

**DELAVAN LAKE SANITARY DISTRICT**

**MINUTES**

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**Regular Meeting and Closed Session**

**August 15, 2018**

**9:00 A.M.**

**CALL TO ORDER.**

President Miller, called the 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  
Thomas Johnson, Commissioner  
David Reider, Commissioner  
Richard Beers, Commissioner

Visitors: Ted Kasch, Jane Mohr, Dave Patzelt

**DECLARATION OF A QUORUM.**

President Miller declared a quorum present for doing business.

**APPROVAL OF MINUTES OF REGULAR MEETING OF JULY 18, 2018**

President Miller made a motion to waive the reading of the minutes of the regular meeting of July 18, 2018. Commissioner Beers noted a change to be made on page 3999 to reflect a vote count of 2 yes, 2 no. Commissioner O'Keefe made a motion to approve the minutes as amended. Commissioner Beers seconded the motion which carried unanimously.

**FINANCE**

After reviewing the bills, President Miller made a motion to approve payment of bills represented by check numbers 26031 through 26082. Commissioner O'Keefe seconded the motion which carried unanimously.

President Miller made a motion to accept the Allocation of Funds report for the period ending on July 31, 2018 and place on file. The motion was seconded by President Miller and carried unanimously.

President Miller made a motion to accept the Financial Statements for the period ending on July 31, 2018 and place on file. The motion was seconded by Commissioner Reider and carried unanimously.

### **ADMINISTRATOR'S MONTHLY REPORT**

Administrator DeLuca shared the DNR approval of a 35% grant we requested for a new harvester and conveyor. Future grant monies may be more difficult to receive as grant funds are being cut back.

Diggers Hotline requests are high right now because of all the gas main and utilities being replaced.

Lift Station 8 generator is in need of repair. That is an item on this agenda.

We are having problems with our server as connectors are failing. A rack is going to be put in the back file room to help clean up the multiple wires that are intertwined and causing the connectors to fail.

### **LAKE COMMITTEE REPORT**

Commissioner Beers gave a report on the Lake Committee meeting. One of the items discussed was to review the watershed plan and look at the next stages of the priorities. This will help DLSD see the kinds of projects the Lake Committee wants to address.

President Miller wanted to know if the Lake Committee is just an advisory committee or if they have the ability to approve the use of funds for lake projects. Commissioner Beers shared the Lake Committee can make a motion to spend the funds on a project and from there it goes to the Township whereby they can make a determination as to whether they want to spend the money or not. The Lake Committee is an advisory group.

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

None

**DISCUSSION & REVIEW OF PELLET TECHNOLOGY STUDY PARAMETERS & MONITORING CONTINUED**

Charlie shared an update on the samples that are being taken. The muck buckets have started but we don't have any data as of yet. We're doing tests on Tuesdays and Thursdays every week. We should have data by next month's meeting.

**DISCUSSION/POSSIBLE ACTION REGARDING LIFT STATION CONDITION STUDY UPDATE**

Doug Snyder from Baxter and Woodman requested this get put on next month's agenda as data is still coming in and they still don't have numbers from the contractor.

**DISCUSSION/POSSIBLE ACTION SITE WORK AT LIFT STATION 9 AND DISTRICT OFFICE: "PERMISSION TO ALLOW OUR ENGINEER TO DECLARE CONTRACTOR IN DEFAULT OF CONTRACT"**

Doug Snyder from Baxter and Woodman requested this get placed on next month's agenda as the contractor is planning on being here the week after Labor Day to redo the parking lot.

**MOTION TO MOVE AGENDA OUT OF ORDER**

Commissioner Beers made a motion to take the agenda out of order to address item 14 to accommodate David Patzelt from Shodeen Development and DLSD Attorney Stan Riffle. President Miller seconded the motion. The motion carried unanimously.

**DISCUSSION/POSSIBLE ACTION REGARDING SHORES OF DELAVAN SEWER PLANS AND DEVELOPER'S AGREEMENT**

DLSD Attorney Stan Riffle discussed the concerns he had with the developer's agreement. One concern was whether we would accept a bond as opposed to a letter of credit for surety to ensure the developer installs all of the facilities correctly. The attorney for the Town of Delavan stated the Town will be accepting a bond so Attorney Riffle suggest DLSD does the same and accept a bond and has approved the language in the developer's agreement. The other issue of concern with the developer's agreement was it refers to the Specifications Standards from 2005 and DLSD updated them in April of 2018.

Mr. Patzelt recommended some revisions to the Specifications. There were 4 modifications and we are accepting of all of them with one exception that Attorney Riffle can talk to Doug about. With those two concerns out of the way, differences of opinion on deficiencies relating to the plans and specifications to do the work were discussed.

There were 5 differences of opinion. The first one was engineering's recommendation that DLSD get an easement in one area that will serve the horse farm by the development. Shodeen owns the farm and has agreed to provide that easement on a recommendation that DLSD prepare a pass through resolution that essentially says that when that horse farm develops, and when the buyer hooks into the pipe that the developer is putting in right now, they pay a prorated share per unit of the cost of that pipe per the plat.

The second one is since the proposal deviates from the DLSD master plan, it was suggested that the developer pay for the amendment of the master plan. Legally, we can hold them to the master plan but we cannot require them to pay for revisions to the District's master plan. Attorney Riffle suggested we either amend the plan or make a note that a change was made to the master plan.

The third issue related to whether compaction should be required above pipe outside of roadways. This was put in by the District to help out the Town to avoid sidewalk buckling. DLSD is not responsible for buckling or sinking sidewalks. The Town is responsible for the sidewalks and looking out after their own best interests. If the Town doesn't require compacted backfill and the sidewalks sink, it is their problem. A recommendation was made to send a letter to the Town of Delavan stating that DLSD has agreed that we do not have anything to do with the compaction outside of the roadway.

The fourth difference of opinion was regarding the materials to be used for the storm water retention ponds. The District sewer goes between these two retention ponds and the District would like a steel sleeve of about 40' in length be used in the event any problem arises. The District doesn't want to have to drain the ponds and go through extra steps and expense to take care of problems if it can be avoided. The developer has agreed to this.

The final difference of opinion is in regard to tracer wire which is now required to be used. The developer has agreed to use the thicker tracer wire.

Now that these issues with the developer's agreement are resolved, the recommendation of both engineering and legal is that the developer's agreement be approved.

A motion was made by Commissioner Beers to approve the Shores of Delavan developer's agreement. Commissioner Reider seconded the motion. The motion carried unanimously.

### **MOTION TO MOVE AGENDA OUT OF ORDER**

Commissioner O'Keefe made a motion to take the agenda out of order to address item 19 followed by item 22 to accommodate Attorney Stan Riffle. Commissioner Reider seconded the motion. The motion carried unanimously.

### **CONSIDERATION OF FUTURE AGENDA ITEMS**

Attorney Stan Riffle added clarification to the Policy and Procedures for Adding Agenda Items to the Agenda by having the Commissioners take a vote on how many Commissioners need to agree in order to have an item placed on the agenda while at a meeting or between meetings. A vote to require 2 or 3 positive responses (including the requestor) was taken. President Miller voted for 3, Commissioner O'Keefe voted for 3, Commissioner Johnson voted for 2, Commissioner Reider voted for 2, Commissioner Beers voted for 2. The vote to require 2 positive responses (1 positive response plus the requestor) passed with a 3 aye and 2 nay vote.

Attorney Stan Riffle will prepare the document stating this policy.

### **CLOSED SESSION.**

Commissioner O'Keefe made a motion to go into closed session at 9:47 a.m. to deliberate or negotiate the purchase of public properties, the investment of public funds, or conducting other specified public business, whenever competitive or bargaining reason require a closed session pursuant to section 19.85(1)(e), Wisconsin Statutes. Specifically to be discussed are land purchases in the Town of Delavan. The motion was seconded by Commissioner Reider and a roll call vote showed all commissioners present in favor of the motion.

### **RECONVENE IN OPEN SESSION**

President Miller made a motion to reconvene in open session at 10:14 a.m. The motion was seconded by Commissioner Beers and passed unanimously.

#### **DISCUSSION/POSSIBLE ACTION ON ANY CLOSED SESSION MATTERS**

None

#### **DISCUSSION/POSSIBLE ACTION SEWER EXTENSION OR POWTS ON BROAD STREET**

Doug Snyder of Baxter Woodman discussed the desire of Jan Mohr to be allowed to put in an on-site waste water system on the lots she owns on Broad Street by Browns Channel. Doug is recommending that DLSD deny this request. The District should offer to extend gravity sewer service to the parcels at the parcel owners cost. As an alternate, the District should require a holding tank with transport to a treatment facility. There are 8 homes in the area that have on-site systems. If the District would extend the existing sewer line approximately 2,000 linear feet it would pick up an additional 22 customers, of which 11 would be immediate. The estimated cost of the extension is \$310,000 which breaks down to a similar cost for each parcel putting in a mound system.

Jan Mohr shared her frustration that others in her neighborhood have a mound system and she is coming to request the same and may not be allowed.

The responsibilities of the District as well as the ability of the District to offer deferment of the payment for the connection was discussed. Commissioner Johnson made a motion to deny the mound sewer system being requested. Commissioner Reider seconded the motion. The motion carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING PARTIAL PAY REQUEST LIFT STATION #2**

Doug Snyder of Baxter Woodman shared that Gilbank Construction has given DLSD a partial pay request for the work completed so far on Lift Station #2. He is recommending that we pay this. President Miller made a motion to approve the partial payment that Gilbank Construction is requesting. Commissioner O'Keefe seconded the motion. The motion carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING BROWN'S CHANNEL LOT COMBINATION**

Administrator DeLuca discussed combining several lots that DLSD owns into one lot to simplify the legal description for future rezoning of the land to P-1. It is the District's intent to create a conservancy on the lots he would like to combine. The cost to combine the lots will be approximately \$2,500 to create the legal description plus some filing and legal fees. Commissioner Beers made a motion to proceed with Administrator DeLuca's recommendation to combine the lots into one to simplify the legal description. Commissioner Reider seconded the motion. The motion carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING LIFT STATION #8 GENERATOR REPAIR/REPLACEMENT**

Administrator DeLuca shared a quote he received to update the generator at Lift Station #8 as we're having repeated problems with it. He got a quote to purchase the generator and transfer switch and another quote from the electrician to do the wiring to it as well as the rigging, sheet metal work, muffler installation and all the things he needs to coordinate when he does the install. He did try to get quotes from Adams Electric and Pieper but has not received a response from Adams Electric and Pieper was very high priced. President Miller made a motion to approve the recommendation of Administrator DeLuca to move forward with this project not to exceed \$40,000. Commissioner O'Keefe seconded the motion. The motion carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING LILY PAD DEVELOPING ISSUES**

Commissioner Reider discussed his concerns over the invasive lily pad issue the lake is experiencing. He would like the District to address ways to mitigate them. A discussion ensued regarding the problem as well as other committees and entities that should be addressing this issue. Commissioner Reider would like the Commission to be open to solutions that are discovered that would better the lake as opposed to saying that it's not DLSD's responsibility.

#### **DISCUSSION/POSSIBLE ACTION REGARDING CD FUNDS**

Administrator DeLuca shared that a CD has reached maturity and needs to be rolled over. Kim did some research and we'd like to stay at Commerce Bank at 2.4% and keep earning income on it. Commissioner O'Keefe made a motion to

accept the Administrators recommendation to move the money into a CD. President Miller seconded the motion. The motion carried unanimously.

**DISCUSSION/POSSIBLE ACTION SCHEDULING BUDGET WORKSHOP DATES**

The next workshop date is scheduled to be held on September 19, 2018 at 7:30 a.m.

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

The next regular meeting date is scheduled to be held on September 19, 2018 at 9:00 a.m.

**ADJOURNMENT**

There being no further items to discuss, President Miller made a motion to adjourn the meeting Commissioner Beers seconded the motion which passed unanimously. The meeting adjourned at 11:24 a.m.



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Kim O'Keefe, Secretary

Date Approved: 9/19/2018