

JEFFERSON COUNTY FARM DRAINAGE BOARD  
LANDOWNER/PUBLIC HEARING MEETING DRAIN #44

Jefferson County Courthouse  
311 S. Center Avenue, Room 202  
Jefferson, WI 53549

August 10, 2020  
10:00 a.m.

1. BOARD MEMBERS PRESENT: – David Hughes, Peter Magnoni, Ron Griebenow, Attorney Andrew Griggs, and Attorney Lucas Tabor
2. LANDOWNERS PRESENT: Names of Landowners present are recorded in the Registration Book and are attached to these minutes.
3. CITIZENS OR GUESTS PRESENT: Bart Chapman of DATCP was not present and no citizens were present affiliated with Drain #44.
4. CALL TO ORDER: Chairman Hughes called the meeting to order at 10:05 a.m.
5. ORDER OF BUSINESS:

Chairman Hughes introduced the three Drain Board members and Attorneys Griggs and Tabor and then called on Attorney Griggs to present the purpose of this meeting. Attorney Griggs presented the Application for Construction or Modification to Approve Specifications Pursuant to ATCP 48.36 regarding Drain 44. He then explained why it was necessary at this time to submit this application and to hold this Public Hearing/Landowner Meeting. He indicated that this meeting was considered informative, however, objections to the jurisdiction of the Drainage Board or to the sufficiency or legality of the application shall be set forth clearly in detail and in writing before the date and time of this hearing. One landowner, Mike and Dawn Peters, did comply with this written request. Their document is included with these minutes. Secretary Magnoni explained to the landowners that the Drain Board's position on this project was to consider it maintenance rather than modification based upon ATCP48.34. item number (2), Exemptions, as the amount of runoff of water did not increase but only removed the water faster during storm surges. Secretary Magnoni further indicated that the DATCP engineer position was vacant at the time of this project initiation. Communications were done through Chris Clayton of DATCP. Some Landowners had verbal questions and concerns which were addressed by Attorney Griggs and Drain Board members.

Attorney Griggs explained to the landowners that this meeting was informative and complies with the directive of Bart Chapman, Engineer for DATCP. The Landowners were not required to take action or approve the application effort.

With no additional questions or concerns. Chairman Hughes adjourned the meeting at 10:47 a.m.

Respectfully submitted,  
Peter Magnoni  
Secretary, Jefferson County Drainage Board

08-05-2020

Jefferson County Drainage Board

In response to the application for construction on Drain 44

Below are my objections to the application.

In your opening statement you state that the board contends that the project was routine maintenance however clearly in the DATCP's County Drainage Board Handbook (bottom of 6-12), "Maintenance and repair means the restoration of a district drain to the formally established grade profile, cross-section and alignment" as we all know the drain was lowered a foot and enlarged so obviously a construction project and not maintenance. There is a whole section devoted to construction projects in the handbook so insinuating that this was an oversight on the board's part is disrespectful to the land owners and the DATCP.

**OBJECTIVES** – You state that the former drain was working poorly and the new drain has significantly improved drainage. Not having a hydrology analysis done prior to the construction project we will never know if the former drain was or was not adequate.

**PERSONS REQUESTING ACTION** – You state various members of drain 44 requested action to perform the construction project. I've been at the meetings and don't get the feeling that there were various members requesting this and believe it to only be Bruce Degner. If there were various members those names should be included in the application as requested in the Handbook.

**ESTIMATED COSTS** – You state estimated cost to be \$47,800. This project had an assessment issued from a November 27, 2017 meeting that was 60% of which 5% was for general use. During the November 18, 2019 meeting we were issued another assessment for 52% for cost overruns due to using a larger diameter tile, going deeper and also collapsing Gopher Hill Road. Total project cost was 107% of the benefitted acres or \$103,773.60. Since we know what the actual cost was to do this project, that is the number that should be used.

**DESIGN SPECIFICATIONS** – You state that you would like the engineer stipulation under section 88.21(5) waived which is a requirement of the DATCP. Had an engineer been used we would have known if this

COPIES FILED WITH OTHER AGENCIES – Assume this was done?

In closing I'm very disappointed with the board and their handling of this project. All along it appeared that this project was being done in a suspicious manner, bypassing the DATCP requirements backs this up. It clearly is a project that Bruce Degner wanted completed and at the expense of the other landowners in the district. I contend that since this project is only to the benefit of Bruce Degner that he should be responsible for the cost of this entire project. No other landowner can conceivable benefit from this project unless they drop their tile a foot like this project tile had been. This project achieved the goal that Bruce Degner had set out for which was to drain a few acres on his land. ATCP 48.02 (4)(a) A county drainage board may assess to a specified parcel of land in a drainage district the full amount of any construction costs incurred by the drainage district as a direct result of any of the following: 1. A request by the landowner for drainage improvements that are solely of the benefit to that land.

Mike and Dawn Peters

