

WINNEBAGO COUNTY DRAINAGE BOARD
LARSEN DRAINAGE DISTRICT

Meeting Minutes

7:00 p.m. on July 20, 2023

Town of Winchester, 8522 Parkway Lane, Larsen, WI 54947

I. Call to Order

Board Members:	Howard Miller	PRESENT
	Peter Romberg	PRESENT
	David Sleik	ABSENT
	John Kunde	PRESENT
	Michael Pfankuch	PRESENT

Administrative Support:	Holly Stevens	PRESENT
District Consultant:	Gerald Peterson	PRESENT

II. Approval of Minutes

A. Approval of the minutes of the February 9, 2022 Winnebago County Drainage Board
Larsen Drainage District Meeting.

Ben Hamblin, McMahon Associates, identified a clarification on page 3, noting the district's ditch maintenance responsibilities stop at Hwy 10.

MOTION:

Motion by Board Member Pfankuch

Second by Board Member Romberg

**Motion to approve the minutes from the February 9, 2023 Winnebago County
Drainage Board Larsen Drainage District Meeting as corrected.**

Motion carried by unanimous voice vote.

III. Open Forum: Drainage District related Matters not on the Drainage District Board Agenda:

- Matt Olson, Town of Winchester Chairman, said he had been contacted by Winchester resident Gerry Peterson regarding the brush growth along the Arrowhead River as it runs along his property. The two inspected the area and Mr. Olson suggested the Drainage Board consider establishing a regular maintenance program. He noted the work which had been completed a few years ago will be in jeopardy without some routine brush cutting/bank maintenance.
- Admin Holly Stevens noted it is the same area which was looked at in the fall 2021. She noted the Board had reviewed bids to mow that area and the cost was over \$12,000. She noted that at the time, the Board was struggling to find contractors interested in bidding the work and decided to hold off due to the excessive cost.
- Board Member Pfankuch asked how the "bid process" was handled. Ms. Stevens said she had developed a project plan which identified the scope of the project and distributed it to numerous contractors. She said the responses were few.

- Board Member Kunde noted that chemical weed treatment would be effective, but he is unsure what can be used next to a waterway.
- Matt Olson agreed stating the growth will always come back, but some sort of maintenance would work to manage the issue.
- Holly Stevens suggested reaching out to several vendors and placing a discussion on the next meeting agenda.
- Gerry Peterson suggested contacting the Outagamie County Drainage Board to ask how they deal with the issue.

No other public comments were made.

IV. Business:

A. Chairman's Report

- Wisconsin Association of County Drainage Boards
 - Annual Meeting Report from Peter Romberg and Howard Miller

Board Member Romberg noted that districts throughout the state are dealing with many of the same issues that this Board has. He said the main takeaway for him is that the Board has the authority to require property owners to maintain their section of the ditch and even secondary ditches if the condition of their respective sections is hindering the Arrowhead and the state will back the Board in this regard. He said the Winnebago County Drainage Board has more authority than he thought.

He continued reporting that related to that authority, he spoke with NRCS about the Romberg Ditch project and unfortunately, they are at a standstill waiting on engineering. He said we have three or four property owners willing to complete maintenance, but the delays may result in some or all of them changing their minds.

He noted that one of the property owners is questioning why he should complete the work if the others are not going to do their part. Board Member Romberg said he explained to him that water is flowing through his section regardless and the work he is doing will benefit his own section.

Board Member Kunde said the issue the property owners need to understand is the need for engineering patience in order to get the cost sharing grant. He said this type of project takes time for analysis and while it seems backwards, they have to wait for the engineering in order to get the grant funding or they have to pay the full cost themselves.

Chair Miller said some of the things he took away from the meeting was that if a dredging project is less than 3,000 cubic yards, there is no need for DATCP approval. He said they can just do it if it is just a clean out and as long as the profile of the ditch is not changed.

Chair Miller said the other takeaway for him was about the annexation of lands into the district. He said the law is a little unclear when it states included property owners "benefit" from the drainage. He explained that "benefit" is not defined but there is litigation in another part of the state where they are attempting to define what that

means. He said he thinks it is better to let that play out with someone else paying the legal fees to determine what that means. He said then the Board can evaluate and consider an expansion of the district's boundaries.

Chair Miller also noted there are developing concerns with the development of solar farms and how their construction is affecting drainage. He said the nature of how they function is causing more erosion and runoff.

- Membership Renewed

Chair Miller noted the Board's membership was renewed with the Association for a cost of \$100.

- Arrowhead River Water Levels Report

Chair Miller presented the water level and flows he has been tracking this year. He noted he has nine locations at which he collects data. He said the flow is low. He also note the report from the Army Corps of Engineers relating to Lake Winnebago which indicated only one gate is halfway open and the water being released combined with evaporation is more than the water flowing into the lake because of the dry conditions.

B. McMahon Group

- 2023 UAV Spring Survey Report

Ben Hamblin reported the UAV data collected during the spring survey has been added to the district's GIS platform. He said the district is now able to see data comparisons with the collection of three years' worth of imagery. He said it is helpful when evaluating conditions in specific locations.

Mr. Hamblin also reported they identified the location of potential blockage issues along the course of the Arrowhead using the aerial photos. He recommended that each should be reviewed from the ground to determine if it is truly an issue.

Board Member Pfankuch asked if the board has the authority to leave the brush alongside the waterway when removed from the watercourse. Ben Hamblin explained the district has easement rights to the banks, but the property owners still have ownership rights so it is unclear whether that would be advisable. He said it is always best to work with the property owners in these situations to deal with debris to the satisfaction of all involved.

Mr. Hamblin noted that most of the identified issues are brush which has fallen into the water. He said one appears to be a tire on which debris is getting caught and accumulating. He said the identified issues span the full length of the river on various property owners.

Mr. Hamblin noted the GIS was now all uploaded and available on the platform.

Admin Stevens noted that the Board members are able to load the GIS platform from a smartphone if they want to access it.

Admin Stevens asked if the Board would like letters sent to the property owners of the identified issues asking them to correct the matter or reach out to the Board if they need assistance.

Chair Miller said that is a good way to start and the Board directed her to send letters.

C. Winnebago County Land & Water GIS Access Request

Chair Miller explained that Andy Maracini, Winnebago Co. Land & Water has requested access to the Larsen Drainage District GIS platform and the aerial photos.

Sam Pociask, McMahon, explained they are specifically asking for access to the aerial photos only. He said they would limit their access to those layers only.

Matt Olson asked what they intend to use the photos for.

Chair Miller said he had talked with them, and they are in the process of surveying shorelines throughout the county. He explained they now have a drone, and they are photographing shorelines, primarily to identify erosion issues. He said they have some data over the years but are looking to build on that. He said the erosion issues are causing pollution issues in the lake.

Board Member Pfankuch asked if they would use the Board's photos for enforcement. The Board noted Land and Water would not have jurisdiction in the corridor.

Chair Miller said he does not think they would use the corridor data as it goes up the river noting their primary concern is the lake shorelines.

Board Member Kunde questioned why the Board would want to provide the data the board has paid for and collected. He suggested some sort of compensation to offset the district's costs.

Admin Stevens noted the department just received a large amount of ARPA funds from the County Board for a major, multi-year project. She noted she is supportive of interdepartmental cooperation, but she would not want to see them use the district's data to overreach their authority into the district's jurisdictional territory. She also noted they may have information that they could share that might be beneficial to the district.

Matt Olson noted that if they have their own drone, they can gather the specific data they want themselves.

Admin Stevens asked Engineers Hamblin and Pociask how they felt about the request.

Ben Hamblin said he thinks it would be smart to cooperate with them.

Sam Pociask said that cooperation is good. He said if this is something that provides them data and is beneficial to them it would be reasonable to discuss some sort of cost-sharing or perhaps they could perform future data collection for the district instead of hiring an outside vendor for that work.

Mr. Pociask said he does a lot of data sharing with utilities, but they share among each other—it is not one-sided sharing. He said creating the data exchange has value for all involved.

Ben Hamblin said if Land and Water is able to fly the corridor for the district at a reduced cost, it would be very beneficial.

Sam Pociask said he would be happy to coordinate with them if the Board was able to get an agreement with them.

Admin Stevens suggested the Board postpone the decision suggesting the conversation be continued with Land and Water to see what can be agreed upon.

Chair Miller said he would reach out and continue the conversation. Sam Pociask said he would be happy to be a part of that conversation as well if Chair Miller would like him to participate.

DECISION POSTPONED PENDING FURTHER DISCUSSION

D. Preparation of 2022-2023 Annual Report

Admin Stevens reviewed that each year, the Drainage Board is required to submit an Annual Inspection Report to WI DATCP and to make the same report available to district property owners. Specific requirements are identified by Statute for inclusion in the report. McMahon Group prepared the Annual Inspection Report for 2020-2021 which was then used by Board Member Pfankuch and Admin Stevens as a template to produce the 2021-2022 Annual Inspection Report.

The Board reviewed a copy of the 2021-2022 report. Admin Stevens requested the Board determine who will be preparing the 2022-2023 Annual Inspection Report. She noted that Board Member Pfankuch volunteered to work with Admin Stevens again.

MOTION:

Motion by Chair Miller

Second by Board Member Romberg

Motion to have Board Member Pfankuch, with the assistance of Admin Holly Stevens, prepare and present the Annual Inspection Report for the Larsen Drainage District Arrowhead River Corridor.

Motion carried by unanimous voice vote.

E. Secondary Ditches – Romberg Ditch - Possible Federal Assistance for Maintenance – Update

Admin Stevens reviewed that at the last meeting, Chair Miller reported that he, Peter Romberg, and Matt Olson met with a Lynn Szulczewski of the US Department of Agriculture and Natural Resources Conservation Service regarding the “Romberg Ditch.” He noted it may qualify for federal grant funding to clean out the ditch. Chair Miller explained the agency will be doing a survey of the area in the spring 2023.

She said the topic is included on the agenda to provide the opportunity for an update regarding the agency survey results.

Board Member Romberg said the engineering survey has been completed and we are now waiting for those results. He said he has some concerns that property owners may decide to back out. He said the grant funding requires all property owners to cooperate and participate. He asked if the Board wanted to set a deadline date that it wants to see the project done regardless of the grant process.

Chair Miller noted that the dry weather has provided ideal conditions for the work to be completed. He said it is a shame that it couldn't get done this year.

Board Member Romberg explained he had recently reached out to Lynn Szulczewski but she did not have an update on the engineering status. He said he just doesn't want to see it fall apart now that the property owners have agreed to do something. He said he just thinks there should be a back-up plan in case the federal grant doesn't come through.

Admin Stevens noted that even with the ideal conditions, the contractors needed to complete the work are likely booked out, which is putting the conditions at risk as it is. She suggested it would be advantageous to wait out the engineering for a while to see if the grant funding can be secured. She suggested a letter be sent to the property owners explaining the status and requesting their patience with the process.

Board Member Pfankuch asked if the other Board members would be willing to assist with funding to have the work done when the engineering comes through.

Board Member Kunde said there is no way to know that without knowing the cost of the entire project.

Ben Hamblin, McMahon, noted the ditch is a secondary ditch and the Board is only allowed to spend funds on the Arrowhead corridor. He noted that after the work is completed, the Board may want to look at annexing the lands into the district. He noted that as time goes by, the secondary farm ditches are going to influence the Arrowhead more and more. He suggested it may be beneficial to the Board to expand the district and manage the secondary ditches.

Board Member Pfankuch agreed, noting when the Board was expanded to five members a couple years ago, that was one of the points he stood on—he said he could see the development in Clayton and feels that it will most definitely have an impact on the Arrowhead.

Admin Stevens asked if anyone was aware of the process to gain extraterritorial jurisdiction. She noted it might be beneficial for the district to have the ability to review development projects occurring around the district which could have an impact on the district.

Ben Hamblin said that was an interesting concept. He also noted that the Board had talked about a permitting process for farmers or anyone putting in new drain tile or stormwater work.

Chair Miller said that was related to the new law that requires the district to have a permitting process. He said he had contacted the Outagamie County Drainage Board to see what they were doing. He said the whole process is still under development statewide.

Board Member Pfankuch asked what the parameters are for that.

Chair Miller said as he read the law, it is any drainage which goes into the corridor or into a secondary ditch, regardless of the pipe size.

Ben Hamblin noted that developments have a lot of permits they have to apply for including storm water management. He said the required storm water retention ponds will in most cases benefit the ditch by slowing the water down, however, it could increase the volume of water entering the ditch significantly. He said it is not unreasonable for the district to request copies of development plans from the various towns so the Board can at least be aware of what is happening.

Ben Hamblin noted it is complicated by the storm water maintenance fees charged to property owners for storm water management. He said it might be confusing to property owners to have two fees for storm water management. He suggested the town could consider increasing its fee and then paying part of it to the district for the properties which benefit from the Arrowhead.

The Board directed Admin Stevens to send out letters to the property owners updating them on the status of the project.

F. Sediment Removal/Erosion Project located along Parcel 028-0941 (William Pucci Property) – Update on Conditions

Admin Stevens reviewed that in previous meetings, the Board determined that among the members, they had the equipment and operating certifications to correct the sedimentation problem along the William Pucci property. While the district has the authority to work in the corridor as needed, Board Member Romberg was asked to speak with the property owner(s) who agreed to have the work completed but indicated they did not want to incur any expenses related to the work. The Board members agreed the district would be paying for the correction.

Board Member Kunde said nothing has really changed with it.

Board Member Romberg said he is monitoring it and as soon as the soybeans are off, he will review the conditions and determine when the work can be completed.

Informational Only. No Board Action.

G. Board Member Term Expiration/Renewal – Howard Miller

Admin Stevens reported that notices were mailed to all landowners in the district and the requisite agencies notifying all of the expiration of Howard Miller's term. The notice requested nominations be submitted by March 16, 2023. No nominations were submitted, and Mr. Miller had agreed to continue to serve on the Board.

She explained she had forwarded the information to Winnebago County Corporate Counsel, Mary Ann Mueller. Her office is currently in the process of scheduling the matter in the Circuit Court and Mr. Miller will be reappointed for a 5-year term.

Informational Only. No Board Action.

H. Accounts Payable

Admin Stevens provided copies of bills authorized and paid through the Winnebago County Drainage Board Payment Policy totaling \$1,691.45. Chair Miller reviewed the bills and authorized payment which was then forwarded to the Winnebago County Treasurer for processing. The bills included were:

1. McMahon Invoice 930077 for \$704.00
2. Wisconsin Association of County Drainage Boards Membership \$100.00
3. Reimbursement for travel to WACDB Annual Meeting \$124.45
4. Reimbursement for attendance at WACDB (2 x \$20) \$40.00
5. Reimbursement to Holly Stevens for ArcGIS Annual Subscription \$660
6. Reimbursement to Holly Stevens for postage for spring notices \$63.00

Admin Stevens also provided a copy of the meeting attendance per diem log for this meeting totaling \$271.44. She noted that Board Member Sliak was absent, and the log will be adjusted to \$226.20 to reflect his absence.

Admin Stevens reviewed that as of January 1, 2023, the Contract for Administrative Services is in place. She provided the Board with a report which included the time tracking for these services through July 19, 2023 which totaled \$585.00.

The total as presented for approval is \$811.20.

MOTION:

Motion by Board Member Romberg

Second by Board Member Pfankuch

Motion to approve and pay the accounts payable as presented.

Motion carried by unanimous voice vote.

I. Next Meeting and Board Member Requests for Agenda Items

Admin Stevens reviewed that the next meeting would serve as the Annual Meeting so the meeting must be noticed accordingly. The Board will have to review and approve the annual

inspection report as well as set the district fees for the 2023 tax season. Both items of business need to be completed by October 31, 2023.

The Board selected Thursday, September 28, 2023 at 7:00 p.m. for the Annual Meeting which will be held at the Town of Winchester Town Hall.

V. Adjournment:

MOTION:

Motion by Board Member Pfankuch

Second by Board Member Romberg

Motion to adjourn at 8:00 p.m.

Motion carried by unanimous voice vote.

Respectfully submitted,
Holly Stevens, Administrative Support