

RACINE AND KENOSHA COUNTY – WIDE DRAINAGE BOARD MINUTES

Date: March 10, 2021
Time: 1:30 p.m.
Place: Racine County Office Building, Ives Groves
14200 Washington Ave
Sturtevant, WI 53177

Procedural

1. Call to Order – 1:30 PM
2. Roll Call – Alan Jasperson, Greg Foat, John Vyvyan, Russell Weis, and Matt Rowntree
3. Pledge of Allegiance
4. Approval of Agenda – Motion to approve agenda plus the addition of 23f to Norway/Dover by Russell Weis and seconded by Greg Foat. The Motion unanimously passed.
5. Approval of Meeting Minutes to be approved and signed.
 - a. June 26, 2020
 - b. December 8, 2020
 - c. February 10, 2021
 - d. Motion to approve all meeting minutes made by Matt Rowntree and seconded by John Vyvyan. The motion passed unanimously.

Farm #1 / Waterford

6. Financial Report
 - a. Bills paid and bills to be paid. - Attorney Mark Hinkston read the financials into the record.
 - b. Motion to approve bills paid and to be paid made by Russell Weis and seconded by Greg Foat. The motion passed unanimously.
 - c. The board reviewed the Community State Bank Account Balances and Loans as of February 26, 2021.
7. Waterford Income – The district may have some problems making the loan payment. There was a suggestion made to get the Village of Waterford to pay their share of the costs that are currently not being paid. Greg Foat will have a meeting with Zeke from the Village of Waterford to come up with some funds. Alan suggests \$50,000.00 be available to cover expenses. Whether a loan, grant, or charge to the Village. Mark Madsen will provide a breakdown of the district into areas and the percentage of runoff to help get the Village of Waterford on board. Figure out what reasoning we can use to persuade the Village of Waterford to help with the funds.

8. Update on Waterford Pumping Station.

- a. A discussion between the Village of Waterford and the board needs to occur in order to be more proactive with regards to the Pumping station.
- b. Two (2) board members are to attend the next Village of Waterford meeting to discuss the Village of Waterford making payments to Racine County Board of Drainage Commissioners to assist with the maintenance of the storm water drain and shall provide an update.
- c. The next meeting for the Village of Waterford is April 12, 2021. Meetings are held on the 2nd Monday of each month and the 4th Monday, as needed.
- d. Two board members shall attend the April 12, 2021, meeting.

Farm #4 / Eagle Creek

9. Financial Report

- a. Bills paid and bills to be paid – Attorney Mark Hinkston read the financials into the record.
- b. A motion to approve the financials was made by Russell Weis and seconded by Matt Rowntree. The motion was approved unanimously.
- c. The board reviewed the Community State Bank Account Balances and Loans as of February 26, 2021.

10. Update on Current District Projects.

- a. Status of 2020 District Wide Bank and Washout Repairs - On Hold pending the outcome of litigation.

11. Update on the Annexation Litigation and Appeal.

- a. The appeal is awaiting an Opinion/Decision as of March 2, 2021. Appeal started in Feb. 2020. Most appeals in Dist. 2 take 10 months to a year. It has been a year thus far. Once the briefs are done, depending on the case, the case can take 5-8 months from brief submission to decide. Briefs were submitted and filed October 27, 2020, so a decision could be expected by the end of this month.

12. Eagle Creek Sewer Utility District Agreement

- a. On hold pending the outcome of the litigation.

13. Status of Mapping and Specifications

- a. On hold pending the outcome of the litigation.

14. Update on the status of the loan from Racine County.

- a. The County and RCBDC agree regarding the terms of the Agreement for the Loan. The Agreement shall be reviewed by a joint meeting of two (2) Committees on Tuesday, March 23, 2021. If the Committees both support the Resolution to authorize the loan, then it will go for a first reading at the County

Board on March 23, 2021, and a second reading and final vote will be on April 13, 2021. The County suggests that Alan Jaspersen be present at the March 23, 2021, and April 13, 2021, meetings.

15. Discussion of Assessment (2022-2026).

- a. On hold pending the outcome of the litigation.

Farm #5 / Hoosier Creek

16. Financial Report

- a. Bills paid and bills to be paid – Attorney Mark Hinkston read the financials into the record.
- b. A motion to approve the financials was made by Greg Foat and seconded by John Vyvyan. The motion was approved unanimously.
- c. The board reviewed the Community State Bank Account Balances and Loans as of February 26, 2021.

17. Status of the Mapping & Specifications.

- a. DNR has approved. To be recorded with the Racine County and Kenosha County Register of Deeds office and mail to all involved governmental parties.
- b. Adoption of the Mapping and Specifications. DATCP 45. Needs to be adopted, approved, and recorded.
- c. Motion to adopt the mapping and specifications made by Russ 1st, 2nd by Matt. Approved.

18. Update on current projects

- a. Completion of corrections by CN Railway? – washing their hands of the project.
- b. Contract 1B Bids need to be revisited from February 10, 2021, meeting wherein the matter was tabled until the next meeting. Russell Weis shall provide an update regarding his meeting with Jeff.
 - i. Will the district be renting the machine to do any work? The district can use up to \$25k max for projects. Can we rent the equipment and get it insured?
 - ii. The board is not accepting any of the bids for Hoosier Creek. Board is in unanimous agreement.
 - iii. Need an account set up to rent the equipment and insurance. Extended long hoe/stick hoe.
 - iv. May need to book the equipment for work done in June/July, August/Sept. (be sure of the cancellation policy)
 - v. Leave on the agenda for June 8th.
- c. Dale – Main Crick and Bong Air Base. Water is backing up and not going to the crick
 - i. There is a dam in the district crick and sent a letter for it to be removed.

- ii. Couldn't plant next to Bong, pulled out 40' long beaver dam. Made calls to DNR to get the dam removed, NRCS office, Racine County building. Water is backing up on his property. Groundskeeper to look at Bong. Didn't put in culvert, only filled in with soil. Dale can hopefully get out there to review. Kartechner Brothers are putting in new mains and tiles. Tim called Dale last night and got ahold of Mark Steinfeld to look at the area and he can draw up something where the water is flooding and get a tile in. He may be able to get the DNR to open up the area to get the water to go away from his property. We may need to do another letter.
- iii. Bong does not pay an assessment.
- iv. Michael Thompson in the DNR may be able to help Dale with his water problem. He is a fixer for the DNR. Dale was provided with Michael Thompson's contact information after the meeting.
- v. Water goes from him, to tile, to Bong, and on. Tile holes were supposedly filled up with rocks. DNR dug berm but now escaping in another area. WE Energies tore out the tile and put in a gas pipe.

Norway / Dover

19. Financial Report

- a. Bills paid and bills to be paid – Attorney Mark Hinkston read the financials into the record.
- b. A motion to approve the financials was made by Russell Weis and seconded by Greg Foat. The motion was approved unanimously.
- c. The board reviewed the Community State Bank Account Balances and Loans as of February 26, 2021.

20. Status update on the possible funding for USGS sites from Racine County.

- a. Racine County denied any funding for this year. We have a process in place where Alan Jaspersen thinks we can get funding from the County for next year. Motion to request funding for USGS from Racine County in writing by the attorney that Racine County take over the payments for the USGS sites. Starting in 2021 and going forward.
- b. Russell Weis motioned that Mark Hinkston write a letter to Racine County on behalf of the Racine County Board of Drainage Commissioners requesting that Racine County take over the payments for the USGS sites starting in 2022 and going forward. The motion was seconded by John Vyvyan. The Motion passed unanimously.

21. Discussion of Rochester Dam and Horlick Dam

- a. Review of the proposed Resolution regarding RCBDC's support to remove the Horlick Dam and Rochester Dam should Racine County decide to do so.

- b. The resolution was read into the record. A motion to approve the resolution presented was made by Russell Weis and seconded by Greg Foat. The Motion passed unanimously.
- c. Alan Jasperson is confident that the Horlick Dam will be removed. Waukesha is adding more water to the system and is another reason to remove the Horlick Dam. No money will come from Racine County Board of Drainage Commissioners to remove the dams.

22. Update on Prevailing Wage

- a. Mark Hinkston to review settlement options from the Attorney General's office.
 - i. Who is the point person at the DWD to get a settlement? DWD tried to get payroll records from the contractors or subcontractors and the investigation was closed and no records are available. The DWD cannot calculate the amount of money that would be required to incorporate prevailing wage into the contract. The RCBDC would be in the best position to make said calculations.
 - ii. In order to have prevailing wage, one must provide the wage rates each week for each contractor/subcontractors each week. This is required when prevailing wage is at play. If this is not done, the money does not come from the DOT. If the subcontractors do not do this, how do we get the records?
 - 1. What is the fine if we never resolve this matter?
 - a. Work was done in 2-3 months. 10-20 workers approximately
 - b. It was suggested that Mark Hinkston drafts a letter to the DWD stating the facts and our reasoning as to why the prevailing wages cannot be calculated.

23. Update on current projects.

- a. Gunderson Excavating was approved to proceed with Jacobsen Ditch Maintenance Project from CTH "S" to the Wind Lake Canal. – Contract 1
 - i. On hold until we know when it can happen (Fall/Winter)
- b. Krause Excavating was approved to proceed with the Cross-Canal Maintenance Project. In process, placed all bank reinforcement mats and started backfilling on the south side. The ditch has been cleaned, waiting for material to dry out and needs to be reshaped.
 - i. Krause Excavating needs a partial payment and Al Jeske shall forward the bill to receive a partial payment.
- c. STH 75 Project – drainage issues along Church Road and the upgrade of intersection of CTH A and STH 75 to a roundabout. The design may impact the drain tile that was installed as part of the RCBDC Norway/Dover tile Replacement Project. (Project to start in 2024/2025) DOT Project
 - i. Al Jeske had a conference call with the DOT and other interested parties. They discussed the project and they are repaving at HWY A with a roundabout. The only district tile runs 200 feet east of intersection. They will need to move the inlets farther away. They discussed drainage

throughout the corridor. They will replace the culvert on east branch of Dover ditch. They will lower the culvert. Eagle Creek district, if the annexation goes through, Eagle Creek east will have the culvert replaced on 75. DNR in coordination with Nielsen, Madsen, & Barber on the project.

- d. Project ID 2101: County K Overson Road-US 45
 - i. Nothing drainage district needs to do anything regarding this.
 - ii. Repaving road and adding shoulders Hwy K – no facilities until you cross the Goose Lake Canal that would affect the Norway/Dover district.
 - iii. Adding bike lanes.
- e. Status of the District Mapping Update. – Al Jeske is going to go out to double check the grades then they can update the mapping.
- f. Approval of Contract 3
 - i. Motion to approve the contract for Krause Excavating Contract 3 by Greg Foat and seconded by Matt Rowntree. The motion passed unanimously.

24. Public Comment/Concerns

- a. Christiane Ratzka regarding her payoff amounts and administrative fees. (see email string attached and tabbed)
 - i. We will look into adding a better explanation to the website.
- b. Dan Drumel – drainage problem between Long Lake Road and Waubeesee Lake Drive (Waubeesee Lake Terrace). – see letter attached and tabbed
 - i. Acknowledge that there is a problem but may be a private issue.
- c. Jacobson field washes out. A resident wants it to be rip-wrapped. Al Jeske will look into the matter.

Yorkville / Raymond

25. Financial Report

- a. Bills paid and bills to be paid – Attorney Mark Hinkston read the financials into the record.
- b. A motion to approve the financials was made by John Vyvyan and seconded by Greg Foat. The motion was approved unanimously.
- c. The board reviewed the Community State Bank Account Balances and Loans as of February 26, 2021.

26. Update on Municipalities regarding better drainage north and east of District to Lake Michigan.

- a. No updates at this time.

27. Update on Current District Projects

- a. Update on West Branch Root River Dredging Project – On Hold
- b. Bridge over West Branch of the Root River Canal, P-51-0058

- i. Brief discussion with EMCS, Mark Madsen sat in. Bridge has structural issues and is getting replaced. Located on 58th over the west branch. They do not intend to decrease or increase the size. Make sure they dig down to hard pan, not existing silt. NMB will be kept in the loop. Should start next year when weather breaks.
 - c. Update on Lateral #3 Dredging/Bank Repair – Restoration to have been completed by September 2020. Al Jeske to provide an update.
 - i. When thaws are done, will make sure no bald patches exist. Project should be done.
28. Municipal Agreement with the Village of Union Grove, Yorkville, and Raymond.
- a. Alan Jasperson to provide the opinion letter from Attorney Paul Kent to assist with the discussions and planning in order to renegotiate the agreements between the above municipalities.
 - i. Paul Kent did not get back to Alan Jasperson. Alan Jasperson to continue to reach out.
 - ii. Nielsen, Madsen & Barber is ready for the meeting.
 - iii. Nielsen, Madsen & Barber can prove a 40-45% share of runoff from all municipalities involved.
 - b. Status on the meeting between the municipalities.
 - i. We are ready to have meeting. 2 board members are to meet with Mike Hawes, Steven Nelson, and Doug. A meeting is to be set up not the 4th Monday and pick any day other than that.

All Districts

29. Update on Meeting with Racine Co. re: Intergovernmental Agreement
- a. Alan Jasperson was to follow up with Tom Kramer regarding the agreement and will provide an update.
 - b. Hold until next meeting.
30. Update regarding the increase of an assessment after the Levy of Assessment for a district is recorded.
- a. Mark Hinkston to provide an update regarding his findings.
 - b. No, a new assessment must be done. We cannot prolong the existing assessment.
31. General Liability Insurance discussion.
- a. Held over to next meeting and possibly invite her to talk to us at the meeting.
32. Next Drainage Meetings
- a. June 8, 2021, at 7:00 pm at the Ives Grove Complex
33. DOT looking into doing a survey on Hwy J and Hwy 11 for a roundabout in 2024.

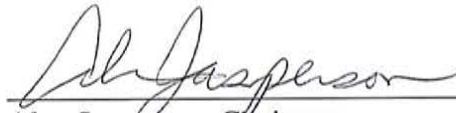
34. District spraying projects coming up.

a. Al Jeske to get us numbers for all districts.

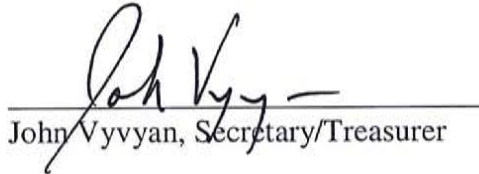
Adjournment. Russell Weiss motions to adjourn the meeting and seconded by Greg Foat. The motion passed unanimously and the meeting adjourned at 3:50pm.

RACINE COUNTY BOARD OF DRAINAGE COMMISSIONERS

APPROVED: May 12, 2021



Alan Jasperson, Chairman



John Vyvyan, Secretary/Treasurer