

MINUTES
OUTAGAMIE COUNTY DRAINAGE BOARD MEETING & PUBLIC HEARING
NOVEMBER 7, 2023

MEMBERS PRESENT: Al Kramer, Greg Nettekoven, Mike Van Asten, Gerald Vander Heiden

MEMBER ABSENT: Jason Van Eperen,

OTHERS PRESENT: Nancy Christensen, Administrative Assistant; Jeremy Freund, LCD; Justin Keen, Cedar Corporation; Al Timm, Town of Osborn; Harlan Volkman; J. Fred Husman; Kurt Vanden Heuvel; Darin Tiedt; Bob Fox; Don Stingle; Darren Stingle; Don Stingle; Clark Fox; Brad Johnson; Randy Schmidt, Clark Schabot; John Neumeier, City of Kaukauna DPW; Lucas Strasburg

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 OCTOBER 3, 2023 MEETING

Van Asten moved, seconded by Vander Heiden to approve the minutes of October 3, 2023 as presented.

ROLL CALL: 4 aye, 1 absent. Motion Carried

Public participation/comments –

Land Conservation Department Report – Jeremy Freund reported the DNR will attend the December, 2023 meeting to give an up-date on the Shiocton Mitigation site/Bergstrom Site.

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-no action

Duck Creek District - John Schmidt property – ditch issues – on-site meeting held August 30, 2023

Discussion is still going on. Property is in probate and nothing can be resolved until it is settled.

Gary Kortz – Duck Creek District – Parcel # 090073800 – special assessment charge – Christensen reported that the parcel has been charged incorrectly in the past years. She will work with tax listing to get the error corrected.

Duck Creek District - Clean out on Culbertson Road is complete

Center Valley District - Dale Richley project is complete

Various Districts – Kramer, Nettekoven, Van Eperen and Christensen met with Senator Rachel Cabral-Guevara, 19th Senate District, to discuss issues of progressing on projects due to DNR regulations and crossing with Drainage District regulations. Senator Cabral-Guevara received a legal opinion, and after discussion with Bart Chapman, that we can do work in wetlands but not in high quality wetlands.

Duck Creek - Culverts on Lafond Road need to be replace

Bovina-Black Creek District - VanPatten Road pipe can be removed from mitigation area.

Darrin Stingle – Duck Creek District – Requested the Board look at the extending the legal ditch to the northwest on Alice Riehl's property.

Review Inspection Reports and Annual Meeting minutes held September 26, 27, 28, October 4 and 5, 2023

President Kramer stepped down as President/Board member for the Public Hearing.

9:00 a.m. Public Hearing for Darin Tiedt/Crossroads Storage – Duck Creek District – construction of storage units The Public Hearing was opened at 9:00 a.m. by Vice President Nettekoven. The notice was read. The notice was published in the Appleton Post Crescent on October 12, 20 and 27, 2023.

Justin Keen, Cedar Corporation, reviewed the Storm Water Management Plan Review dated October 2, 2023. (placed on file). The project meets the stormwater requirements with the drainage pond.

Al Kramer – Owns property downstream of this site in question. This lateral flows into Duck Creek, Duck Creek cannot take any more water. Can the main ditch handle the flow from the lateral to the main? The site meets the

county rules and Drainage Board Stormwater guidance. Current pre-development there is approximately 150,000 gallons of water being charged. Post development there will be 300,000 gallons of water will be flowing to the ditch. Adjacent properties will have more water creating negative effect.

Darrin Stingle – Owns adjacent property to the site. This will change the water flow, extending the time the water flows into the ditch. He is concerned about the duration of the flow.

Kramer – He's not wanting to stop development but the duration of water flow onto adjacent property owners needs to addressed. This creates artificial wetlands.

Nettekoven commented that the concentrated discharge rate needs to be addressed. Flow duration needs to be addressed.

Keen suggested looking at extra storage space in the pond or development of a pumping schedule after a large storm into the lateral.

Van Asten moved, seconded by VanderHeiden to close the public hearing at 9:27 a.m.

President Kramer resumed his seat on the Board.

OLD BUSINESS

1. Duck Creek Annexation –Plans/profiles submitted to DATCP for review/approval on July 24, 2020 – Westwood will be submitting
2. Center-Grand Chute Reassessment Study Update
3. James VanCamp property – Previous court decision, refer to legal counsel for advice
4. Pierce Manufacturing – Center-Grand Chute District – Pending DATCP and Grand Chute approval
5. Legal drain connection - Central Land LLC – Vandenbroek District –Pending DATCP approval – annexed to Kaukauna, the project is not proceeding as originally submitted
6. USDA Grant Application Status Report - letter was distributed to the Board that was emailed to DATCP
7. Freedom Drainage District – Extension of legal drain from County Road J to Farrell Road – Van Asten moved, seconded by VanderHeiden to approve the annexation of the proposed area to the Freedom District. ROLL CALL: 4 aye, 1 absent. Motion Carried
8. Legal drain connection — C. R. Buildings LLC - Vandenbroek District –DATCP approval received 11-15-23
9. Legal Drain Connection to the Duck Creek Drainage District - Town of Freedom. Petitioner: J Springs Dairy – pending DATCP approval received 11-15-23
10. Revision to Duck Creek Drainage District Map – correction of north south lateral drain between Ballard Rd and County Road EE – table to next meeting
11. Revision to Center Valley Drainage District Map – correction of lateral drain on the Schabo/Kramer property – tabled to next meeting

NEW BUSINESS

1. **Approve 2023 Drainage District Special Assessment Rates payable in 2024 – Center-Grand Chute, Freedom and Oneida-Hobart districts –**

757 - Center-Grand Chute Drainage District Special Assessment

Nettekoven moved, seconded by Van Asten to set the acre rate at \$4 and \$60 minimum (15 acres or less) Roll call: 4 aye, 1 absent. Motion carried.

759 - Freedom Drainage District Special Assessment

Van Asten moved, seconded by Nettekoven to set the acre rate at \$2 and \$30 minimum (15 acres or less) Roll call: 4 aye, 1 absent. Motion carried.

763 - Oneida-Hobart Drainage District Special Assessment

Van Asten moved, seconded by Vander Heiden to set the acre rate at \$4 and \$60 minimum (15 acres or less) Roll call: 4 aye, 1 absent. Motion carried.

2. **Lucas Strasbury – Center-Grand Chute Drainage District** – 5030 W Capitol Dr - construction of home and pond. Mr. Strasbury stated the previous owner had moved soil towards legal drain which also created drainage issues for adjoining properties. He is proposing to install a pond keeping the water within the pond which will not drain into the legal drain. The pond would also help remove water from adjoining properties. There is no outlet pipe from the pond with no impact to the legal drain. Keen stated he had reviewed the plan and this would be a positive impact to the area.

Van Asten moved, seconded by Nettekoven to approve the plan as submitted. ROLL CALL: 4 aye, 1 absent. Motion Carried

Kaukauna Hospitalities - Vandenbroek District – Clark Fox – The proposed hotel project is adjacent to the retention pond in the industrial park. The existing pond was previously designed in 2005-06. Site is on storm sewer designed to flow to the pond. Van Asten moved, seconded by VanderHeiden to approve the Kaukauna Hospitalities project drainage plan and a letter be received from City of Kaukauna the area will flow to the pond and the pond can handle the flow capacity. ROLL CALL: 4 aye, 1 absent. Motion Carried

3. **City of Kaukauna – special assessment rate structure.** Freund gave a brief history of the court case of the drainage board special assessment challenge from the Village of Little Chute. The court ruled, the City of Kaukauna was to be charged based on ERU rates, as the Village of Little Chute. During that time, the City has completed work within the district and the Drainage Board agreed to give the City credit for the amount of work done. That credit balance will be expired after 2023. Discussion was held with John Neumier, DPW Director, that effective in 2024 the City will submit the current ERU base report and the Drainage Board will invoice the City annually. If the City performs work/maintenance within the district, they will need to get prior approval and will submit an invoice for that work to the Drainage Board for review and payment.

Review of Invoices/Financial Report – Reports were reviewed. At this point, all districts are within budget.

The next regular meeting date will be December 5, 2023 at 8:30 a.m. at the Town of Osborn Town Hall

Legal Drain Connection Applications Received: none received

Nettekoven moved, seconded by Van Asten to adjourn at 10:45 a.m.

Respectfully submitted,

Nancy Christensen
Administrative Assistant