

**MINUTES OF THE
OUTAGAMIE COUNTY DRAINAGE BOARD MEETING AND PUBLIC HEARINGS
TUESDAY, JANUARY 3, 2023**

MEMBERS PRESENT: Al Kramer, Jr., Greg Nettekoven, Jason Van Eperen, Mike Van Asten, Gerald Vander Heiden
OTHERS PRESENT: Nancy Christensen, Administrative Assistant (via phone); Greg Baneck, LCD; Justin Keen, Cedar Corp.; Bob Fox; Harland Volkman, Al Timm, Town of Osborn; Jeff Van Asten, Leroy Van Asten, Lloyd Romanesko; Todd Willer, Avi Stern, Deric DuQuaine – Milk Source; Jennifer Keuning – GHD; Ron Van Rossum, Gene Van Rossum, Jim Kortz, Jim Ostrom, Sarah Babcock, Sara Ziegler, Matt Van Wychen, Jalu Raab

The meeting was called to order at 8:30 a.m. by President Kramer at the Town of Osborn Town Hall.

REVIEW AND APPROVE MINUTES OF DECEMBER 6, 2022 MEETING

Vander Heiden moved, seconded by Van Asten to approve the minutes of December 6, 2022 as presented. ROLL CALL: 5 aye, 0 nay. Motion Carried.

Public participation/comments – Jeff Van Asten, property owner in Vandenbroek District, stated the Board cleaned out the ditch on his property last fall, needs to be cleaned out further down by the woods. West side is working, east side needs to be addressed. The neighbors owners are also

Land Conservation Department Report – Oneida Hobart project off McCabe Road on the Oneida Tribe property is continuing, may need to get an extension due to fish spawning this spring. Need to address issues with stockpiling spoils with Oneida Tribe

The lateral by County Roads S & E needs to get buffers installed. Planting is occurring up to the drain. The Board needs to reach out to property owner to correct. If not resolved, a buffer penalty should be applied.

Reports on Districts - Districts/Projects and work in progress reports

Center-Grand Chute District – Big Ring Storage – As-builts were received, slope of site drainage is not as designed.

9:00 a.m. – Public Hearing for the Vandenbroek Drainage District Legal Drain Connection request received from VSMC Leasing LLC c/o Eric VanHandel to construct a new facility consisting of 3 warehouses and 1 office structure. The project will also include 2 stormwater ponds.

President Kramer read the Public Hearing Notice. The Notice was published in the Appleton Post Crescent on December 11, 18 and 23, 2022.

Jeff Van Asten – The legal drain ditch starts on his property. Land is saturated. Makes farming very difficult. Our land is taking in all the excess water, with a natural spring and all the water this spring and he could not get on fields until June. My tile lines are full, one of them may have broken and that's why I have the spring. Little Chute has options to pump water other directions. 100s of trucks park at the Moasis (Truck Stop) and everything from the trucks runs to the ditch, the ditch water has a sheen on top. As a farmer, I am 100% against this development.

Van Eperen moved, seconded by Vander Heiden to close the public hearing at 9:08 a.m. The Public Hearing will be held open for written comments until February 2, 2023.

9:30 a.m. – Public Hearing for an indirect connection request received from Tidy View Dairy to the Freedom Drainage District for construction of a dry cow barn, new milking parlor, waste storage pond to replace an existing waste storage pond, solids stacking pad and stormwater management pond.

President Kramer read the public hearing notice. The Notice was published in the Appleton Post Crescent on December 11, 18 and 23, 2022.

Lloyd VanRossum – what are they doing?

Jennifer Keuning/GHD – GHD is the engineering firm doing the design. A stormwater pond, water will be directed through the pond. We have met the Outagamie County Stormwater Ordinance and Outagamie County Stormwater Management Policy. Plans include peak discharge rate control, TSS reduction, infiltration but we don't have a lot of infiltration because of the clay soils but we are making changes to meet the infiltration specifications that the Drainage Board is requiring. Plan on metering the water out to the drain after a large storm event by adding a pump system to slowly discharge the water out to the drain. Water will be pumped down according to the cfs allowed by the Drainage Board. The pond is significant size, a million square feet, 6' deep by 4 acres across the top. They plan to abandon one of the existing pits.

VanRossum – you are expanding 5000 cows? Are you putting a digester in?

Unknown comment - 6900 cows now expanding 5000 cows, smaller cows so less manure. That is a separate permitting application process and is not occurring now.

Keuning – The total depth of the pond is 9' but the permanent depth is 6'. There will be water in the pond. That stormwater pond will discharge after a storm. The maximum flow that can be discharged and will be metered by a pump station. We want to discharge after the legal drains are low/dry about 48 hours after the storm. Pond is designed for 100 year storm event. We are working to comply with Outagamie County's requirements and the OC Drainage Board's requirements. The pond was made bigger, 4 times what it needs to be, to allow for the fill needed to abandon the manure pit. We understand the concerns of the people downstream but we can only control what is on our site. That is why we are complying with the Outagamie County's requirements.

Keen – the maximum flow from that whole area is 5.6 cfs

Unknown speaker – That ditch has not been dry. The Board has done work outside of the district which has helped.

Keuning – Our plan is to install a pump station and discharge the water after the 48 hour storm event. Water goes to the west. (towards the Golf Course) Golden Glow Road is the north edge of the project.

We are planning to hold the water in the pond and would not discharge until after 48 hours after the storm event. We want to put water out into the drain when there is no water flowing.

Discussion was held on the existing property and what areas are being developed.

Kramer - We are required to control water discharge to our drains for 48 hours after the storm. Tidy View is doing that with this design. The Drainage Board is much more strict for water discharge, more than Outagamie County's Stormwater Ordinance. We are seeing a point here where we can have more control of flooding which occurred recently. Currently pumps are running during the storm and just recirculating the water, not doing anything. We are working on this. This is the first project that is holding the water on their site until after the storm.

Baneck – The depth in the pond allows for more evaporation and infiltration.

Jeff Van Asten – In the Vandenbroek District, holding water back with a pond is resulting in water coming all the time. The ditch doesn't dry up.

Kramer – Issues with Little Chute came in long ago. We are now working to correct this with the Stormwater Management guidance. We are trying not to have negative impact.

Nettekoven – with the addition of the pump in the pond, how low will you pump it down? Can you use this for irrigation purposes?

Keuning – Not sure how low the pump will be pumped down at this time. At this time, we are not looking at using the excess water for irrigation due to the cost of the investment. With a clay liner, we can't pump the pond dry.

Keen – a certain level is required by DNR to be in the pond for phosphorous control.

VanRossum questioned why the 40 acres was left out.

Keuning – nothing is changing there.

Unknown – There is a storage feed lot area on those acres.

Question was asked how many notices were mailed. Christensen replied a 1,200 foot radius was used, which included 36 parcels of property/ 14 property owners.

Van Eperen moved, seconded by Nettekoven to close the public hearing at 10:08 a.m. Motion carried. The public hearing will be held opened for 30 days for written comments.

OLD BUSINESS

Duck Creek Annexation – Plans/profiles submitted to DATCP for review/approval on July 24, 2020 – Bart waiting for files
Center-Grand Chute Reassessment Study Update – need to meet with Grand Chute and Greenville
Oneida Nation Agreement Renewal – meeting with Oneida Nation representatives report – nothing received to date
James VanCamp property – Previous court decision, refer to legal counsel for advice - need to meet with owner
Country Fields Subdivision – Freedom District – Pending DATCP approval – Bart waiting for profiles

Pierce Manufacturing – Center-Grand Chute District – Pending DATCP approval – Bart questioning the district corridor but area is along side the parking lot. West side and north side could work off of Capitol Drive but the east side may be a problem. It could be moved back 10-15 feet to get the workable area or just work from the northwest side. Ditch is a 2-stage ditch, with 10 foot drops, and 3 to 1 slopes off the parking lot. Van Eperen had a concern with working from just the west side may effect the adjoining property from some development. The building setback requirement of 75' would also apply. Kramer will check with legal counsel if the Board can place restrictions on the ditch relocation.

TML Auto LLC/Todd Lemmens, Center-Grand Chute District – Pending DATCP approval

Storage Unit Rental Agreement – Feb 1, 2023 thru Jan 31, 2024 Unit #8, 3175 W Brewster Street - \$115/month - \$1,380 total annual fee – Land Conservation Department has a new storage facility that would have room to store the DB equipment. The location would require more travel to acquire equipment. The current location is more accessible. Van Asten moved, seconded by Vander Heiden to continue with present storage contract. Roll call: 5 aye, 0 nay. Motion carried.
Hurkman Heights – Vandenbroek District – Pending DATCP approval/Drainage Board action

NEW BUSINESS

Replacement of survey/grade laser – A new laser should be \$2,000 - \$3,000. Van Asten moved, seconded by VanderHeiden to replace the survey/grade laser. Roll call: 5 aye, 0 nay. Motion carried.

Applications received for Legal Drain Connections:

Evergreen Apartments – Vandenbroek District – direct legal drain connection for proposed 175 unit apartments. Keen has reviewed the submittal. A Public Hearing will be scheduled for February 7, 2023.

Apple Valley-Rock Solid – Center Grand Chute District – indirect legal drain connection for personal storage building, Keen reviewed his comments submitted 1-2-23. Public Hearing will be scheduled for February 7, 2023.

Review of Invoices/Financial Report – Board members received a copy of the preliminary December, 2022 report.

Schedule next regular meeting date – The next regular meeting will be held Tuesday, February 7, 2023, at Town of Osborn Town Hall. Due to elections on April 4, 2023, the April meeting will be held on Wednesday, April 12, 2023 at 8:30 a.m.

Van Eperen moved, seconded by Nettekoven to adjourn at 11:10 a.m.

Respectfully submitted,
Nancy J. Christensen
Administrative Assistant