage to all of these landowners? Sobieski also stated that downstream properties should not be

assessed more than upstream properties. Mr. Sobieski also sent in a letter to the board objecting to the new assessment, Severson read the letter into public record. Severson also read into public record a letter from Richard L. Sobieski objecting to the new assessment.

Richard Heid appeared to oppose the annexation into the district. Mr. Heid is representing 3 parcels of land, 2 parcels of Burby and 1 parcel of Heid. Mr. Heid does not agree with how the benefits were assessed. Mr. Heid also sent in a letter objecting to the annexation and assessment. Severson read the letter into public record.

Gary Abel appeared on behalf of St. Pauls Church and also on behalf of his own property. Mr. Abel opposed the new assessment to St. Pauls Church because their water does not run to the ditch. Mr. Abel also opposes the new assessment on his own land because his water runs to a ditch on DNR property that is not in the district. Mr. Abel sees no benefit since his water does not go to the ditch. Mr. Abel also sent in letters from St. Paul's Church and also his property objecting to the new assessment. Severson read the letters from St. Paul's Church and Mr. Abel into public record.

Severson read into public record a letter from John Neubauer objecting to the annexation and assessment into the Seneca-Warren district.

Severson read into public record a letter from Tom Dahlke, Waushara County Highway Commissioner objecting to the 80 foot right-of-way width that was used for the assessment. Currently their right-of-way width is 66 feet. Mr. Dahlke does not object to the assessment but would like the width reduced to 66 feet.

Public Hearing closed at 6:37 p.m. to discuss comments.

Board Responses to Comments:

Abel objection – Severson would like to contact MSA to see how they determined he was in the district. Severson also explained the board is changing the way the benefits are determined and that the boundary is now a watershed boundary. Dolata stated that eventually water runs downhill and that is how the benefits were determined. Dolata also stated that the DNR land that Abel's land runs into is also in the district boundary. Abel read ATCP 483.46 which states that the District Drain must have the capacity to handle the 10yr-24hr storm. Dolata stated that Mr. Abel was put into the district because his water flows down to the district drain. William Curran stated MSA came to do the work and determine the benefits. Severson would like to talk with MSA on the issue. Mr. Abel would like to know the results of the MSA review.

Heid objection – the board made a site visit to Mr. Heid's area and there are 2 culverts that bring water into the district. Heid commented that the current ditch is not designed based on the watershed area and that the ditch will have to be re-engineered. Heid also commented that MSA used comingled data to arrive at the assessment, and also that the old debt will now be paid by new participants. The board will talk with MSA on re-evaluating this area.

Sobieski objection – Sobieski stated that his land, in Town of Warren, north of Czech Rd., that is tiled is draining to the north and that there is also a surface inlet that takes the surface water to the east and out of the district. Dolata would like to check with MSA on this area. Sobieski stated that he does have tile maps of his fields. Also should check dike location on neighbors property.

Foust objection – Foust spent money to plug all of their ditches so the water does go downstream. Mr. Foust feels that his water does not leave his property. Mr. Foust is representing himself and 9 other property owners listed on his objection letter. The board will look at this area with MSA.

Frey/Zick objection – This property is located at the bottom of the ditch. Krueger asked for Mr. Zietlow's opinion on the ditch and Mr. Zietlow stated that there are obstructions at the end of the ditch and that when the river floods their land floods along with the Frey/Zick property. Zietlow stated that when the river reaches flood stage of 13.1 their cropland will be flooded. Zietlow feels that the factors that determined the assessment should be looked at. Zick stated that someone

should go and check the district ditch because it is not flowing at their property. Dolata stated that the board will go and look at the ditch east of Hwy D.

Waushara County objection – The board will discuss the right-of-way issue with MSA and change this to a 66 foot right-of-way.

Set 2014 Watershed Assessments in the Seneca-Warren District:

Motion/second (Dolata/Severson) to pass resolution on annexation of lands based on the watershed boundary and answer questions that were brought up at the public hearing at a later date. Motion carried. Standard order for annexation passed.

Motion/second (Severson/Dolata) to set 2014 Assessments based on MSA benefits analysis with 6 questions as potential exclusions/adjustments answered at a later date. Motion carried. Standard order for assessment passed.

Public Comments: none

Appearances: none

Watershed Assessment – Dave Gneiser property: Board will review his site when crops come off to evaluate his annexation into district. Site inspection with MSA. The board would like to send Mr. Gneiser a letter requesting a master copy of his tile locations.

Seneca-Warren Drainage District – Sucker Creek/Lateral A: Krueger stated that the ditch plug is not working.

Lehmann Shed Wetland Restoration: Project was completed by DNR.

Survey Lateral A to Hwy D: Survey completed on Sunday, October 12, 2014. Area surveyed was 300 feet west of junction of Lateral A and the Town Ditch all the way down to Highway D.

Souder Ditch: Mr. Souder never contacted the board, no action taken .

Corridor Policy: Need to develop policy on how to handle maintenance. Check on current corridor policy.

Vouchers: *Motion/second (Severson/Dolata)* to approve \$4728.42 in vouchers to

MSA Professional Services - \$1742.67, Berlin Journal Newspapers – \$297.25, and Curran, Hollenbeck & Orton, S.C - \$2688.50. Motion carried

Motion/second (Dolata/Severson) to send back invoice to Petraszak Excavating for work done by DNR on the ditch plug in connection to Lateral A.

Correspondence: Letter from Judge Slate – Severson appointed to another term
Contract from MSA for surveying ditch from Hwy D to Lateral A connection
Letter from Attorney William Curran
Public Notice Hearing from Berlin Journal

Committee Discussion: none

Future Meeting Date: The next meeting will be November 11 at 7:00 P.M. in the Training Room of the Government Center in Green Lake.

Future Agenda Items for Action & Discussion:

- Answers to questions brought up at public hearing
- Seneca-Warren – Sucker Creek/Lateral A
- Seneca-Warren – Survey Lateral A to Hwy D
- Seneca-Warren – Souder Ditch
- Corridor Policy

Adjourn: *Motion/second (Severson/Dolata)* 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	_____		