

Minutes of the Meeting
Racine County Board of Drainage Commissioners
March 10, 2020 – 1:30 p.m.
Racine County – Ives Groves

Item 1. Chairman Alvin Wilks called the meeting to order at 1:31 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; Kim Williams, recorder; Mark Madsen, Engineer; Al Jeske, Engineering Technician

Item 3. Approval of Agenda: Alan Jasperson made a motion to approve the Agenda, seconded by Russ Weis, and the motion passed unanimously.

Item 4. Approval of Meeting Minutes:

October 23, 2019 Russ Weis made a motion to approve the October 23, 2019 meeting minutes, seconded by Greg Foat, and the motion passed unanimously.

December 12, 2019 Alan Jasperson made a motion to approve the December 12, 2019 meeting minutes, seconded by John Vyvyan, and the motion passed unanimously.

Norway / Dover

Item 5. Financial Report

- a. Bills paid and bills to be paid
- b. CSB Account Balances and Loans as of February 29, 2020

John Knuteson read the financial reports. Russ Weis made a motion to approve the Norway / Dover Farm Drainage District financial report, seconded by Greg Foat, and the motion passed unanimously.

Alan Jasperson asked about the loan payment and the checking account amount in Norway/Dover. Alan Jasperson suggests that KHQ talk with Alan Jasperson or Al Wilks to discuss how much to pay towards the loan.

Item 6. Discussion and decision opening up Jacobson Ditch into the Main and cleaning the cross canal at the curve just west of Hwy S where it borders Kastensons & DeBach properties.

Jacobson ditch is just south of the Wind Lake Dam. Alan Jasperson feels that it is time to open up the Jacobson ditch, it needs to be reopened like it previously was, but de-brushing also needs to be done. Alan Jasperson also feels that it will be beneficial to open the Jacobsen Ditch by the main and dredge the Cross Canal west of Burmeister Rd (Jacobson Ditch and the Cross

Canal). Al Jeske stated that de-brushing would need to be done between Hwy S and Wind Lake Canal and the project is proposed to be cleaned out between Goose Lake Branch and the Wind Lake Canal on the Jacobsen Ditch. The plans are ready to go.

Randy Jasperson – 21521 Olson Rd, Franksville: The Cross Canal has worked for many years but we know it is a very difficult area to maintain, once that ditch is cleaned out, it is imperative the property owners on both sides of the ditch need to stay off the ditch. It makes no sense for the taxpayers to go ahead and get this done and then have heavy equipment on the ditch bank. Alan Jasperson said that one thing that could help is that we could have a 60-foot corridor. Typically, it is 20' on the side of each bank.

Kallie Jo Kastenson spoke and said her father is not in favor of spoil fill placed on their side of the Cross Canal.

Alan Jasperson made a motion that we go ahead and bid the project of debrushing and cleaning the Jacobsen Ditch and cleaning the Cross Canal. The motion was to have it bid out from the Main to Hwy S and from Hwy S to the Goose Lake, seconded by Greg Foat and the motion passed unanimously.

John Knuteson asked if you bid what is outlined, would that still be maintenance and not require updating of the mapping and specification? Mark Madsen said it is maintenance as long as they don't put in a culvert.

Item 7. Discussion and decision regarding possible funding for USGS sites approve payment.

Alan Jasperson spoke on this issue. RCBDC pays for 3 USGS sites. The Rochester site, below the Wind Lake Dam site and above Muskego Lake Dam site. He would like to see Racine Co pay for these 3 sites. Racine County owns the Wind Lake and Rochester Dams. The USGS sites are needed in order to run the dams correctly. We have found out how hard it was to run the dams, and how much easier it is if you have some knowledge and the USGS sites give us that knowledge. Flooding is a critical issue for all residents in that area. This should be county funded. Alan Jasperson requested the Board's approval to go forward to contact Racine County to start paying for the USGS sites. Greg Foat made a motion to have Alan Jasperson work with Tom Halter and ask Racine County to start paying for the USGS sites, seconded by John Vyvyan, and the motion passed unanimously.

Item 8. Discussion of Assessment (2023 -2027). Alan Jasperson said that the Norway/Dover District will not have enough money by the time they get to 2022 to pay back the loan so we need to have something in place prior to that. We need to go over the numbers again after we get our money in from this tax assessment. Alan Jasperson will be working with John and Kim and accountants, and we will be coming back to the Board. Mark Madsen said he will be holding off on updating the assessment report until he hears from the Board.

Item 9. Update on Prevailing Wage – John spoke on this issue. There was our appeal. The Board said the Dredging Project was Construction and not Maintenance. The appeal was

denied by Work Force Development but they took 2 years to deny the project. We filed with the Circuit Court a motion asking that the enforcement be stayed. The motion was scheduled for March 19th at 10:30 a.m...

Michelle Vanek asked what projects that this pertained to. John Knuteson explained that it was for the Wind Lake / Goose Lake (Norway/Dover) and some projects in the Yorkville/Raymond District.

Andy Rusk – 1705 Sunnyside Drive, asked for some clarification as to what was going on.

Item 10. Update on current projects.

- o Update on District Canal Spraying Project – Cost of Maintenance Spraying Canal Banks \$12,000.00, follow up Spraying on Branch 8 Ditch \$500.00. Work will be done on a Not to Exceed Time and Material basis. Greg Foat made a motion to approve all the Maintenance Spraying and follow up Spraying for all districts, minus Eagle Creek unless funding is available at that time, seconded by John Vyvyan, and the motion passed unanimously.
- o Status update on Wind Lake / Goose Lake Canal Branch Dredging Project. – Phase 2 – Hwy 20 east between Hwy 36 and Hwy 20 and the East by the Strueder Farm. Work done last fall, one spot was soft at the west end of the Strueder Farm where a cofferdam was placed between the 2 project lines. Mike Gunderson couldn't get in there to finish. Will keep an eye on the area and Mike Gunderson will try again later. Only item left to be fixed.
- o Discussion regarding Goose Lake Branch Dredging Project. – On hold
- o Discussion regarding Wind Lake/Goose Lake Canal Bank Restoration Project – On hold
- o Status of District De-Brushing Projects – On hold
- o Status of District Mapping Update – talked about the status of the district mapping
- o Update on Jasperson Culvert on the Cross Canal – Meeting with Mark and Randy on 3/11/20.

Farm #1 / Waterford

Item 11. Financial Report

- a. Bills paid and bills to be paid
- b. CSB Account Balances and Loans as of February 29, 2020

John Knuteson read the financial report. Greg Foat made a motion to approve subject to review the Farm #1 / Waterford Farm Drainage District financial report, seconded by Alan Jasperson, and the motion passed unanimously.

Item 12. Update on Current District Projects.

o Waterford Title Project (Tile #3 and #1): Al Jeske said that there was a lot of work completed on it last fall. Basically they need to go out there again and recheck the final grading and restoration work. Project will be reevaluated this summer.

Item 13. Update on Waterford Pumping Station. Mark Madsen prepared a handout regarding the quantity of the total volume of runoff each municipality within the District contributes to the storm water lift station at the downstream end of the District Boundary. A previous study was done by Ruckert Mielke in July 2011 to address the District’s drainage issues and concerns. Currently the pumping station is running at 80%. Greg Foat will start discussions with Waterford about paying for the pumping station.

Item 14. Update Cornerstone Crossing Development/District Tile #5. This is the last tile that needs to be taken care of. Greg Foat said they are working on it.

Farm #4 / Eagle Creek

Item 15. Financial Report

- a. Bills paid and bills to be paid
- b. CSB Account Balances and Loans as of February 29, 2020

John read the financial report. John reported that because of the litigation that legal fees have been held and are significant. Kim Williams stated that NMB has also held their bills and they are currently \$15,000. John Vyvyan mentioned that there is an outstanding bill from Countryside Contractors that he would like to see get paid. John Knuteson said that the district shouldn’t touch the remaining funds.

Alan Jasperson asked about the 5 year agreement with the Eagle Lake Sanitary District. John Knuteson said that a draft agreement was prepared, but until the assessment goes through and he has the numbers to complete the agreement it can’t be signed. Alan Jasperson wanted to know if KHQ can work on getting the draft agreement approved prior to the assessment so that Eagle Creek will be getting some income coming in. The number can always be adjusted.

If the Board is successful in getting Eagle Lake Sanitary District to agree on a draft 5 year agreement, the Board would like Countryside Contractors to be paid in full.

Russ Weis made a motion to approve the Farm #4 / Eagle Creek financials and encourage a 5 year agreement with the Eagle Lake Sanitary, seconded by Greg Foat, and the motion passed unanimously.

Item 16. Update on Current District Projects.

- o Status of 2020 District Wide Bank and Washout Repairs – On Hold
- o Update on District Spraying Projects – Approved in Item #10.
- o Update on Lateral #1 Bank Repairs – Completed last fall. Need to follow up on the restoration work this Spring.

Item 17. Update on the Annexation Litigation and Appeal. John Knuteson read the email from Mark Hinkston regarding the Appeal. Documents have been transmitted to the Court of Appeals. Eagle Lake Manor / Town of Dover needs to file a Brief setting forth their position and then RCBDC files a Brief within 30 days and then they have 15 days from the reply Brief. There is no appearance, as the Court of Appeals will consider the record on the documents and the Briefs. It is the same arguments argued by the parties before the Circuit Court and then the Court of Appeals will render a written decision; the average time to resolve about 262 days (8 – 9 months). In a case of this sort, it probably is quicker because its undisputed facts and specific legal principals already presented, however the Court doesn't have a deadline. There is no automatic stay, since the Circuit Court rendered a Judgment in favor of Farm #4/Eagle Creek Farm Drainage District. There is nothing that prohibits the board from proceeding with the annexation unless the Applicants file a motion for a temporary restraining order. We still have to get the Mapping & Specifications completed before we can proceed with an annexation. We will see if they file such a motion that would prohibit the Board from proceeding with the annexation and assessment. If we win, they could appeal to the Supreme Court, but at some point they will have to make a decision. If we lose we could appeal to the Supreme Court. Alan Jaspersen asked if the Supreme Court would even hear the case. John Knuteson said that they might or, it might be a per curiam decision that they don't hear. He feels that it's more likely that they might not hear it unless they want to clarify the law on drainage boards and annexations. If the Court of Appeals agrees with the decision of the Circuit Court then it is very possible they do a per curiam, which basically means we reviewed it, we are not going to have oral arguments but we affirm.

Al Wilks said in the meantime everything is at a standstill for the people of Eagle Creek, which is not fair for the people that need drainage.

Mark Madsen asked if the Board could get a loan from Racine County to cover the costs in the meantime? The Board said that they could look into that.

Item 18. Status of Mapping and Specifications. Mark Madsen announced that the Mapping and Specification were approved by DATCP and they are waiting on the DNR to okay the mapping. Nobody seems to know what that process is or what it entails, so that's where we are right now. Bart reached out to the DNR. John Knuteson spoke and said that he and Kim Williams had a telephone conference with Bart Chapman. Bart Chapman said that the reason why it goes to the DNR was because there was a Memorandum of Understanding between the drainage office and the DNR that they would submit annexations or projects like this to the DNR

and The MOU said that they had to respond within 10 days, which was 2 weeks ago. The MOU has expired, so maybe the DNR feels that they don't have to hurry, but Bart Chapman expects to hear from them shortly. Al Wilks asked Kim Williams to follow up with Bart Chapman and to call Al Wilks by Friday March 13th, with an update.

Item 19. Discussion of Assessment (2020 – 2024). Can not start an assessment until the mapping and specifications are completed.

Farm #5 / Hoosier Creek

Item 20. Financial Report

- a. Bills paid and bills to be paid
- b. CSB Account Balances and Loans as of February 29, 2020

John Knuteson read the financial reports. Russ Weis made a motion to approve the financial report, seconded by John Vyvyan, and the motion passed unanimously.

Item 21. Status of the Mapping & Specifications. Mark Madsen stated that they are still working on finishing up per DATCP's comments for Eagle Creek revisions and should be done shortly and should be "approved" by the next quarterly meeting.

Item 22. Discussion of Assessment (2022 – 2026) - Tabled until June

Item 23. Update on current projects

- o Completion of corrections by CN Railway: CN Railway will complete this year.
- o Update on the Branch 4 Ditch Dredging Project: Completed but needs following up with Spring restoration work if need be.
- o District Canal Spraying Project: Approved in Item #10

Item 24. Update E-mail Addresses for Kim Williams in Hoosier Creek. There was a computer issue and Kim lost some of the Hoosier Creek contact information. For those interested in getting Legal Notices, Agendas and Minutes, please get your email address to Kim Williams. The Board has suggested that something be added to the website as well.

Yorkville / Raymond

Item 25. Financial Report

- a. Bills paid and bills to be paid
- b. CSB Account Balances and Loans as of February 29, 2020

John read the financial report. Alan Jasperson made a motion to approve the Yorkville/Raymond Financials, seconded by Greg Foat, and the motion passed unanimously.

John reported that the Board needs to start working on new agreements with Yorkville, Raymond and Union Grove.

Item 26. Update on Municipalities regarding better drainage north and east of District to Lake Michigan. Table to June meeting.

Item 27. Update on Current District Projects

- o Update on West Branch Root River Dredging Project – Project on hold, need a budget and funds in order to proceed. Alan Jasperson made a motion to have Kim Williams contact Yorkville, Raymond and Union Grove to schedule a meeting to discuss project, seconded by John Vyvyan and the motion passed unanimously.
- o Update on 50th Road Bank Repair Project - Project completed but will do spot checking.
- o Update on Lateral #3 Dredging/Bank Repair – Talked with Randy Keyes from RLP will get at this spring weather permitting..
- o Update on District Spraying Project – Approved in Item #10

All Districts

Item 28. Discussion on Bank Corridors – Since we need to notify interested parties, it was suggested to put the notice in with the Public Hearing notice for the Assessment.

Item 29. Appointment of Commissioner – We have nominated Matthew Rowntree to the Board, the hearing has been rescheduled for March 31, 2020 at 8:30 a.m. at the Racine County Courthouse.

Item 30. Update on Meeting with Racine Co. re: Intergovernmental Agreement - Kim Williams said that Alan Jasperson, Tom Kramer and herself will meet with Racine Co to discuss multiple issues.

Item 31. Status of payment for 2019 Tax Bills, Road Bills and Agreement Invoices – Kim Williams reported that she just received the Town of Burlington 2019 August Settlement check. Town of Burlington has not paid for their Road Bill but Kim will follow up with them.

Al Wilks said that if we have money in the accounts that have loan payments, we should pay a portion of the loan payment this month.

Item 32. Update on Website Issues - Kim Williams gave an update about Racine County. Kallie Jo Kastenson spoke to the Board regarding her services and prices: \$450.00 to set up the website \$250.00 yearly domain upkeep. \$300.00 / yearly fee. Send documents to Kallie Jo Kastenson in the meantime and she will upload to the website. Russ Weis made a motion to accept Kallie Jo Kastenson’s proposal, seconded by Greg Foat, and the motion passed unanimously.

Item 33. Next Drainage Meeting

June 9, 2020 @ 7:00 p.m.

September 10, 2020 @ 7:00 p.m.

December 8, 2020 @ 1:30 p.m.

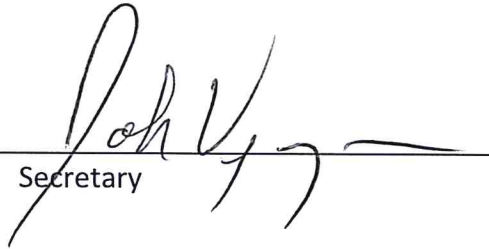
Before the meeting was adjourned, Alan Jasperson stood up and spoke to Al Wilks and said that on behalf of the Racine County Board of Drainage Commissioners and Knuteson, Hinkston & Quinn, and all the people that you served, we present you with this plaque. Al Wilks read the plaque that says Presented to ALVIN R. WILKS In appreciation for your over 45 years of dedicated service to the Racine County Board of Drainage Commissioners, March 10, 2020. Alan Jasperson also presented Al Wilks with a gift certificate.

Adjournment. Alan Jasperson made a motion to adjourn, which was seconded by John Vyvyan and passed unanimously at 3:57 p.m.

RACINE COUNTY BOARD OF DRAINAGE COMMISSIONERS

APPROVED: 10-9-20


Chairman


Secretary