

DELAVAN LAKE SANITARY DISTRICT

MINUTES

Regular & Closed Session

April 17, 2024

9:00 A.M.

CALL TO ORDER

President Miller called the Regular and Closed Session Meeting to order at 9:00 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 (*via phone, called in 9:08*)
Ted Kasch, Commissioner

Absent: None

Other: Administrator Jim DeLuca
Adam Handel
Ray Seitz
Mitch Lepkowski
Eric Ritchey
Stan Riffle (Attorney)

Visitors: Mary Kripper
Stanley B Tomala
Debra J Tomala

DECLARATION OF A QUORUM

President Miller declared a quorum present for doing business.

APPROVAL OF MINUTES OF REGULAR MEETING OF MARCH 13, 2024

After a review of the Regular Meeting minutes of March 13, 2024, Commissioner O'Keefe made a motion to waive the reading of the minutes and approve the

March 13, 2024, Regular Meeting minutes as written. Commissioner Kasch seconded the motion which carried unanimously.

FINANCIAL

After a review and discussion of the bills represented by check numbers 29244 through 29297 and Allocation of Funds through March 31, 2024, Commissioner O'Keefe made a motion to approve partial financial statements consisting of payment of bills, and Allocation of Funds as presented. Commissioner Reider seconded the motion which passed unanimously.

ADMINISTRATOR'S MONTHLY REPORT

Nothing more to share than what is written in his monthly report.

LAKE COMMITTEE REPORT

Mary Knipper shared the Lake Committee received six bids for the Mound Road Dredging Project restoration. They accepted the lowest qualifying bid in the amount of \$89,000. Batterman Engineering has submitted a proposal in the amount of \$19,000 to manage the restoration and close the site.

Also discussed were subgroups created for the many projects the Lake Committee is undertaking. A new subgroup for dam operations has been created and Mary would like the Commission's approval to have Adam Handel be part of this group. In Peter Berini's Inlet/Outlet report, he wrote about using the dam a little differently, within the DNR requirements, to manage the water levels. Boat safety and the carrying capacity of the lake are also concerns being investigated.

COMMENTS AND SUGGESTIONS OF CITIZENS PRESENT REGARDING AGENDA ITEMS

None

DISCUSSION/POSSIBLE ACTION – ONGOING LAKE MANAGEMENT

None

DISCUSSION/POSSIBLE ACTION REGARDING FINAL PAYMENT REQUEST – LS#4 REMODEL – CONTRACT A

Administrator DeLuca stated this item needs to be tabled. Ray shared Doug is reviewing the final pay estimate submitted and waiting on the final lien waivers for the project. He also shared that while he doesn't have the final number, the project looks to be coming in under budget.

DISCUSSION/POSSIBLE ACTION REGARDING DISTRICT BOUNDARY ADJUSTMENTS – BA509 00001

Administrator DeLuca discussed a request he received for sewer by the owner of parcel BA509 00001 which is in the Town of Darien, outside the District boundary. The sewer line is next to his property however, the property is outside of both the District's and WalCoMet's boundaries. If they are to connect, the District would need to expand its boundary to include parcel BA509 00001. If the District is willing to expand its boundary, then the owner will go to the Town of Darien, Town of Delavan, and WalCoMet to get their approval. If approvals are granted, Doug Snyder will amend the boundary and they can be connected. Commissioner Beers made a motion to pursue the incorporation of parcel BA509 00001 inside the Delavan Lake Sanitary District provided the Town of Darien, WalCoMet, and the Town of Delavan approve the incorporation of parcel BA509 00001 into the Delavan Lake Sanitary District. Commissioner Reider seconded the motion and a discussion ensued. Commissioner Beers amended the motion to include the review and approval of our Engineer as well as all other parties. Commissioner O'Keefe seconded the motion and a vote was taken. The motion passed with a 4 aye, 1 nay vote. President Miller, nay, Commissioner O'Keefe, aye, Commissioner Kasch, aye, Commissioner Reider, aye, Commissioner Beers, aye.

DISCUSSION/POSSIBLE ACTION REGARDING DISTRICT BOUNDARY ADJUSTMENTS – FD25 00006, FD25 00006A

Administrator DeLuca discussed a request he received for sewer by the owner of parcels FD25 00006 and FD25 00006A which are in the Town of Delavan but outside the District boundary. The owners of the property, Stanley and Debra Tomala, were there and shared their desire and need to hookup to the District sanitary sewer. Commissioner O'Keefe made a motion to accept the boundary adjustment consideration pending approval from the Town of Delavan, WalCoMet and our Engineer. Commissioner Beers seconded the motion which carried unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING ILLEGAL CONNECTION – FMAS 00001

Administrator DeLuca shared the property owner of FMAS 00001 wanted to connect on a weekend and the District told him no. He was also advised he needed to use an Inserta T when connecting. The owner ignored what we said and connected on a Saturday without authorization from the Town of Delavan or us and cut our main and installed a factory T. The result of his actions is the concrete in our sewer pipe, which is ABS Truss pipe, is exposed to the sewer elements that cause corrosion and deterioration. Correction of this violation will require lining the pipe at the property owners' expense and we are in the process of getting quotes. Administrator DeLuca requested authorization for the repair of the spot lining that needs to be done. The spot lining will be televised. Commissioner Beers made a motion that the Sanitary District repair the main in accordance with Doug Snyder for the integrity of the sewer system and that the expenses including legal, Doug Snyder's and any other expenses to repair the main are paid by the property owner. Commissioner Reider seconded the motion and further discussion took place. A vote was taken, and the motion failed with a 1 aye and 4 nay vote. President Miller, nay, Commissioner O'Keefe, nay, Commissioner Kasch, nay, Commissioner Reider, nay, Commissioner Beers, aye.

MOTION TO MOVE AGENDA OUT OF ORDER

Commissioner O'Keefe made a motion to take the agenda out of order to continue addressing item 13, Discussion/possible action regarding illegal connection – FMAS 00001, after reconvening in open session from closed session. Commissioner Reider seconded the motion and the motion passed unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING DRIVEWAY MAINTENANCE AT 3119 S. SHORE DRIVE

The owners of 3119 S Shore Drive would like the District to share in the expense of sealcoating their driveway as the District uses a portion of the driveway which is in our LS #7 easement. After a brief discussion, President Miller made a motion to deny the cost sharing request for sealcoating the driveway. Commissioner Kasch seconded the motion and the motion passed with a 3 aye and 2 nay vote. President Miller, aye, Commissioner O'Keefe, nay, Commissioner Kasch, aye, Commissioner Reider, nay, Commissioner Beers, aye.

MOTION TO MOVE AGENDA OUT OF ORDER

Commissioner Beers made a motion to take the agenda out of order to address closed session item 17, to confer with legal counsel for the governmental body

who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved as authorized under Section 19.85(1)(g), Wisconsin Statutes. Commissioner Reider seconded the motion and the motion passed unanimously.

CLOSED SESSION

Commissioner Beers made a motion that the commissioners, upon duly made and carried, will immediately convene to closed session. Commissioner Reider seconded the motion, a roll call vote was taken, and the motion carried unanimously. The purpose of the closed session is;

- a. To confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved as authorized under Section 19.85(1)(g), Wisconsin Statutes. Specifically, to be discussed is clear water sewer infiltration.

RECONVENE IN OPEN SESSION

Commissioner O'Keefe made a motion to reconvene in open session at 10:23 a.m. The motion was seconded by Commissioner Reider which passed unanimously.

DISCUSSION/POSSIBLE ACTION ON ANY CLOSED SESSION MATTERS

Commissioner Reider made a motion to direct staff to gather information and forward the information to legal counsel regarding lateral leaks and illegal connections. Commissioner O'Keefe seconded the motion which carried unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING DISTRICT GARBAGE RECYCLING SERVICE

After a brief discussion of garbage and recycling quotes received, Commissioner O'Keefe made a motion to table this item until there is an increase in current provider billing. Commissioner Reider seconded the motion which passed unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING DISTRICT SECURITY GATES

Administrator DeLuca shared security concerns were brought to his attention as vendors come into the building through the back door and office staff are taken by surprise. A security gate is the desirable solution, and quotes were received for this. After reviewing the cost for an electronic gate, the Commission discussed other options to address security concerns as the cost for an electronic gate seemed unreasonable. Administrator DeLuca is to work with a local lock purveyor to install a lock on the back door not to exceed \$1,000. Commissioner Reider seconded the motion and the motion passed unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING ILLEGAL CONNECTION - FMAS 00001 - CONTINUED

Costs of repairing the main continued to be discussed. Commissioner O'Keefe made a motion to charge the property owner the expense for lining the main by a DLSD approved vendor, televising, engineering, and legal costs, and a minimum penalty of \$5,000 plus an additional \$2,000 per day dating back to the estimated date of installation if the owner is not cooperative. Commissioner Reider seconded the motion which carried 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 May 22, 2024, at 9:00 a.m.

ADJOURNMENT

There being no further items to discuss, Commissioner Kasch made a motion to adjourn the meeting. Commissioner O'Keefe seconded the motion which passed unanimously. The meeting adjourned at 10:43 a.m.



Kim O'Keefe, Secretary

Date Approved: May 22, 2024