

**MINUTES OF THE
OUTAGAMIE COUNTY DRAINAGE BOARD MEETING AND PUBLIC HEARINGS
TUESDAY, FEBRUARY 7, 2023**

MEMBERS PRESENT: Al Kramer, Jr., Greg Nettekoven, Jason Van Eperen, Mike Van Asten, Gerald Vander Heiden

OTHERS PRESENT: Justin Keen, Cedar Corporation; Al Timm, Town of Osborn; Harlan Volkman, D. DaQuane, Todd Willer, David Meister, Gary Kastow, Erick Thompson, Don Stingle, Bob Fox, David Vittel, Calvin Tollefson; Kris Lyons, David Vittel, Chris Murawski; T. Utschig, James Ostrom, Tim Wittmann, Jennifer Keuning; Scott Hrnecirik; John Neumeier, City of Kaukauna; Todd Calmes

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 JANUARY 3, 2023 MEETING

Van Eperen moved, seconded by Vander Heiden to approve the minutes of January 2, 2023 as presented. ROLL CALL: 5 aye, 0 nay. Motion Carried

PUBLIC PARTICIPATION/COMMENTS – no participation

LAND CONSERVATION DEPARTMENT REPORT – Kramer reported that LCD and contractor had started work on the Oneida/Hobart project February 6.

REPORTS ON DISTRICTS - Districts/Projects and work in progress reports

- Center-Grand Chute District – Big Ring Storage – As-builts received, slope of site drainage issue – nothing received, waiting for response as to what Town of Grand Chute will require
- Duck Creek District – Tree removal on Ott Road – trees were removed by Darin Stingle within the legal buffer and road right of way. Stingle did not contact the town of Black Creek or DB prior to doing the work. No invoice has been received. Gary Kasten, property owner, stated he was concerned with barbed wire and posts buried in field. What is his recourse? The Board will wait to hear from Town of Black Creek as to what they wish to do.
- Duck Creek District – A complaint was received from Kelly Rottier, W3262 Mielke Road – restoration of ditch on property – work will be done this spring/summer when it dries up.
- Kropp Road culvert replaced and the culvert will be reimbursed for by the Drainage Board to Town of Osborn.
- The survey/grade laser will be ordered. Prices were received from various vendors.

Nettekoven will compile areas that need tree removal in various areas in Duck Creek, Center Grand Chute and Vandenbroek Districts. Notification letters will be sent to Center-Grand Chute District - Casaloma to McCarthy; 2 areas in Duck Creek District, and Vandenbroek District – Maloney to JJ.

PUBLIC HEARING FOR A LEGAL DRAIN CONNECTION REQUEST RECEIVED FROM LEGACY CREEKSIDE APARTMENTS(EVERGREEN APARTMENTS)/DUQUAINE DEVELOPMENT WITHIN THE VANDENBROEK DRAINAGE DISTRICT. *Note: The project name was changed to Legacy Creekside Apartments, all other information remains the same.*

The notice of Public Hearing was read by President Kramer. The notice was published January 12, 20 and 29, 2023. Justin Keen, Cedar Corporation, reviewed his comments submitted February 6, 2023. (placed on file) The storm water from the site discharges to the Vandenbroek Main Ditch legal drain. The existing legal drain runs through the site and splits the site into two drainage areas. The majority of the East side of the site discharges to a regional storm water management facility owned and maintained by the City of Kaukauna. There is a portion of the site that drains untreated to the legal drain. The western side of the site discharges to a dry pond facility that provides peak flow control of the runoff prior to discharging to the legal drain. The City of Kaukauna's regional designed stormwater facility currently operates by the standards in place of when it was designed.

John Neumeier, City of Kaukauna, the Drain Board requires 75' setback, the City has 50' setback. The City would like the Drainage Board to consider a 50' setback for this development. Van Asten requested that the legal drain ditches be maintained/cleaned out during this construction phase.

The Public Hearing will be held open until March 9, 2023 for written comments.

Van Asten moved, seconded by Vander Heiden to close the public hearing at 9:23 a.m.

PUBLIC HEARING FOR AN INDIRECT CONNECTION REQUEST RECEIVED FROM APPLE VALLEY CONCRETE/ROCK SOLID, SCOTT HRNEIRIK, OWNER, WITHIN THE CENTER-GRAND CHUTE DISTRICT.

The notice of Public Hearing was read by President Kramer. The notice was published January 12, 20 and 29, 2023.

Justin Keen, Cedar Corporation, reviewed his comments, dated January 2, 2023. (placed on file) Proposed is construction of a 100' x 100' building and associated concrete driveway and parking area. Approximately over one acre of area is being disturbed. The storm water from the site discharges to Lateral #3 of the Center-Grand Chute Drainage District via overland flow through existing drainage swale. There is a proposed storm water management dry pond to be constructed to meet Drainage Board stormwater management requirements.

Van Asten moved, seconded by Vander Heiden to close the public hearing at 9:30 a.m. The public hearing will remain open for written comments until March 9, 2023.

OLD BUSINESS

1. Duck Creek Annexation –Plans/profiles submitted to DATCP for review/approval on July 24, 2020 -
2. Center-Grand Chute Reassessment Study Update - nothing
3. Oneida Nation Agreement Renewal – nothing has been heard about the status. Contact will be made with our legal counsel if she know what the status is and also with Jim from the Oneida Tribe
4. James VanCamp property – Need to meet with the property owner
5. Country Fields Subdivision – Freedom District – DATCP approval was received 1-18-23
6. Pierce Manufacturing – Center-Grand Chute District – Pending DATCP approval – parking lot is within the buffer area. The designed ditch is a two-stage ditch. There is 75' from top of bank on the west side, access from the north and east end of the parking lot have a 20' corridor from top of bank. Van Asten moved, seconded by Vander Heiden to accept a 75 foot buffer from the top of bank on the west side and 20 foot buffer from the north and east end of the parking lot. Roll call: 5 aye, 0 nay. Motion carried.
7. TML Auto LLC/Todd Lemmens, Center-Grand Chute District – DATCP approval received 1-17-23
8. Hurkman Heights – direct legal drain connection to Vandenbroek District – Van Asten moved, seconded by Nettekoven to approve with the conditions as listed in the Cedar Corporation letter dated December 5, 2022, and to submit to DATCP for their review. Roll call: 5 aye, 0 nay. Motion carried,
9. VSMC Leasing LLC – legal drain connection to Vandenbroek District – Vander Heiden moved, seconded by Nettekoven to approve with the conditions as listed in the Cedar Corporation letter dated January 2, 2023 and submit to DATCP for their review, Roll call: 5 aye, 0 nay. Motion carried,
10. Tidy View Dairy – indirect drain connection to Freedom District – Nettekoven moved, seconded by Van Eperen to approve with Cedar Corporation's comments/conditions dated January 30, 2023. Roll call: 4 aye-Kramer, Nettekoven, Van Asten, Van Eperen; Nay 1 – Vander Heiden. Motion carried.

NEW BUSINESS

Village of Little Chute – The Village will be reconstructing Randolph Drive this summer with a full reconstruct of the existing utilities and road pavement. There is a small portion of the Vandenbroek Drainage District that will be impacted by this construction. The Village is installing storm sewer within the ROW to address the future storm water runoff that will be generated by the Interstate 41 expansion and the current drainage and runoff from the existing developments. Keen stated the plans as proposed would help on the small storm events with water going

to the pond and not to the legal drains. Van Asten moved seconded by Van Eperen to approve the proposed plan as submitted. Roll call: 5 aye, 0 nay. Motion carried.

USDA Grant Application Status – Meeting with involved municipalities is scheduled for February 10, 2023 at 9:00 a.m. at Grand Chute Town Hall to discuss drainage/water issues and the available grant monies through NCRS and involvement of those communities.

Applications received for Legal Drain Connections:

- Open Gate Event Venue, Eric & Elizabeth Kositzke owner – Center Valley District – proposed event venue
- Richard & Kristi Fox, - Freedom District – construction of a 6,000 sq foot addition to shed
- United Co-op – Center Valley District – new construction

Review of Invoices/Financial Report – 2022 Year End reports were reviewed.

The next regular meeting will be held Tuesday, March 7, 2023, at 8:30 a.m. at the Town of Osborn Town Hall (April meeting will be held Wednesday, April 12, 2023 at 8:30 a.m.)

Van Eperen moved, seconded by Nettekoven to adjourn at 9:57 a.m.

Respectfully submitted,

Nancy J. Christensen
Administrative Assistant