

## Thistles seek flood assurance

Written by Mark Jaeger

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### Trustees say developer must repair drainage ditch before starting next phase

Kendall and Carla Thistle have been dealing with flooding concerns on their Highway 57 property ever since the neighboring Village Green subdivision began to take shape some four years ago.

The couple returned to the Fredonia Village Board last week, reminding officials that their problems haven't gone away, even as floodwaters have ebbed and flowed.

The Thistles live in the Town of Fredonia, but the 160-acre subdivision that wraps around their seven-acre property is in the village.

It was the village that reviewed the drainage plans for the development proposed by MasterCraft Builders and Regency Hills Development, spurring the couple's repeated appearances before village officials.

Their primary concern is a drainage ditch the developer created along the Thistles' north property line.

After heavy rains and spring melting, stormwater runoff from a subdivision detention pond accumulates on the Thistle property before reaching a drainage culvert that runs under Highway 57.

The developers have conceded the ditch design was flawed and had an alternate plan approved by Wisconsin Department of Natural Resources officials.

However, the troubled economy has cut off the flow of money into the development, leading to the shelving of the ditch redesign.

The developer's financial pinch has done little to ease the Thistles' problems.

"We are still experiencing flooding coming from the development onto our property along our north property line. Our concern is that if this issue is not addressed on a regular basis, it will be presumed to not be a problem," the couple said in a photo-laden, 16-page memo to village officials.

"A matter of further concern is that the area above the ditch as designated on the improvement plans is a 'TD' or 'temporary ditch.' When the area is finally developed, the 'TD' will be removed and the final grading will deliver even more water toward our property as your maps currently show.

"We feel as if we have been extremely patient in this matter. We are hoping to obtain a form of closure on this issue, or at least a conduit for that closure to happen. We are only looking to

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have done what was promised to us by the Village of Fredonia and the developer.”

For the past four years, the temporary ditch has been lined by silt fence and straw bales, construction measures that are typically in place for less than one year.

At last month’s board meeting, village officials reiterated the fear that if the village took any steps to correct the drainage problem, they would accept liability for damage done on the Thistle property or elsewhere.

When Kendall Thistle appeared with the same request last summer, Village President Joe Short said the village would be willing to make the repair of the drainage ditch a condition of approval of the second phase of the development.

There has been no indication that the second phase of the Village Green development is near, but Thistle said he still wants some assurance from the village it plans to pursue that strategy.

“I would like to get some sort of guarantee on the record that this will get done eventually, so I can sleep at night,” he said.

Short said, “I have no problem putting it on record that the ditch should be corrected as part of phase two.”

Thistle said he would return in September, when the board is expected to take formal action linking the drainage work with any future expansion of the subdivision.

On the south side of their property, the couple have also encountered flooding from the Village Green development, leading them to erect a berm that created a drainage pond on the adjacent Northern Ozaukee School District property.

The district paid to have the pond drained earlier this year.

The school district is finalizing plans to pursue legal action against the Thistles and the developer to ensure the ponding does not reoccur.