

BOARD OF PUBLIC WORKS

City of Kaukauna
Council Chambers
Municipal Services Building
144 W. Second Street, Kaukauna



Monday, July 20, 2026 at 6:00 PM

AGENDA

In-Person and Remote Teleconference via ZOOM

1. Correspondence.
2. Discussion Topics.
 - a. Update on STH 55/Morningside Drive Roundabout.
 - [b.](#) Vandenbroek Legal Drainage District Maintenance.
 - c. Public Works Updates.
3. Adjourn.

NOTICES

Board of Public Works - Notice is hereby given this is a public meeting of the Board of Public Works. As such, all members or a majority of the City's Common Council and Standing Committees will likely be in attendance. While members of the Common Council or any Standing Committees may participate in discussions, only the Board of Public Works will take formal action.

IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER WILL BE MADE AVAILABLE AT NO CHARGE.



MEETING ACCESS INFORMATION:

You can access this meeting by one of three methods: from your telephone, computer, or by an app. Instructions are below.

To access the meeting by telephone:

1. Dial 1-312-626-6799
2. When prompted, enter Meeting ID 234 605 4161 followed by #
3. When prompted, enter Password 54130 followed by #

To access the meeting by computer:

1. Go to <http://www.zoom.us>
2. Click the blue link in the upper right hand side that says Join a Meeting
3. Enter Meeting ID 234 605 4161
4. Enter Password 54130
5. Allow Zoom to access your microphone or camera if you wish to speak during the meeting

To access the meeting by smartphone or tablet:

1. Download the free Zoom app to your device
2. Click the blue button that says Join a Meeting
3. Enter Meeting ID 234 605 4161
4. Enter Password 54130
5. Allow the app to access your microphone or camera if you wish to speak during the meeting

Members of the public will be muted unless there is an agenda item that allows for public comment or if a motion is made to open the floor to public comment.



MEMO

Engineering Department

To: Board of Public Works
 From: John Neumeier, Director of Public Works/City Engineer
 Date: 07/20/2026
 Re: Vandebroek Legal Drainage District Maintenance

Background information:

The City property owners along a drainage ditch on the NW part of the City are part of the Vandebroek Legal Drainage District. *Per Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Drainage districts are local governmental entities organized under a county drainage board for the primary purpose of draining lands for agriculture. A drainage district establishes a legal mechanism for managing drains and related facilities to ensure reliable drainage. Landowners who benefit from drainage must pay assessments to cover the cost of constructing, maintaining, and repairing district drains.*

One development area is greatly impacted back the requirements of the Drainage District. In the NW area of the City, Wildenberg Estates IV plat and more specifically homes along Haen Drive and Alyssa Street have limited yards available for anything other than open grassy area. Typically, within 75' of the legal drain(ditch) and in this case a reduced setback of 50'; *"the property can be used for a mowed grass area with no permanent structures or alterations. Items and uses not allowed include, but are not limited to: cultivation of crops, fruits or vegetables, the dumping or depositing of waste, compost, or materials of any kind; landscaping materials (i.e. stones, raised gardens), concrete, structures, fences, trees, shrubs, patio furniture, swings, landscaping items. No storage of vehicles, equipment, materials or personal property for kind and constructing, erecting or moving any building or structure within the drainage easement will not be allowed."*

We are proposing to evaluate the municipality accepting part of the drain and would bring a recommendation to Plan Commission, Board of Public Works, and Common Council. The City, Village and Town would request transfer of the legal drain(ditch) to our maintenance jurisdictions. The process is outlined in Wis State Statute 88.83, and directed to sub(4). See attached.

Staff and City Attorney would evaluate and prepare resolution based on discussions at this meeting and would send similar information to Village of Little Chute and Town of Vandebroek for consideration.

Strategic Plan:

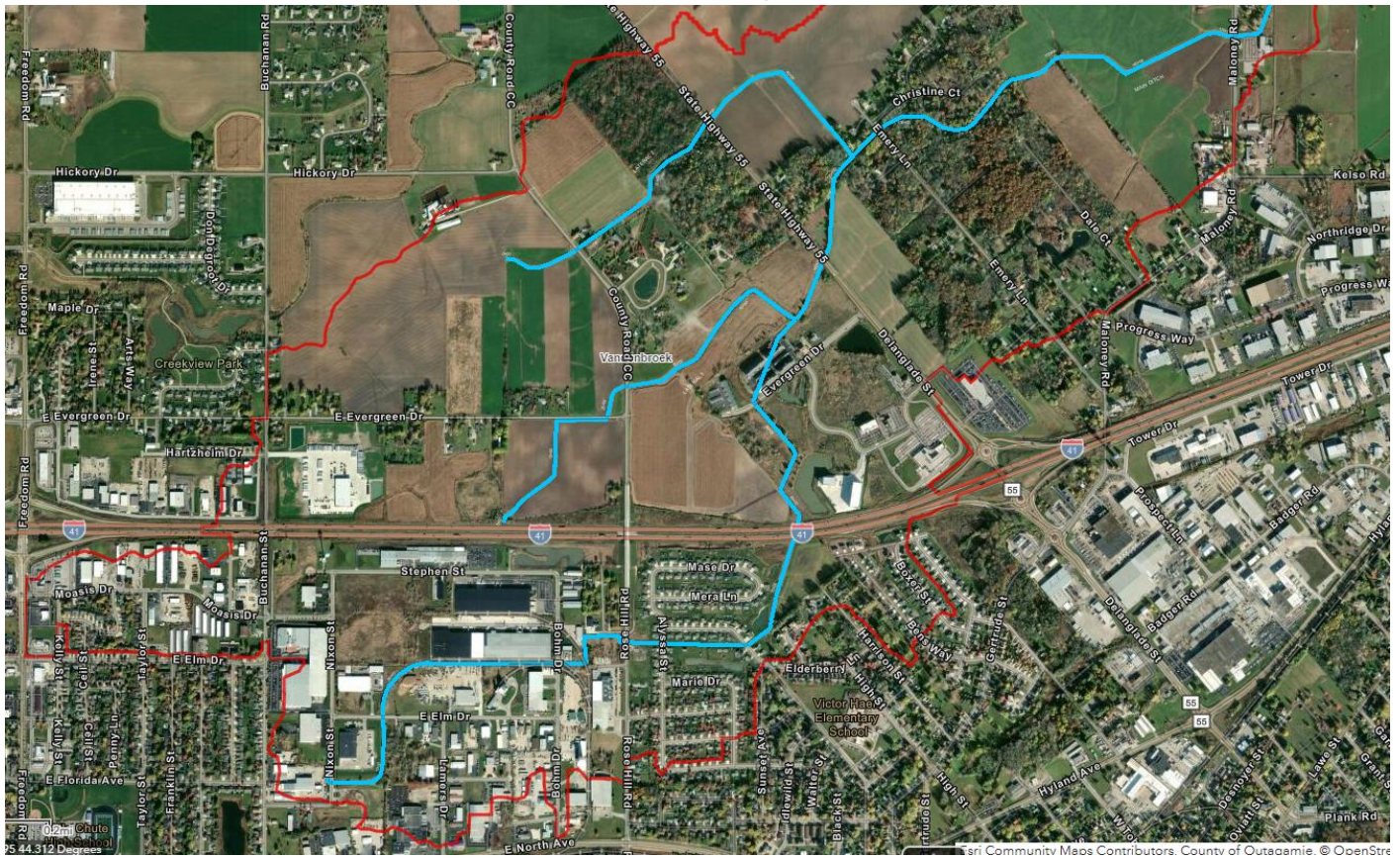
To continue providing a high quality of life through service, staff looks at ways to provide service to residents that can enhance their property use.

Budget:
TBD

Staff Recommended Action:

Direct staff to evaluate accepting the legal drain as described and come back with a recommendation.

Vandenbroek Drainage District Overview Map:



- Red Line is the Vandenbroek Legal District Boundary
- Blue Lines are "Legal Drains" in the Vandenbroek Drainage District

Areas of possible maintenance jurisdiction:



Some Affected Properties:



88.83 Transfer of district to municipal jurisdiction.

(1c) In this section, “municipality” means a city, village, or town.

(1g) The owners of a majority of the land proposed to be transferred in a drainage district located entirely or partially within the corporate limits of a municipality may petition the drainage board having jurisdiction of the district to transfer jurisdiction of the part of the district proposed to be transferred that is located within the municipality to the municipality.

(2) Upon receiving a petition under this section the drainage board shall fix the time and place of the hearing on the petition and shall cause notice of the hearing to be given under s. [88.05 \(2\) \(b\)](#) to the persons specified in s. [88.05 \(4\) \(b\)](#).

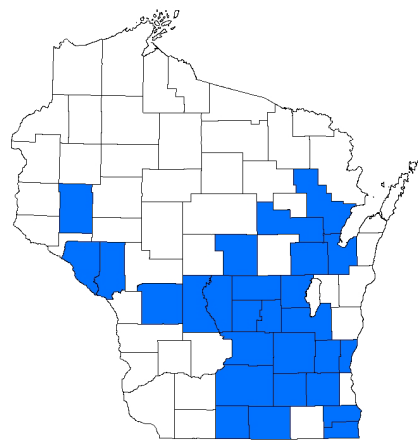
(2m) If the proposed transfer of jurisdiction is of less than the entire district, jurisdiction of the part of the drainage district may not be transferred to a municipality unless the municipality to which jurisdiction will be transferred and the district have entered into an agreement that includes all of the following:

- (a)** The municipality and district agree that the goal of the agreement is to outline the duties and responsibilities of the respective parties to maintain the drain system as provided in the plans and specification for the drain system approved by the department of agriculture, trade and consumer protection.
- (b)** The agreement specifies any monetary obligations of the municipality or district under the agreement and the manner by which any monetary obligation under the agreement will be calculated.
- (c)** The municipality agrees to ensure access to, and maintenance of, any corridor established under s. [88.74 \(1\)](#) that is located on land transferred under this section consistent with the requirements of s. [88.74](#).
- (d)** The municipality agrees, upon order by the drainage district from which jurisdiction was transferred, to maintain and repair any part of a former district drain located in land transferred under this section.
- (e)** That if the municipality fails to complete work ordered under par. [\(d\)](#), the district may complete the work and assess costs on the confirmed benefits to property located in the municipality, as follows:
 - 1.** The district shall provide notice to the municipality that, based upon an inspection by the board, maintenance of a drain on land transferred under this section is necessary.
 - 2.** If the municipality does not within 30 days of receiving the notice under subd. [1](#), enter into an agreement with the district to perform the maintenance or does not perform the ordered maintenance within 12 months of receiving the notice under subd. [1](#), the district may file a declaratory judgment action in the court having jurisdiction over the district. The only issues in an action under this subdivision shall be compliance with this paragraph and whether the lands proposed to be assessed are benefited by the drain.
 - 3.**
 - a.** If the court determines that the district has complied with this paragraph and that the lands proposed to be assessed are benefited by the drain, the district may complete the work and assess costs to the municipality.

- b. If the court determines that the district has not complied with this paragraph or that the lands proposed to be assessed are not benefited by the work, the district may complete the work, but may not assess costs to the municipality.
- (3) If the drainage board finds upon the hearing that the petition is signed by the required number of owners and that the conditions under sub. (2m) have been satisfied, it may issue an order transferring jurisdiction of the district or part of the district to the municipality. If the order transfers jurisdiction of the entire district and the governing body of the municipality approves the transfer, the drainage district shall cease to exist as a district under this chapter and shall automatically come under the jurisdiction of the governing body of the municipality in which the district is located. If the order transfers jurisdiction of only a part of the district and the governing body of the municipality approves the transfer, the section transferred shall automatically come under the jurisdiction of the governing body of the municipality in which the district is located.
- (4) As an alternative, proceedings covered by this section may be initiated by a resolution of the governing body of a municipality. The resolution shall state that the municipality is willing to accept the drain or part of the drain, and that the public interest requires that the municipality take over the operation of the drain or part of the drain. The resolution shall be published as a class 1 notice under ch. 985. The municipality may petition the drainage board having jurisdiction of the drain to issue an order transferring jurisdiction of the district or part of the district to the municipality. The drainage board may not hold a hearing on the petition until 30 days after the date of publication of the notice. A copy of the petition and resolution shall be served on the county clerk of the county in which the drain is located and the board having jurisdiction of the drain. If the drainage board finds upon the hearing that the conditions under sub. (2m) have been met, the drainage board may issue an order transferring jurisdiction of the drain or part of the drain to the municipality. If the order transfers jurisdiction of the entire district, the drainage district shall cease to exist as a district under this chapter and shall automatically come under the jurisdiction of the governing body of the municipality in which the district is located. If the order transfers jurisdiction of only a part of the district, the section transferred shall automatically come under the jurisdiction of the governing body of the municipality in which the district is located.
- (5) Upon entry of an order transferring jurisdiction of an entire district to a municipality and approval of the transfer by the municipality, the county treasurer and district shall pay to the treasurer of the municipality all moneys in the county treasurer's or district's hands which belong to the drainage district. Upon entry of an order transferring jurisdiction of a part of a district to a municipality and approval of the transfer by the municipality, the county treasurer and district shall pay to the treasurer of the municipality a proportional share of the moneys in the county treasurer's or district's hands which belong to the drainage district based upon assessed benefits transferred less a proportional share of outstanding indebtedness.

History: 1979 c. 110 s. 60 (11); 1991 a. 316; 1993 a. 456; 2017 a. 115.

Wisconsin Counties with
Drainage Districts



Adams	Monroe
Brown	Oconto
Buffalo	Outagamie
Columbia	Ozaukee
Dane	Portage
Dodge	Racine
Dunn	Rock
Fond du Lac	Shawano
Green	Trempealeau
Green Lake	Washington
Jefferson	Waukesha
Juneau	Waushara
Kenosha	Winnebago
Marquette	

Wisconsin Department of
Agriculture, Trade and
Consumer Protection

About Us

DATCP is responsible for monitoring county drainage board and drainage district compliance with applicable law. We support the drainage program by:

- Reviewing and approving designs and maintenance plans.
- Preparing environmental assessments when required.
- Maintaining information including approved engineer list.

For more information, contact:

Barton T. Chapman, P.E.
State Drainage Program Manager
(608) 224-4608
Barton.Chapman@Wisconsin.gov

DATCP
Agricultural Resource Management Division 2811
Agriculture Drive
PO Box 8911
Madison, WI 53708 – 8911

Drainage Program Website:
[https://datcp.wi.gov/Pages/
Programs Services/DrainageDistricts.aspx](https://datcp.wi.gov/Pages/ProgramsServices/DrainageDistricts.aspx)



DRAINAGE DISTRICTS
IN WISCONSIN

P-DARM195 (05/26)



DRAINAGE
DISTRICTS IN
WISCONSIN

Wisconsin Department of
Agriculture, Trade and
Consumer Protection



WHAT IS A DRAINAGE DISTRICT?

Drainage districts are local governmental entities organized under a county drainage board for the primary purpose of draining lands for agriculture. A drainage district establishes a legal mechanism for managing drains and related facilities to ensure reliable drainage. Landowners who benefit from drainage must pay assessments to cover the cost of constructing, maintaining, and repairing district drains. The majority of the existing drainage districts in the state were formed in the early 1900s.

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is aware of about 190 active drainage districts in Wisconsin. Of the 72 counties in Wisconsin, 27 of them contain one or more drainage districts. Most of the drainage districts are in the eastern and southeastern portions of the state.

DATCP has an interactive web map, <https://datcpgis.wi.gov/maps/?viewer=dd>,

WHAT ARE THE ADVANTAGES OF BEING IN A DRAINAGE DISTRICT?

Wisconsin's water law establishes the framework for the orderly drainage of farmland. Unlike western states, where limited amounts of water are available for agricultural production, most midwestern farmland has too much water. Consequently, farmers in Wisconsin rely on surface and subsurface drainage systems to remove water from fields to grow crops. These drainage systems also protect structures built below grade (i.e., basements and septic tanks) from periodic flooding. Therefore, drainage is a benefit to many who live in Wisconsin's rural lands.

When landowners take it upon themselves to drain their fields, divert stormwater, or pump out their basements, it is frequently at the expense of the landowner downstream. As you can imagine, this causes problems. Often the solution to the removal of surface water and groundwater is best approached regionally, or with many neighbors working together for a common goal.

By organizing a drainage district, landowners gain these advantages:

- Pooling resources and sharing responsibilities to achieve a common good.
- Securing an engineered system that provides reliable drainage.
- Supporting an organized framework for effective management of operations.
- Avoiding and resolving landowner conflicts related to water management.



Agricultural drainage lowers the water table to make land more suitable for farming.

HOW DO DRAINAGE DISTRICTS OPERATE?

The county drainage board holds public meetings to discuss issues involving drainage districts and to make decisions regarding those districts. The county drainage board is required to ensure that all drainage districts under its jurisdiction comply with the standards in the drainage rule (Ch. ATCP 48, Wis. Admin. Code) and statute (Ch. 88, Wis. Stats.).

The county drainage board has the power to:

- Manage district boundaries including annexing or withdrawing land.
- Conduct inspections annually and when necessary.
- Undertake drain maintenance and construction projects.
- Levy assessments and borrow money.
- Hire attorneys and engineers.



WHAT ARE DRAINAGE BOARD RESPONSIBILITIES?

A county drainage board is responsible for operating all drainage districts in the county. Drainage board members have a serious responsibility. Drainage districts have major impacts on land use, and on individual landowners. The county drainage board must exercise its considerable power according to law, and with due regard to the rights and interests of those affected. The county drainage board is responsible for:

- Operating and maintaining district drains and dams within a district.
- Levying assessments against landowners who benefit from the drainage provided.
- Inspecting the district drains and corridors.
- Making or recommending modifications to a drainage district.
- Resolving drainage disputes, subject to applicable law.
- Notifying landowners that their property is within a drainage district.

WHAT ARE LANDOWNER RESPONSIBILITIES?

All landowners are required to notify the county drainage board of any proposed activity that may affect a district drain in any way. Activities requiring landowners to give prior notification to the county drainage board include:

- Making land use changes.
- Altering the flow of water into or from a district drain.
- Cleaning, extending, or enlarging a private ditch.
- Connecting a private drain to a district drain, including the installation of new tile fields.
- Installing private dams in private drainage ditches.
- Removing existing district or private drains from ditches.
- Disconnecting a private drain from a district drain.
- Removing other private or district ditch obstructions, such as beaver dams, dead falls, sand bars, or sediment deposits.
- Removing lands from inclusion in a district.
- Withdrawing water from a district drain.
- Removing a spoil pile.
- Placing a structure or obstruction in a drain.
- Manipulating the water levels in the ditches.
- Taking any action which affects the operation of the drainage district.
- Row cropping or placing obstructions within the district corridor.



Landowners are encouraged to engage the county drainage boards by attending district meetings and hearings.

ADDITIONAL LANDOWNER RESPONSIBILITIES?

Additional landowner responsibilities include:

- Allow access to district ditches and corridors.
- Establish erosion control practices, on own lands.
- Comply with lawful orders of the county drainage board.
- Pay cost assessments.