

Minutes of the Meeting
Racine County Board of Drainage Commissioners
June 20, 2019 – 7:00 p.m.
Racine County – Ives Groves

Item 1. Chairman Alvin Wilks called the meeting to order at 7:00 p.m.

Item 2. Roll Call: Members Present: Commissioners Alvin Wilks, Alan Jasperson, Greg Foat Russ Weis, John Vyvyan.

Others Present: John W. Knuteson Attorney for Board, Mark Madsen, Engineer; Kim Williams, recorder, Al Jeske, Engineering Technician

Item 3. Approval of Agenda. There were no changes recommended for the Agenda.

Item 4. Approval of Meeting Minutes of April 23, 2019 – Farm #4 / Eagle Creek Special Meeting. Motion to approve the minutes was made by Alan Jasperson, seconded by Russ Weis, and the motion passed unanimously.

Farm #1 / Waterford

Item 5. Financial Report

- a) Bills paid and bills to be paid -
- b) CSB Account Balances and Loans as of May 31, 2019.

John Knuteson read the financial reports. No questions were asked. Greg Foat made a motion to approve the Farm #1 / Waterford financial report, seconded by John Vyvyan, and the motion passed unanimously.

Item 6. Award of Quote for Modified Tile #1 Project (Engineer). Nielsen Madsen & Barber (“NMB”), requested bids for the relocation of the District Tile No 1 from its current location to the WE-Energies property. NMB requested quotes from five and only received two. Countyline Contractors provided the low quote at \$33,527.00. The original bid received to replace the tile in its current location was \$29,765.84, which \$2,271.00 has been paid out of the contract for completed de-brushing and restoration. Countyline Contractors is planning to start work the week of July 1, 2019 weather permitting. Greg Foat made a motion to approve the Countyline Contractors LLC quote, seconded by Alan Jasperson, and the motion passed unanimously.

Item 7. Waterford Pumping Station (Russ Weis): Russ Weis wanted to know who is getting the benefit from the pumping station? Suggests that it is time the Board turn over the pumping station to the Village of Waterford. Alan Jasperson stated that maybe it’s time that the Board should start charging the Village of Waterford. Russ Weis suggests that the Engineers try and

visit and see how much water is coming from each end, make an assessment and sit down with the Village of Waterford. Greg Foat stated that water also goes through Town of Waterford and the Town of Norway. Russ Weis said that with all the new construction, he wonders if the pumps that are in place will be able to keep up. Greg Foat said that as of June 20, 2019 the pumps are working at 85% and never shut down. Alan Jasperson suggests that John Knuteson should research the State Statutes which would allow the Board to charge the Village of Waterford. Greg Foat will request a meeting with the Village of Waterford. Al Wilks requested that this be taken care of by the next meeting on September 19, 2019 for discussion.

Greg Foat said that he received a quote from Flyght Pump for the pump maintenance program. For 2019 – 2021, the cost is \$625.00/year. Greg Foat made a motion to accept the quote for maintenance program for 3 years for \$625.00 per year, seconded by Alan Jasperson, and the motion passed unanimously.

Item 8. Update on Current District Projects

- **Waterford Tile Project:**
- **Review and approve WE Energies Easements.** Al Jeske reviewed the easement documents from WE Energies for a ten-foot-wide Temporary Construction Easement and a ten-foot-wide Permanent Storm Water Pipe Easement for the relocation of the existing District Tile No. 1. It was suggested that John Knuteson review and approve the documents prior to signing. Alan Jasperson made a motion to accept the Permanent and Temporary Easements, seconded by Greg Foat, and the motion passed unanimously.

Farm #4 / Eagle Creek

Item 9. Financial Report

- a) Bills paid and bills to be paid
- b) CSB Account Balances and Loans as of May 31, 2019

John Knuteson read the financial report. No questions were asked. Russ Weis made a motion to approve the Farm #4 / Eagle Creek financial report, seconded by John Vyvyan, and the motion passed unanimously.

Item 10. Update on DATCP review of Annexation Packet. John Knuteson said that we sent DATCP a packet with the all the objections/concerns with regard to the Annexation, Chris Clayton with DATCP said that they do not need to review it, but they would need to review the Assessment after the mapping and specifications are done. Kim and John spoke with the Engineers, and put together a timeline so that the 2019 tax bills can include the assessment for the entire district. The Board already approved the annexation and there were no objections from DATCP therefore, under Statute 88.78, we have to issue the order for annexation and then complete the process for the assessment. I have submitted a copy of the Statute.

Ms. Hansen stated that she spoke to Chris Clayton and she said that what Chris Clayton told her is not the same as the Board's email. John Knuteson read the email that the Board received from Chris Clayton. John Knuteson then said that DATCP appreciates that we sent them everything, and that the Board has the ability under 88.78 to approve the annexation without DATCP's approval. DATCP will have to review the assessment, because it will be the entire district and not just the annexed area. The assessment of everybody who was in the existing district will be reduced because more parcels are in the district.

Ms. Hansen stated that they "DATCP" didn't have to make an opinion or they don't have to give you approval, they said they don't, not that they do have to. They don't according to 88.78. The problem is what he didn't say in your letter, but he told Ms. Hansen on the phone. Chris Clayton didn't give an opinion whether the way the Board did the annexation under 88.78 was legal or not. She disagreed with the Engineers because she looked at the Topographical map, they never went out there. She stated her land is not draining onto anything that drains into your drainage ditch. She stated that maybe the only way to handle this is to go ahead and start a class action suit, because she is not going to sit still and let the Board tell us that we have to pay you for doing absolutely nothing for us. She is already paying 4 times to the State, County, Town, and to the Sewer District and now you want more money. She felt she shouldn't have to pay for my 80 x 125 lot and pay the same as someone that has 6 acres of land. She didn't believe the Board did the annexation according to the law, and because when you set up the drain district, it says that the only way that you can go ahead and expand your drainage district is when benefitted land was not evident or inadvertently overlooked at the time you were putting your drainage district together. You specifically drew your lines our whole subdivision around and down in the southern part of the drainage district. She believes they were left us out on purpose. You knew we were there; you knew everything about the lake, you knew all that ahead of time so what you are doing now is coming back and your taking a bite out of the apple again. You can't do that according to state law.

Ms. Vanek said that at the Board meeting that DATCP was your boss and that you had to get approval from them and now you are telling us that you don't need their approval and you are going to approve it yourselves? Al Wilks said that the next step is the assessment, then we will have to go to public hearing and then to DATCP.

Ms. Hansen said that is not what the state law says either and he said the only way that would have had to gone DATCP is if you used 88.77. You have three of your members petition the board, and I don't know how you got the idea that we were inadvertently left out. You said that the reason that you went ahead with the annexation was 3 members said, "that it isn't fair that we have to pay, and others don't", that what you said and that's not a valid reason.

Ms. Vanek said you knew up front that it was not benefitting us way before you tried to annex it because you fully admitted that Lateral B doesn't work and that you can't do anything with it to help us, so that really doesn't benefit us.

Ms. Hansen asked if the Board was going to address any of the concerns. None of my concerns were never addressed

Mark Geisler wanted to know where he can obtain meeting minutes. John Knuteson explains the Board procedure for posting meeting minutes. If you'd like a copy, please give Kim your email address. He also wanted to know if the minutes of the April 23, 2019 were part of the DATCP packet. John Knuteson said yes and that "we" indicated that it was proposed minutes because they had not been approved. Mark Geisler said that the DATCP package wasn't complete, it was never offered for review or approved by the Board and my concern is I'm not sure what's in those minutes but I was at the meeting and there was a lot of discussion and I know it was long, but the concern that I have and that these women have expressed as well is that the meeting was well run, the Engineers proposed a number of plans, I don't know if that was submitted in the packet. However, those plans really didn't describe what was going to be done and therefore the question is if the funding is meant to benefit the members of the Eagle Creek Drainage District then those benefits weren't outlined in that report because it wasn't complete and that is way DATCP came back and saying we don't have anything to approve for the assessment because we don't have a complete project

Al Wilks gave the floor back to Ms. Hansen. She said that the members are not being benefited. Mrs. Hansen asked for specific proof that she would benefit from the annexation. She also said that water on my property stays on her property. Mrs. Hansen also stated that she spoke with the Engineer and was told by the Engineer "I don't care if your property doesn't drain into the drainage ditch". Al Wilks said that the Board respects our Engineers and they are very good at what they do. Al Wilks ended the discussion.

Jeff Johnson stood up and thanked the Board for all the work that they do and said that he can see how tough it is. He also stated that he would be double billed because he is already in the Norway/Dover Drainage District. Al Jeske said that his property is partly in the Eagle Creek District and part in the Norway/Dover District, so he'll see charges for both districts.

Item 11. Discussion and Schedule for Approval of Assessment (2019 – 2023): Al Wilks said that he had a discussion with the Engineers prior to the meeting regarding the timing of finishing the mapping & specifications so that the Board may proceed with an assessment. Al Wilks asked for an approval of an assessment. Russ Weis made a motion to proceed with a \$600,000.00 assessment over a 5-year period. Seconded by John Vyvyan, and the motion passed unanimously.

Alan Jasperson asked what was the amount on the previous assessment? John Vyvyan said it \$325,000.00 over a 5-year period. Greg Foat asked what project besides the one ditch does the Board plan on doing. Mark Madsen said that the proposed 5 Year Budget was discussed at the Farm #4 / Eagle Creek Drainage District Annexation Information Meeting and Public Hearing that was held on February 26, 2019.

Proposed 5 Year Budget

Canal Spraying	\$ 35,600.00
De-brushing	\$ 44,600.00
Mowing	\$ 12,000.00
Dredging / Maintenance	\$216,900.00
Washout Repairs	\$ 71,300.00
Administration, Engineering, Legal for Annexation, Mapping And Assessment	\$130,000.00
Operating Costs	<u>\$ 90,000.00</u>
Total	\$600,300.00

Al Wilks said that there are projects for the “old” district and some for the “new” district. Greg Foat said that it seems like a few of these people wonder what they are getting down the road. Whether the Tile may be fixed, I don’t know. There could be other things happening it might not be fixed on the first round but at least the funding will be coming to handle it the next time or another parts of the District. Mrs. Vanek spoke up and said there the Board previously stated that “we couldn’t fix it”. The Board said that it hasn’t been decided yet. Mark Madsen said that some of the Landowners had talked with the DNR and they said we couldn’t do anything with it. That would have to be verified.

Al Wilks asked for a vote. Motion made and seconded for \$600,000.000 over a 5-year period, the motion passed unanimously.

Item 12. Discussion regarding Eagle Creek Sewer Utility District and Village of Rochester Agreements. John Knuteson said that once the assessment we will know what the percentages would be for both Eagle Creek Sewer Utility District and the Village of Rochester. Those agreements would be in lieu of the assessment.

Item 13. Update on Mapping and Specification.

Item 14. Update on Current District Projects.

- o Status of District Wide Bank and Washout Repairs. Al Jeske put plans together, for the entire district, which was inspected last year. This is a project moving forward. If it is acceptable, then we will move forward with the permits and start getting quotes, looking to get work started next spring.
- o Update on Lateral No 1 Bank Repair Project. This is an emergency area. The contractors are now looking to start next week, due to the weather it has been pushed back. We are doing to dredge and stockpile as closely to the bank as safely possible, then once the crops are harvested, we will push it out into the fields.
- o Update on District Spraying Projects. There is some de-brushing that needs to be done will follow up with spot spraying to keep the trees from re-growing.

Al Wilks opened the floor to any questions. Dale Noble want to let the Board know about the work on the Bridge on Hwy J and when they are have finished they will be doing the one on Hwy A. Board was not aware of the work. The Board asked Nielsen Madsen & Barber to follow up.

A gentleman in the audience asked if the schedule for the approval of assessments that was just approved, are those based on the list of projects presented at the Eagle Creek on February 26, 2019? Mark Madsen said essentially that is how the number was developed. We had some projects in there, routine operating costs, cost of the annexation and the assessment and there were several items on the presentation. There are times when we had several projects in there, but there are times when the Board will move projects around due to importance. The gentlemen asked is that established just when an assessment or annexation is being planned or is it done every year? Al Wilks said that every year the Board that has an inspection report. Any other Board member or landowner can go with the Board to see what needs to be done and that's how we prioritize how we are going to use the money for that district next year. The gentlemen asked if the project list is available. John Knuteson explained the procedures of the Annual Reports.

Farm #5 / Hoosier Creek

Item 15. Financial Report

- a) Bills paid and bills to be paid
- b) CSB Account balances and Loans as of May 31, 2019

John Knuteson read the financial report. No questions were asked. Greg Foat made a motion to approve the Farm #5 / Hoosier Creek financial report, seconded by Alan Jaspersen, and the motion passed unanimously.

Al Wilks asked how much money is in the account? John Knuteson said that as of May 31, 2019 there was \$93,186.91. Al Wilks said that they could pay back some of the loan early. Al Wilks asked Kim to pay \$50,000 toward the loan.

Item 16. Status update on the Revised Mapping & Specifications. Kim Williams said that NMB made corrections and they were sent to DATCP. Kim Williams called Chris Clayton and left a message for a status update.

Item 17. Update on current project.

- o Update on Contact with CN Railway. Russ Weis and John Knuteson had been working on a letter to the CN Railway. Letter was mailed via US Post Office and emailed on June 8, 2019. We have included in the letter the statutes and the important case. John Knuteson said that there has been no response. The letter was also set to Robin Vos. Russ Weis suggested that if we don't receive a response in the near future, he will call and consult with Robin Vos and try to get a meeting with CN Railway.

- Status Update from Dale Noble / Randy Newholm Dredging Project. Project was done in December 2018. Water levels have rose, everything is flowing better. Some of the neighbors have commented that it has never been that way. Bill Stone commented how good it has been. The Board recognized the hard work that Dale Noble and Randy Newholm put in to complete this work. Bill Stone asked if Dale and Randy will be compensated for their time. Al Wilks said they turned in one bill already, and will be turning in another one. Russ Weis said that the final settlement will be dealt with in August 2019. Al Wilks said that we should thank the Board Member Russ Weis for working hard to make the project happen.
- Update on the Branch 4 Ditch Dredging Project. Al Jeske said the area in the horse pasture needed to be graded out and restored. County Line Contractors were planning on getting into the horse pasture to fix a culvert; the contractors were planning on doing the work this past week.
- District Canal Spraying Project. Grassman lost his employee that was certified in spraying. Al Jeske reached out to Bart Miller to see if he had some contacts that could take over. Will send a follow up report via email to everyone.

Norway / Dover

Item 18. Financial Report

- a) Bills paid and Bills to be paid
- b) CSB Account Balances and Loans as of May 31, 2019

John Knuteson read the financial report. Al Wilks asked if the ditch was dug out? Al Jeske said no, that they need to submit plans. Alan Jasperson made a motion to approve the Norway / Dover financial report, seconded by Greg Foat, and the motion passed unanimously.

John asked the Board if they wanted to start paying back the loan and how much. Alan Jasperson suggests that KHQ should contact Dave Moyer to find out the best way to handle this Norway/Dover. The Board will let Kim know.

Item 19. Status update on Drainage Information submitted to Town of Norway re: Groth Subdivision. Nothing to report. Tabled until September meeting.

Item 20. Discussion on billing Gregerson Park landowners. Racine County reached out to Kim Williams, who spoke with Kim Christman (Real Estate Description office). Kim Williams was asked to bill the landowners instead of Gregerson Park. The Landowners are willing to pay for Gregerson Park. Alan Jasperson made a motion to have Kim Williams bill the Landowners rather than Gregerson Park, seconded by Russ Weis, and the motion passed unanimously.

Item 21. Discussion and decision regarding possible funding for USGS sites. Alan Jasperson said that Norway / Dover spends a lot of money, we hire and pay for the dam operator, the USGS sites. Everyone uses them, we need for Tom Halter to operate the dam, which is owned

by the County. Would like to see if the Board can get funding from another source. Table to September 19, 2019 meeting.

Item 22. Update on current projects

- **Update on District Canal Spraying Project.** Bart Miller is doing the best he can; he has about 1/3 of the district done. He is using either pick-up truck or an ATV to reach areas.
- **Status update on Wind Lake / Goose Lake Canal Branch Dredging Project.** These are 2 areas brought to the Board last fall. We've had some severe bank erosion, there were 2 places on the Wind Lake Canal by the Eagle Ridge Subdivision and the other was on Goose Lake Branch just south of Overson Rd. When I brought this issue to the Board, there was approximately 600' that need repaired and within 6 months the 600' turned into about 2,000'. RLP Diversified quoted us at the 600' for \$17,000 and he'd work with us based on the additional erosion for basically the same price. Only thing missing is that I asked Tom Halter to come in with the seeding equipment, to seed one of the banks by the subdivision, Al Jeske wanted to get it seeded and restored before any erosion started on it.
- **Discussion regarding Goose Lake Branch Canal Dredging Project.** Same as above. Project was put on hold.
- **Discussion regarding Wind Lake / Goose Lake Canal Bank Restoration Project.** Project was put on hold.
- **Discussion and possible action on the Cross Canal/Jacobson Ditch Drainage investigations.**
- **Status of District De-Brushing Project.** Gunderson needs to finish cleaning up some restoration work on the Branch 8 ditch what they did this past winter. Also in your packet is the updated mapping and specifications for the Wind Lake Canal from Hwy 36 up to the Dam, Goose Lake Branch from the Wind Lake Canal to a ½ mile north of Hwy K and we also did a chunk of the cross canal from Wind Lake Canal to Hwy S. We need to send to DATCP for approval.

Yorkville / Raymond

Item 23. Financial Report

- a) Bills paid and Bills to be Paid
- b) CSB Account Balances and Loans as of May 31, 2019

John Knuteson read the financial report. Russ Weis made a motion to approve the Yorkville / Raymond financial report, seconded by John Vyvyan, Al Jeske and the motion passed unanimously.

Item 24. Approval of final payment for RLP Diversified 2016 De-Brushing Contract. Has already been discussed.

Item 25. Update on Municipalities regarding better drainage north and east of District to Lake Michigan. Tabled until September 19th Meeting.

Item 26. Update on Current District Projects.

- **Updated on Lateral No 3 Dredging / Bank Repair.** Al Jeske said that they have been trying to get in there. Once the bank sloughing work at Norway/Dover is done, they will move the equipment over. If the rain doesn't stop we will push the project until the fall.
- **Updating on West Branch Root River.** Project Complete.
- **Update on Hribar Pond Outlet.** Project Complete.
- **Update on 50th Road Bank Repair.** Fixed the area up, north of 50th Road on the west branch. Fixed the washout in there and we put two new culvers in and stone on the top. We've had issues with Beavers, and it keeps plugging up. John Vyvyan has asked us for some ideas as to resolve the problem and get a contractor in there.
- **Update on Dredging Project.** Tabled to September 19th meeting.
- **Update on District Canal Spraying Project.** Bart Miller will be doing the project. Bart was hoping to start this weekend. He will be jumping between the two districts.

Russ Weis wanted to discuss a RCBDC website rather than go through the County. Kallie Jo Kastenson attended and explained her program, and how she would set up a website and monitor it for us. Kallie Jo passed out a handout regarding her program and she had analyzed the current website through Racine County. The Board asked Kallie Jo questions such as her pricing per year, and domain names. Al Wilks asked Kim Williams what her procedures were to get information out to the Public. Alan Jasperson commented that it the site is not user friendly. Alan Jasperson asked that she gathers information and put her on the September Agenda. John Knuteson asked if we could put a link on the Racine County website directing them to the new website. John Knuteson said that we should get County approval. Tabled until September 19th meeting.

ALL DISTRICTS

Item 27. Update on Meeting re: the Racine County Intergovernmental Agreement. Nothing to Report, Table until September 19th meeting.

Item 28. Discussion regarding storage of RCBDC documents and Maps at Racine County.

Alan Jasperson asked if we could get the documents scanned and put into the "Cloud". Mark Madsen and Al Jeske took all the maps and have scanned them. Kim Williams said that Racine County only has 2 shelves assigned to RCBDC. Alan Jasperson asked if we could scan and put all the documents onto the cloud. The Board would like Kim Williams to research record keeping and report back at the September meeting. They also suggested to contact Racine County for approval to have the documents stored on the cloud.

Item 29. Annual Reports – 9/1/2018 – 8/31/29. Inspection reports are both sent emailed and in your packets. Mark Madsen and Al Jeske are close to getting their pilots license to fly drones. Looking to maybe utilize the drones to help with annual reports.

Item 30. Accountant Rate Increase. John Knuteson said that the Accountants haven't had a raise increase since 2017. Their hourly rate will now be \$120.00. John Knuteson said you can accept that or look for another accountant; however, you probably wouldn't find anything cheaper. Russ Weis made a motion to approve the TaylorMade Wealth Management rate increase, seconded by Alan Jasperson, and the motion passed unanimously.

Item 31. Next Drainage Meeting

September 19, 2019 – 7:00 p.m.

December 12, 2019 – 1:30 p.m.

Adjournment. Russ Weis made a motion to adjourn, which was seconded by Greg Foat and passed unanimously at 9:02 p.m.

RACINE COUNTY BOARD OF DRAINAGE COMMISSIONERS

APPROVED: 9-19-19

Al R. Walker
Chairman

Alan Jasperson
Secretary