

NORTHERN OZAUKEE FARM DRAINAGE BOARD MINUTES

Special Meeting-- Monday, January 8, 2024

The special meeting of the Northern Ozaukee Farm Drainage Board was called to order at 10:48 a.m., on the 8th day of January 2024, by Secretary David Mueller. Present were Commissioners Daniel Birenbaum and David Mueller, Attorney for the District, Michael P. Herbrand and District Record Retention Clerk, Cindy Oskey. Chairperson Dan Teunissen was excused. Guests in attendance were Sandi Tretow, Ozaukee County Treasurer, Laura Henning-Lorenz, Sheboygan County Treasurer, Don Feyereisen, and Brian Gesch. Notice of the meeting was found to have been properly published in the Ozaukee Press and the Lakeshore Weekly, two weeks prior to the meeting date.

The meeting began with the Pledge of Allegiance.

The first order of business was to discuss the quote from Tree Bros. LLC located in Oostburg for work to be done on the north end of the district at a rate of \$195 per hour. This would be using a 9-ton excavator and 2 person team. The team would work with Commissioner Teunissen to clear brush and logs from County D to the northern end of the district. It was discussed that the amount of work would not exceed \$25,000, which would be approximately 120 hours. The quote will be updated to exclude the sales tax as the district is tax exempt. Motion by Dan Birenbaum to accept the quote not to exceed \$25,000, seconded by David Mueller. Motion passed by unanimous vote.

The meeting was opened for public comment. Don Feyereisen inquired about the removal of the branches and wood chips. Secretary Mueller stated they would be working with the landowners on their preference for disposal. Don Feyereisen also inquired about leveling off the berm. David Mueller replied that according to state statutes, the berm cannot be removed. The berm can be leveled off. A Department of Natural Resources permit would be required if the amount of ground removed exceeds the limit they set. There was additional discussion on the status of the ditch north of County Road RR. It was also noted that there would be no spraying at this time.

Brian Gesch brought a list of concerns to the board. The first was the calculation of previous assessments. He acknowledged it might not be easy but urged the board to continue to look at a more equitable way to assess. It was reiterated that the district is working on reviewing historical records in conjunction with the county treasurers for future assessments. His next concern was about the work to be done. He inquired about the measurement of the 20-foot clearance. David Mueller replied it is measured from the top of the berm. Brian asked if trees would be removed from the water. David Mueller replied yes, they would be removed. Brian inquired if live trees within the 20 feet would be removed. David Mueller replied they would be removed. Brian disagreed with the removal, citing the benefits of keeping the trees

for erosion control. Brian also asked if any dredging would be done. David Mueller replied there is no action at this time to do any dredging. Brian asked if permits are required for this work. Commissioner Mueller replied that permits are not required. Brian inquired about a maintenance plan and if it would include spraying. He is concerned about pesticides close to water and them traveling downstream and the effect on vegetation and any live fish. David Mueller replied there will be no broad application of pesticides. The district wants to have grass. There was discussion on types of pesticides that can be used along with necessary recordkeeping based on the type. Brian urged the board to work with the attorney to and state to make sure any permits that would be required are followed to avoid insurance and liability issues. His suggestion was to use a mower for maintenance rather than herbicides. His last concern was about any sediment that would be removed during any future work and the effect it has on current soil. David Mueller replied the sediment would be placed behind the berm to level it out.

The next item of business was for the board to approve the official publications of notices. Attorney Herbrand suggested a formal action be made by the board to approve the Ozaukee Press and the Lakeshore Weekly as the District's official form of publications. Dan Birenbaum motioned to approve the official publications, seconded by David Mueller. Motion passed unanimously.

The next item of business was the presentation of the treasurer's report by Sandi Tretow, Ozaukee County Treasurer which was available to attendees. She reported the activity since the previous meeting, the balance in the account as of January 3, 2024, of \$80,664.83 and the total of unpaid assessments of \$41,295.90. Ozaukee County will pay the district for unpaid assessments in January and February when property tax payments are settled. Laura Henning-Lorenz, Sheboygan County Treasurer stated Sheboygan County will pay the district when Sheboygan County is paid. David Mueller motioned to approve the report, seconded by Dan Birenbaum. Motion passed by unanimous vote.

Secretary David Mueller went through the bills that were presented to paid which included the Lakeshore Weekly for \$456.60, Port Publications \$67.82, District Clerk \$1,600, and the Town of Holland \$9,300 for purchase of two 60" metal culverts. Dan Birenbaum questioned the amount of the Lakeshore Weekly invoice. It was noted the invoice covered publication of notices since August while Port Publications only included the most recent publications. It was discussed to reduce the costs for publication, only the basic information of date, time and location would be published with a reference to the website for the agenda. There was also a question about the culverts purchase. It was noted that the purchase was discussed and approved at the previous annual meeting on November 13, 2023. David Mueller restated this is the only culvert owned by the district. Dan Birenbaum motioned to approve the payment of the bills, seconded by David Mueller. The motion passed unanimously.

Discussion was made about a policy for approving payment of bills. The district clerk presented a policy to ease the payment of bills in the normal course of business of the district between board meetings. The purpose of the policy is to not delay payment for services when

the time between board meetings exceeds payment terms. The board does not want a delayed payment to result in the deferral or denial of future services. An example was discussed in relation to the work to be done by Tree Bros. LLC. If the work is done within the next month and invoices are received every two weeks, the Board would not expect the company to wait until the next meeting in October to be paid. The policy outlines the circumstances allowing the Secretary to approve such payments. Those matters include publication fees, maintenance work with a cap, and materials and supplies with a cap. For any maintenance work, there would have to be proper documentation of the approval of the work completed. The process for payment would be for the Secretary to provide copies of the invoices to the Ozaukee County Treasurer and provide direction for payment. The Chairperson and attorney would be informed when invoices have been submitted. At the next meeting, the invoices will be entered into the records as being paid. Attorney Herbrand suggested amending the policy to require payments be for board approved maintenance. The board then discussed the cap amounts for payments. It was agreed to allow maintenance invoices be paid with an amount not to exceed \$15,000 and material and supply invoices be paid with an amount not to exceed \$2,500. Dan Birenbaum motioned to approve the policy with the cap amounts and change by Attorney Herbrand, seconded by David Mueller. The motion was passed unanimously.

The next scheduled meeting will be the annual meeting on October 21, 2024, at 10 am.

Motion by David Mueller, seconded by Dan Birenbaum to adjourn the meeting. Motion passed by unanimous vote. The meeting adjourned at 11:36 am.

Respectfully submitted,

David Mueller, Secretary

APPROVED:

Daniel Birenbaum, Commissioner