

**DEHAVAN LAKE SANITARY DISTRICT**

**MINUTES**

**Regular Meeting**

**December 17, 2021**

**9:00 A.M.**

**CALL TO ORDER**

President Miller called the Regular Meeting to order at 9:04 A.M. at the Delavan Lake Sanitary District located at 2990 County Rd F South, Delavan, Wisconsin.

**ROLL CALL** Present: Thomas Miller, President  
Kim O’Keefe, Commissioner  
David Reider, Commissioner  
Richard Beers, Commissioner  
Ted Kasch, Commissioner

Absent: None

Other: Administrator Jim DeLuca

Visitors: Mary Knipper  
Mike Hish  
Joanne Kiepura  
Ann Krejci  
Bob Krejci  
Bill Kidd  
Mike Ritchey  
Celeste Preston Nario

**DECLARATION OF A QUORUM**

President Miller declared a quorum present for doing business.

**APPROVAL OF MINUTES OF REGULAR MEETING OF NOVEMBER 17, 2021,  
SPECIAL MEETING OF DECEMBER 8, 2021**

During review of the Regular Meeting minutes of November 17, 2021, Commissioner O’Keefe referenced page 4302 and requested the word “highest” be removed from the first sentence which discussed the approval of the bid for

the Onan Generator and Transfer Panel. Commissioner O'Keefe made a motion to approve the minutes with the recommended change and Commissioner Beers seconded the motion which passed unanimously.

After a review of the Special Meeting minutes of December 8, 2021, Commissioner O'Keefe made a motion to approve the minutes as written and Commissioner Beers seconded the motion which carried unanimously.

## **FINANCIAL**

After a review and discussion of the bills, represented by check numbers 27924 through 27979, review of the Allocation of Funds through November 30, 2021, and the Financial Statements for periods ending November 30, 2021, Commissioner O'Keefe made a motion to approve the bills represented by check numbers 27924 through 27979, accept the Allocation of Funds through November 30, 2021, and Financial Statements for periods ending November 30, 2021. Commissioner Reider seconded the motion which carried unanimously.

## **ADMINISTRATOR'S MONTHLY REPORT**

Administrator DeLuca shared the sewer crew is busy televising sewer mains. While televising, they have found a few things that they need to address. Using the vac truck, a blockage on South Shore was found and resolved that was caused by gravel from the road project. Now we are in the process of getting everything ready for winter. The agreement with Walworth County for salt which we participate in each year has been established. Commissioner O'Keefe made a motion to accept the Administrator's Report and Commissioner Kasch seconded the motion which passed unanimously.

## **LAKE COMMITTEE REPORT**

Commissioner Beers shared at the last Lake Committee meeting, there was a recommendation that was voted on for the Town of Delavan to purchase before the end of the year, to avoid a price increase, the equipment that is to be used for dredging. Mary Knipper shared the motion that was voted upon passed with 4 in favor and 3 opposed. The motion will be on the agenda at the Town of Delavan Board Meeting next Tuesday.

## **COMMENTS AND SUGGESTIONS OF CITIZENS PRESENT REGARDING AGENDA ITEMS**

Bill Kidd, President of View Crest Association, spoke regarding his concern for what action is going to be taken to restore the View Crest property that was damaged by putting in a road through an area that was not agreed to with DLSD. They had meetings with Mr. DeLuca, and Mr. Kidd asserts he is in possession of an email from Mr. DeLuca from last February that acknowledges the fact that the grass area was not to be touched in terms of putting in a road. In August and early September, they came in to start putting a road in. They understand there is a need to maintain the sewers and want them to operate properly for everyone's benefit. It was agreed that in a wooded section that the path, which has been in the works for several years, could have the stone put in it to access the back area. However, DLSD went through a grass area that is maintained and is part of our common property. Now there is a road in it. He has emailed and contacted Mr. DeLuca on numerous occasions to find out when this road is going to be removed and our property repaired but has not received an answer. There are other ways to get through that area as it is wide open. Other utilities have come in and used pads to get their equipment back there to do their work. They would like to have answers as this has nothing to do with the litigation with the DLSD and Walworth County. He stated it is under litigation for the way it was done. No permits were pulled. He requested permits but never received any, requested permits from the DNR and Army Corps of Engineers and was informed that they were sent to the Associations attorney however, nothing was sent to their attorney. The paperwork that they have from the original permits from the DNR and the Army Corps of Engineers had a five-year expiration date and expired last August. There are no permits to do this work that is all along the channel that goes through View Crest. DLSD has not fulfilled anything that the View Crest Association has asked, and it is their property that is impacted. Once the repairs are done, they want the road removed and their property repaired. They assert they had an agreement with DLSD through Mr. DeLuca that the property was to remain as it was. The road that was put in was to be 12' wide and it is at least 13' or 14' wide. It is as wide as the roads they drive on in their subdivision.

Joanne Kiepura wondered if DLSD has resubmitted a suit to a higher court as the Commission referenced this is under litigation and she was informed that a decision was made November 30, 2021. As far as the County is concerned, they have denied all of DLSD's requests for putting a road in without abiding by their regulations. President Miller confirmed that yes, our attorney is pursuing this litigation to the next level.

Celeste Preston Nario stated we could all agree that there is an easement. However, as she has searched public records she cannot find where an easement specifically gives DLSD the right to put in a road. She would like to know what and/or how DLSD determined they have a right to put in this road. Obviously,

the easement says DLSD must repair their sewers. She wanted to know where else in the county has DLSD ever put in a road to repair sewer and how did DLSD get the right to do that? How were the funds approved to do that? As far as she is concerned, DLSD has wasted her money. She is also wondering if DLSD could communicate with them sooner than later when they would be able to get comments.

President Miller apologized for not answering their questions as this is in litigation.

Joanne Kiepora wondered if they could discuss this further under New Business, Item 17? President Miller answered "No, that is what we're discussing now".

Bill Kidd wondered if their attorney could contact our attorney to get answers to their questions. They need answers as this is a breach of an asserted agreement, they have with DLSD. President Miller suggested they query their attorney.

#### **DISCUSSION/POSSIBLE ACTION – ONGOING LAKE MANAGEMENT**

None

#### **DISCUSSION/POSSIBLE ACTION REGARDING ILLEGAL LATERAL CONNECTIONS**

Administrator DeLuca stated there have been no new observations yet to confirm leaks as the water table is still low.

#### **DISCUSSION/POSSIBLE ACTION REGARDING REPLACEMENT OF CURRENT SEWER CAMERA**

Administrator DeLuca shared this is a request by Eric as he is the main operator for this piece of equipment. The clarity that we are getting within the sewer pipe is extremely poor. When we are having meetings with the property owners about a leaking lateral, the leak is very hard to make out. Technology has changed quite a bit and he would like to go to the newer technology to get clearer pictures for both the commission and the citizens. The camera is an Aires and is approximately 10 years old. Commissioner O'Keefe noted that we are dealing with Envirotech and not Aires directly. He would like to know if we can deal directly with Aires. If in fact they have obsoleted this model, he would like that information to come directly from Aires. Possibly it is just a new lens that we need. If there is an exclusivity agreement that prohibits us from purchasing directly from Aires, is there an exclusivity agreement that prohibits

us from going directly to Aires for repairs? Administrator DeLuca will talk with Eric to find out if we can work with Aires directly.

#### **DISCUSSION/POSSIBLE ACTION REGARDING VIEW CREST PATH SEWER EASEMENT PROJECT**

Commissioner Beers stated that based on what we have heard from the attorney, it is premature to talk about anything regarding View Crest. The Commission is not unwilling but has been requested not to. Until we get a go ahead from the attorney, we should not speak on this topic. Commissioner Beers recommended that this be on the agenda for next month.

#### **DISCUSSION/POSSIBLE ACTION REGARDING TOWN USE OF BROWN'S CHANNEL FOR MONITORING WATER QUALITY**

Commissioner Beers mentioned there is a request for monitoring Brown's Channel. Mary Knipper shared the weir by Brown's Channel was put in in 1983, prior to the lake project. The plan was always that it would be a gauging area for quality. Nothing over the years has happened there and the weir has some disrepair. Recently there was an attempt to look at our water quality, particularly regarding the watershed. The south part of our watershed, where tributary two is, we realized we probably need data from that to know what is coming in, what needs to be done, and what kind of loading numbers and data we're getting from that area. We have looked at keeping that weir in place and doing some repairs. The key is putting in a gauging station and one of the key places would be on the property that the Sanitary District currently owns. The Town would need to get electrical access up there. They are looking to find out if the Delavan Lake Sanitary District would allow them to use that property and install the appropriate electrical access that they need at that point. The monitoring is already funded in the 2022 budget at the Town. Commissioner Beers made a motion for Administrator DeLuca to talk with Administrator Olson to get a formal clarification of liabilities, assets, requirements, and a preliminary drawing. Commissioner O'Keefe seconded the motion which carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING PURCHASE OF LOADER/BACKHOE**

Administrator DeLuca shared he did have a discussion with Public Works, and they would still like us to consider sharing equipment, us using their backhoe and them having us participate in cleaning their culverts. Commissioner O'Keefe shared that the bigger demand on culverts, unless something changes on our side, is going to be difficult for us to sincerely enter into a sharing

agreement. Commissioner Reider made a motion to have Administrator DeLuca investigate the purchase of a loader/backhoe. Commissioner Beers seconded the motion which passed unanimously.

**CONSIDERATION OF FUTURE AGENDA ITEMS**

None

**DISCUSSION/POSSIBLE ACTION OR CONFIRMATION OF NEXT MEETING DATE**

The next regular meeting date is scheduled to be held on January 19, 2022 at 9:00 a.m.

**ADJOURNMENT**

There being no further items to discuss, Commissioner Beers made a motion to adjourn the meeting and recess to The Waterfront Bar and Grill for the Holiday Luncheon. Commissioner Reider seconded the motion which passed unanimously. The meeting adjourned at 9:49 a.m.

  
\_\_\_\_\_  
Kim O'Keefe, Secretary

Date Approved: 2/16/2022