Public Comments for Duck Creek Annexation

Brad Johnson: In your execution plan, I encourage a political to do it according to an engineering approach and not by ownership or Board members; do it by what makes sense to the plan.

Response: A plan will be prepared and approved by the board prior to state submittal.

Brad Johnson: Part of this effort started with development of the feasibility study. I encourage the Board to complete that feasibility study and actually issue a complete feasibility report showing the impacts of the ditches, rates to be charged and projected timeframe to become part of the overall district.

Response: A plan will be prepared and approved by the board prior to state submittal.

Kirk Prosser, W3234 Mielke Road, Seymour: Would like to add 1 or 2 private drains to the legal drainage ditch.

Response: If annexed the board will maintain the main drain to the North of the properties which will provide a stable outlet for drainage improvements on your property with board approval at time of installation.

Kirk Prosser: What happens now? What is the process? How is this decided?

Response: We respond to the comments from the public hearing. The board based on the comments from the landowners from the public hearings will make their final decision. Bart Chapman, State Drainage Board Engineer responded: The Board will make the official order to approve or deny the annexation. Any landowner can file an appeal with Circuit Court. The Court does a judicial review to determine if the Board was in their legal authority and followed the rule.

Kirk Prosser: Does just the property owner with a legal ditch pay? Or does everyone in the town pay?

Response: Everyone within the boundaries of the drainage district will pay annual assessments.

Kirk Prosser: How do we keep up-to-date on this and what is happening?

Response: Information can be found on our website or you can attend our monthly meeting which is held the first Tuesday of every month.

Jason Rohm, W3188 Kortney Lane: How are benefited lands determined? I’m on the edge of the zone and not all my land is included.
Response: Lands are determined by the delineation of the watershed by OMNNI, with input of the landowners and the drainage board. Assessments will be based on areas that drain to the annexed area.

Duane Gorges, N7066 French Road: Is the ditch included on my land, adjacent to Bartley land, comes in from Miller land. Can this be added to legal drain?

Response: If annexed the board will maintain the main drain which will provide a stable outlet for drainage improvements on your property with board approval at time of installation.

Greg Schultz, W3220 Kropp Road, Seymour: How is the assessment billed? What legal paperwork shows annexed? What happens if this annexation goes through and property owners don’t pay their assessment?

Response: Assessment is billed on your property tax bill as a Drainage Assessment. The Drainage Board will have copies of the maps and they will also be filed through DATCP. If you don’t pay your assessment fees, your property tax would be delinquent.

Warren Bartley, N6912 French Road: I just want to make sure the private ditch on my property, along with Gorges’ is included. There is a section that goes along the line fence also.

Response: If annexed the board will maintain the main drain which will provide a stable outlet for drainage improvements on your property with board approval at time of installation.

Allyn Staley, N6053 French Road: I would like to thank Town of Osborn for funds for the feasibility study.

Response: Harlan Volkman, Town of Osborn Chairman: The reason that was done was because it was the only way to raise funds for the feasibility study and the Town Board decided to use monies from the ATC Transmission Lines fund which can be used for projects benefiting the town. Also, if the town didn’t provide funding and this project doesn’t move forward, the people would have had to pay for it and have nothing to show for it. I’ve been on the Town Board over 23 years and the cross culverts on the roads and the ditches have deteriorated greatly due to lack of maintenance and are half filled with sediment and water. Anyone driving on Ballard Road can see how cleaning the ditches have helped the roads.

Scott Shaumberg, W2489 Ranch Road, Seymour: It’s hard to see legal drains on the map. Could you revise the map showing the legal drains better?

Response: The maps have been updated and added to our website.
Dennis VandeWalle, W2981 Blohm Road: On Highway C/Culbertson Road, who is going to clean out that highway ditch? The County? Part of Highway C is included but then it jumps into the field. You have nothing going to the north.

Response: The board recommends extending the lateral to the outlet of the storm drain at the address of N7065 County Road C, Seymour. The board will assess the sizing of the storm drain to see if it is adequate and then give recommendation to the Outagamie County Highway Department. Bart Chapman, State Drainage Engineer: Reviewing the plans takes a couple of months depending on any legal or appeal challenges. Once it’s approved and adopted, assessments can be put out.

Al Timm, N6989 Ranch Road: I would like to add a private drain to the legal drain for a gentleman that isn’t here but was in favor of it years ago. Added Comments: All the below acres would benefit from an additional purpose drainage district. Cleaning out the ditch from the Dan Baumgartner property to Jerry Maass’ woods, going north between subdivision and the woods to Bachmann property. It should be cleaned to let water off Bachman, Ambrosius, Maass and the subdivision property which will allow drainage on those properties. The properties would have no value in the drainage district otherwise.
- Gerald Maass – 20 acres
- Rebecca Buchmann – 130 acres
- Jerry Ambrosius – 50 acres
- Brian Maass – 10 acres
- Dan Baumgartner
- The Subdivision

Response: The board is in favor of adding this lateral and would work with the property owners before any maintenance is done to the ditch.

Jeff Seidl, W3625 Mielke Road: Are there specs and detailed plan on the outlet end of this to improve it? Is this going to work elevation-wise?

Response: The outlet of the dredged channel at the edge of Burma Swamp, the DNR will not permit dredging of a channel, however, they will allow maintenance of vegetation and removal of woody debris to provide a favorable flow path for water to more efficiently move through the wetland area to Ballard Road.

Bill Seidl, 422 S. Main Street, Seymour: Confused about the surcharge, $5 or $50, is it everything within the red circle or just in the yellow?

Response: All areas within the red watershed boundary will be assessed, except DNR mapped wetlands.
Pete Mullen, W3668 Mullen Road: What about the ditched at the end of the road, I have a tile in there. South of there is a little hill. The town did a good job down there but it can’t go anywhere and I have a swamp.

Response: The board is in favor of adding this lateral pending DNR approval and would work with the property owners before any maintenance is done to the ditch.

Ken Timm, W3016 Blohm Road: In case I do have a private ditch, I would like my private ditch included. The culvert by me is plugged, water goes over the ditch. I measured today, 16-17” is open, it would help to have this cleaned out.

Response: The Drainage Board recommends adding a lateral from the proposed main ditch to the South side of Blohm Road.

Kathy Samson, N6537 Ranch Road, Seymour: I don’t see the updated map on the website yet. If you could please attach a colored copy with the district boundaries and the main drainage lines, I would appreciate it.

1. If I understood correctly at the meeting, the fees would be from $3-$8 per acre depending on what work needs to be done and this is a yearly fee attached to taxes. So with my 10 acres I would pay a fee of $30-$80 per year, is that correct?

Response: Yes, we anticipate assessments in this range. Attend the annual meeting to provide input to the assessment. Fees are a special assessment on the property taxes.

2. If it would come through my property which is all wooded except for where my home is, I have the following questions as I am concerned about losing trees and habitat for wildlife. Also, the south side of my property would not be attainable as there is an easement for a fiber optic line that runs through it.
   a. Who comes in and does the work?
   b. How wide is the ditch? I heard the part about 20 feet on each side is required to be kept clear, but no one stated how wide the ditches are. My concern here is that they would need to take down a large amount of trees just to get their equipment in.
   c. Would I be reimbursed for loss of trees?
   d. It was my understanding that if they take down trees, you can request to keep the lumber. Is that correct?

Response: These questions would not apply since the proposed drainage lateral does not run through your property.

3. If you have a private drain you can have that added to the district so that it falls under the Chapter 30 (I believe that was the term used) and it would be shared costs within the district for repairs and maintenance. Is that correct?
Response: If the Drainage Board deems that this lateral is beneficial to a large amount of acreage and it was added as a district ditch, yes, it would be paid by district funds. However, there is no proposed added ditches through your property.

4. Are private drains inspected by the district or only private drains that would fall on the main drainage line?

Response: Private drains are not inspected by the Drainage Board.

5. Is all property within the district inspected or just where the main drainage lines would run?

Response: All legal drains are inspected annually, private drains are not.

6. Is it possible that at some point in the future that more ditches would need to be dug that would involve more work and loss of more trees and any usable land?

Response: Any landowner can propose to the board during an annual meeting that additional laterals be brought in, but it’s on a case by case basis.

7. How are all landowners notified about this? I see from your website that previous meetings have been held regarding this. I have been here 25 years and this meeting was the 1st notice I received about the proposed drainage district and one of my brothers has not received anything at all and he’s been out here 20 years.

Response: There were two public hearings which would have been the only notifications sent to all landowners within the proposed annexation area. All lands within a drainage district are notified of the annual meeting.

Craig Driessen, W2732 Autumn Blaze Trail, Osborn: I talked with Al a bit this afternoon and I'd like to formally submit a "not in favor" response to the proposed annexation. As I understand there were discussions in the public hearing that lead to expansion of the drainage system and the plan that was presented as part of the hearing. If you could send me any information on the prior plans, the new proposal, upcoming meetings and any other relevant information it would be much appreciated.

Response: Nancy Christianson, Drainage Board Administrative Assistant, responded to his e-mail with the following: All notices and information can be obtained online through the Outagamie.org website. Click on Departments, Land Conservation; Drainage Board records are under their webpage, menu is on the left column. Regular Board meetings are held every 1st Tuesday of each month at 8:30 a.m. at the
Outagamie County Highway Department, 1313 Holland Road which you are welcome to attend. Agendas for each meeting are posted on our webpage. If you would like to view the plans presented at the public hearing January 9, they are available at the Land Conservation Office. I've attached the Notice of Public hearing with the address info, and minutes of the informational and public hearing meeting.

>>Craig Driessen Responded: Thank you Nancy. I did see that we are required to submit any objections within 30 days of the board meeting (due Feb 7th). As the drainage map has changed, I would ask that a new public hearing be scheduled to include all property owners that are now impacted by the adjusted plan. If a new meeting cannot be scheduled to include all the newly impacted parties, I would propose only the drainage plan that was reviewed on the January 9th move forward in the process. I would like to understand why the project cannot be carried out in two (or multiple) phases. If the professional surveyors didn’t think additional drains were needed how are they now being randomly added? There appears to be little downside in breaking this into smaller pieces and learn as you go before over investing in drainage that may not be needed. I do not support and do not agree to any drainage plan that impacts my property or increases my cost contributions to the drainage system. If there is anything additional needed from me to ensure my “not in favor” response is recorded please let me know.

Response: The board is in favor of adding this lateral and would work with the property owners before any maintenance is done to the ditch.

John F Husman, N7065 County Road C, Osborn: Before supporting the Duck Annexation of the John F Husman Trust properties, I would like to be assured:

1. Tile outlets into the drainage ditches have non-perforated plastic tile under the grass buffer strips along the waterways on my properties to prevent roots from plugging the tiles.

   Response: We will work with the property owner on this issue.

2. Chemicals will **NOT** be applied on my property that is being organically farmed without written permission from tenant or myself.

   Response: The Drainage Board will work with the property owner at the time of this segment being maintained.

3. The tax assessment is limited to no more than $4.00 per acre.
Response: As of now our budget is based on $4.00 per acre. Annual assessments are reviewed using landowner input and determined maintenance based on inspections.

4. The disposal of the dirt from ditch clean out is left to discretion of owner or tenant.

Response: Dirt will be spread based on DNR regulations.

5. The quality of work done to the property must meet approval of tenant or owner, i.e. buffer strips must be free of debris and stones that would damage mowing equipment, ditch banks must be sculptured for mowing, etc.

Response: The district ditches will be inspected and completed per district standards.

Jeff Crombie, W2690 Autumn Blaze Trail, Seymour: A member of the Outagamie County Drainage Board recently visited our house to inform us of a proposal that involves increased water flow of a small creek. We were unable to meet with him that evening, but our neighbors have forwarded the details to us. This letter is to communicate our strong opposition to this proposal.

The intent of the plan is to dig out a small creek that runs along our lot lines to create a larger drainage ditch. To accomplish this, we were told that a 30-foot wide span of trees would be removed along the path of the creek. This is unacceptable. This creek is very near our lot lines and the impact would be significant. The area of land identified contains hundreds of mature trees along my back lot line alone. This would also affect other homes along the creek’s path, and all families involved are very concerned.

Below are three images of our home property that help show the extent of this issue. The first is an aerial view of where the creek flows with respect to our property:
This area would not be impacted

The next two images show that tree line which is a highlight of our property:
My wife and I feel very distressed about this proposal being implemented. The tree line behind our house is a defining characteristic of our property. It is one of the reasons we purchased the home. The proposed ditch expansion would significantly change the aesthetics behind our home, opening a large portion of our lot line to a farm field. In addition to the tax increase, it would cost us thousands of dollars to bring it back to a comparable state and in general de-value our property.

The intent of the proposal is to move more water out of the area. In one sense that is true, however it is also true that if would move more water into and through our local neighborhood. Another concern is that any downstream flow restriction could easily flood our neighborhood if more water is directed our way.

In short, implementing this proposal would negatively affect us in a very personal way. We cannot agree to this plan. If this is absolutely necessary, we feel we must demand the creek is routed away from the back lot lines throughout our neighborhood. That may cost a little more, but we feel it is justified because we shouldn’t have to bear the personal sacrifice that others would not. Anyone in our situation would take the same stance.

Thank you for considering these concerns,
Jeff Crombie

Response: The board is in favor of adding this lateral and would work with the property owners before any maintenance is done to the ditch. The first picture is not correct, the drainage ditch would only impact the East side of the property.
Randy Roloff, OC Highway Patrol Superintendent; I would like to request that the drainage board add the ditch on Cth C from the Seymour city limits south to Culbertson to the drainage district. If the ditch south of Culbertson to the creek is not included I would request that area as well.

Response: The board recommends extending the lateral to the outlet of the storm drain at the address of N7065 County Road C, Seymour. The board will assess the sizing of the storm drain to see if it is adequate and then give recommendation to the Outagamie County Highway Department. Bart Chapman, State Drainage Engineer: Reviewing the plans takes a couple of months depending on any legal or appeal challenges. Once it’s approved and adopted, assessments can be put out.

http://outagamiecowi.wgxtreme.com/