

**MINUTES OF THE OUTAGAMIE COUNTY DRAINAGE BOARD
AUGUST 1, 2017**

MEMBERS PRESENT: Kramer, Van Eperen, Vander Heiden
MEMBERS ABSENT: Nettekoven, Van Asten
OTHERS PRESENT: Nancy Christensen, Administrative Assistant; Greg Baneck, Land Conservation Department; Harland Volkman, Town of Osborn; Bob Givens, Omni Associates; Scott Koehnke, WI DNR; Nick Domer, US Army Corps of Engineers; Matt Woodrow, DATCP Engineer; Pete Mullen, Town of Osborn property owner

The Board meeting was called to order at 8:30 a.m. by President Kramer.

The Board met with representatives from the DNR, US Corps of Engineers, DATCP on the proposed annexation for Duck Creek and primarily to discuss what can be done in and around the Burma Swamp area. Items discussed were: problem identification, history of the swamp, consequences of doing nothing, benefits and future projects.

Bob Givens reported that sediment buildup was found in their on-site samplings along the ditch on the east side Ballard Road varying from 1' to 3' of sediment. The sediment in ditches along Ballard Road needs to be cleaned out and removed. The water appears to be held up by the road. Harland Volkman, Chairman, Town of Osborn stated the roadside ditch has not been cleaned out since the 1940s. Givens also asked that the channel on south end of swamp to Ballard be defined.

Scott Koehnke, DNR, questioned if making the road private was considered. The Board and Town stated due to the residence on the road and amount of traffic, privatizing the road was not considered. During the spring of the year for 2 months, the road is closed to through traffic.

Koehnke stated we need to identify the problem and obtain more flow information of what was going into and out of the swamp and what it can handle. Current regulations, exempt the Drainage Board and Town of Osborn from obtaining a permit for road side ditch cleanout; cleaning out and hauling material away. Beyond the east road ditch would need a DNR permit. This would require a lot more investigation and reports.

Nick Domer, US Corps of Engineers, asked if the road is the issue or the drainage. The Board responded both need to be addressed. Landowners are concerned about the swamp water levels. Domer asked what is the ideal solution? Kramer stated to be able to contain and control the flow of water to the district drain and allowing the property owners property to drain.

Koehnke stated most of the ditches in the area are classified navigable waterways. Volkman reported there are currently 5 culverts going under Ballard Road. No dredging has occurred in the past since the 1940s. Koehnke stated there is a fine item of conveyance that the cross section area of the district drain/ditch is the controlling factor; if it maxs out at 20cfs, that's it. More frequent maintenance may need to be completed on the district drains.

Domer stated no permits would be required by the US Army Corps for ditch clean outs and maintenance dredging by side casting on existing spoil banks or removal of material.

Koehnke stated you are dealing with a forest wetlands, logistically with 2 feet of water which will not drain and will not freeze it and material will have to be trucked resulting in difficult conditions. If you add more drains there are conflicting requirements between Chapters 30 and 88. He recommends working on cleaning out ditches and what water is coming into the swamp. Baneck stated the Drainage Board's concerns are adding more water to the swamp and killing the trees. By cleaning out the ditches,

it would probably help the drainage problems. There may need to be more engineering done to see if more cross culverts need to be installed. Koehnke suggested working on the control which is the district drain and how much it can handle; doing that would avoid the permit issue.

Domer added a balance needs to be reached of the watershed maintaining the swamp water level and alleviating the additional water being generated in the watershed and finding it's way around the swamp.

Kramer stated if the area is brought into the district, there would be more control as to the water flowing into the swamp and the ditches would be more maintained.

Givens asked if a DNR permit be required to connect the existing ditch to the district drain? Koehnke stated it would be based on stream history, if there is no stream history the DNR would only be involved in placement of fill within a wetland. The DNR only has authority to regulate in wetlands and waterways with stream history.

Koehnke stated that sometimes all that is necessary is to cut/remove trees that are holding back flow to the outlet. Removal of the fallen debris and tree cutting would not require an authority permit.

In summary, Givens stated we have the direction to proceed by cleaning out the roadway ditches on Ballard and evaluate the amount of the water flow coming into this area; the information collected to date can be mapped showing what needs to be removed from the ditch to its original base elevation; Collect stream history data, and check what regulatory authority would be required; evaluate downstream capacity of drainage district ditch as of today and based on aerial mapping; look at ways to reduce flows; how much groundwater to surface water influence and reverse there is.

Baneck stated the next step would be to clean out the roadside ditch and the drainage district ditch between the swamp and the weir. Property owners were notified of the tree removal in February 23, 2017. Volkman stated he would have a place for the sediment removed from the ditches which would be a short haul. Part of the road is the Town of Black Creek jurisdiction on the north end.

Discussion was held on the existing weir. It was suggested to determine the bottom elevation of the designed weir. LCD has done the elevation of the weir and Omni will determine the elevations of the ditch to the weir and the flow calculations.

Christensen will check on the time schedule of the petition request.

Van Eperen moved, seconded by Vander Heiden to approve a Phase 2 contract with Omni & Associates not to exceed \$19,150 and with a report to be presented at the October Board meeting. Roll call: 3 aye, 0 nay, 2 absent. Motion carried.

Minutes of July 5, 2017 - Vander Heiden moved, seconded by Van Eperen to approve the minutes as presented. Roll call: 3 aye, 0 nay, 2 absent. Motion carried.

Land Conservation Department Report

DNR is requiring sediment sampling on the Richley property. Due to specialized equipment required for the testing, an agreement was signed with Omni to complete the required sampling. The summer intern is finishing up on the cross sections of work completed for the Board.

Amberwood/Bentwood – A letter was received from McMahan to the DNR on the project.

Kramer reported that there is residential development at Capitol and Casaloma Drives. There are no issues with DATCP. Part of the project is within the drainage district. The Board may need to have

adjustments made to the district for the special assessments to bring the whole development into the district.

Center Valley District – Richley – nothing new. Mr. Richley and attorney requesting to look at other finished projects.

Vandenbroek District - Wildenberg Estates – the north side bank was cleaned up and seeded. John Neumann, City of Kaukauna was contacted to verify everything is ok. The City will monitor the area to assure the drainage district ditch is maintained.

Center/Grand Chute District – Culvert on Kohl property needs to be repaired/replaced. Kramer will contact Mr. Kohl for his input.

Senate Bill 653 – no action to date

DATCP Email of 10-12-16 regarding Inspection Corridor/Buffer Policy – effective date of policy – Next meeting

Insurance coverage of vendor and use of DB equipment – Christensen contacted the insurance agent and was informed that if an accident occurs, the UTV is covered under the Board's policy but personal injury would be covered by the individuals own policy.

Kramer Farm Real Estate LLC, Center Valley Road, combining 2 parcels for assessment calculation charges – tabled to September meeting.

Annual Meeting Date Schedule – Christensen will contact the various townships for availability the end of September/October dates.

Review of Invoices – the Financial Monthly report was reviewed

Next meeting will be September 5, 2017 at 8:30 a.m. at the Highway Department.

The meeting was adjourned at 10:27 a.m.

Respectfully submitted,

Nancy J. Christensen
Administrative Assistant