

DELAVAN LAKE SANITARY DISTRICT

MINUTES

Regular Meeting and Closed Session

December 13, 2017

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 (*via telecom at 9:15*)
Thomas Johnson, Commissioner
David Reider, Commissioner
Richard Beers, Commissioner

Visitors: Greg Digieso
Sue Heffron

DECLARATION OF A QUORUM.

President Miller declared a quorum present for doing business.

APPROVAL OF MINUTES OF REGULAR MEETING OF NOVEMBER 14, 2017

After a brief discussion, Commissioner Beers made a motion to waive the reading of the regular meeting minutes of November 14, 2017 and approve them as written. Commissioner Johnson seconded the motion which carried unanimously.

COMMENTS AND SUGGESTIONS OF CITIZENS PRESENT REGARDING AGENDA ITEMS

Sue Heffron, Assistant Program Manager of the Kettle Moraine Land Trust, commented that she was present on behalf of the Kettle Moraine Land Trust and could also answer any questions concerning the Delavan Lake Improvement Association. The commissioners acknowledged Mrs. Heffron but decided to wait till agenda item 11 and 12 to discuss the topic further.

FINANCIAL

After reviewing the bills and a brief discussion, President Miller made a motion to approve payment of bills represented by check numbers 25621 through 25664. Commissioner Johnson seconded the motion which carried unanimously.

Commissioner O'Keefe was put on skype at 9:15 a.m.

Administrator DeLuca gave a brief summary about the allocation of funds through November 30, 2017. After a brief discussion, Commissioner Beers made a motion to accept the Allocation of Funds report for the period ending November 30, 2017.

Administrator DeLuca advised the board concerning the financial statements for the period ending November 30, 2017. After a brief discussion, Commissioner Beers made a motion to accept the financial statements for the period ending November 30, 2017 and place on file. The motion was seconded by President Miller and carried unanimously.

ADMINISTRATOR'S MONTHLY REPORT

In addition to the monthly report already provided to the commissioners, Administrator DeLuca advised the commissioners that the District has received permission from the Town to utilize the Blue Gill ramp for the 2018 weed harvesting season. The necessary posts have been moved so the crew is able to maneuver in the smaller space. An assessment will be done at the end of the year to analyze if the site would be beneficial to use long term. The District is also awaiting word to see if the vacant land, formally known as Benson Cottages, would temporarily allow the District to overnight park on the property during the summer. Negotiations with the new property owner is currently underway. Administrator DeLuca also advised the board that the lining on the nine foot failing pipe on Tilden Ave went really well. The crew also has been setting up for the bypass on lift station two. The old shed that was at the Mound Road weir was moved to provide shelter for the gear box. Conduit has been buried underneath the parking area so it is less disruptive, with hay on top to keep from freezing. The office staff is putting the letters together for the ERU rate change that will occur the first of the year. The bimonthly fee will go up an additional dollar per month in an effort to keep up with the rising WalCoMet charges. The district received a letter from the DNR stating all the necessary requirements for the Brown's Channel Grant. The letter had three

different phases the District would have to undertake. Phase one would be stream bank stabilization/restoration. Phase two would be to make two parking stalls, a sign with the DNR grant information on it, and a walking path. Phase three would be restoration of habitat, which includes planting natives and removal of invasive plants. If the District decides to not follow through with any of the phases, then the District would need to pay back the grant money that was allocated to the District when they purchased the land surrounding Brown's Channel. After a brief discussion, the commissioners decided to go ahead with the phases for the Brown's Channel grant over the next several years.

LAKE COMMITTEE REPORT

Commissioner Beers advised the board about the Lake Committee Meeting that happened on December 6, 2017. There were four main topics that the Lake Committee discussed concerning DLSD. The first topic that was discussed was the Brown's Channel pellet program. The project was approved in the amount of \$11,759, which will come out of the Town's Lake Project funds. The second topic which was discussed was the pellet tests in the inlet/Mound Road retention ponds which would equal about \$31,773. There was much discussion at the Lake Committee meeting about who should all be involved in the project. It was decided at the meeting to draft a letter to DLSD for support for the project. After DLSD agrees to get involved then additional sponsors would be pursued. DLSD did receive a request from the Lake Committee a day after the meeting which requested that DLSD pay 50% towards the pellet tests in the inlet/Mound Road retention ponds.

President Miller responded to the request from the Lake Committee and denied the request stating "The cost and time involved in these procedures are being incurred by DLSD. However, any further costs in actually implementing the program would be the Township's to bear." Much discussion was had concerning the denied request and the effectiveness of the pellets. President Miller requested to have microbiologists with unbiased opinions help the District better understand the pellets and see if they are a viable option. The administrator acknowledged the commissioner's requests and will work on bringing in educated persons to help the District with their decision making. Commissioner Beers, Commissioner Reider, and Commissioner Johnson expressed concern that there was not more discussion concerning the request from the Lake Committee. The letter was addressed solely to the president of DLSD and the decision was made by the President of DLSD and the other commissioners were not able to voice their opinion and vote on the matter. The

Commissioners requested to have "Agenda Policies" put on the next meeting agenda so the commissioners can get a better understanding of the agenda rules and how it gets formed.

The third topic that was discussed at the Lake Committee was public relations on water quality, which would be the Delavan Lake Report. The fourth topic concerned the storm water grant from the DNR. The grant was extended a year due to the major rain event in July of this year. There are still concerns about the storm water issues, especially in Town Park. Commissioner O'Keefe requested that Commissioner Beers look into the account balance for the Town's lake project funds.

DISCUSSION/POSSIBLE ACTION REGARDING DAMAGE CLAIM AT 319 EAGLE STREET

Gregory Digieso of 319 Eagle Street came before the commission board to plead his case for reimbursement for sewer and flood damage that took place on July 12, 2017. Mr. Digieso had received a letter from the District's insurance company denying the claim. Mr. Digieso stated that the claim was denied due to Wisconsin Statute 893.8. After reviewing the statute online, the homeowner believes that this scenario does not fit within the rule of immunity. Mr. Digieso provided copies of the statute for all the commission members to look over. President Miller acknowledged the homeowner's comments but insisted that the commission cannot go against what their insurance adjuster and attorney advised. President Miller suggested that the homeowner either go back to his insurance company or pursue legal action himself. The homeowner stated that all funds had gone to the rehabilitation of his home after the event and have no means of hiring an attorney themselves. Much discussion was had, homeowner pleaded that this was a case of negligence and that he believes that this situation doesn't apply to immunity concerning the state statute. The homeowner inquired about any discretionary funds, and if the commissioners were able to help in any way. President Miller apologized for what the family had gone through, but due to the insurance company's decision and the advice of the District's attorney, the commissioners' hands were tied. President Miller made a motion to deny Greg Digieso's request of \$12,765 due to the insurance company's conclusion and attorney's advice. The motion was seconded by Commissioner Johnson which carried unanimously.

**DISCUSSION/POSSIBLE ACTION REGARDING PAYMENT
RECOMMENDATION FOR WOLF PAVING CO. INC.**

Administrator DeLuca advised the commissioners that Wolf Paving had completed all their work and the District's engineer Doug Synder recommended paying the bill of \$187,548.27. An additional \$4,808.93 would be left on retainer for the final spring walk through. The project came in way under budget due to less pavers being used than originally planned. President Miller made a motion to approve the \$187,548.27 to Wolf Paving Co. Inc., with a retainer of \$4,808.93 until further review. Commissioner O'Keefe seconded the motion which carried unanimously.

Agenda item eleven and twelve were combined due to the same representative being there for each organization

DISCUSSION/POSSIBLE ACTION REGARDING KMLT MEMBERSHIP AND DLIA MEMBERSHIP

Administrator DeLuca advised the commissioners that the annual membership fees were due for the Kettle Moraine Land Trust and the Delavan Lake Improvement Association. The membership fees are \$100 each and the board for the Kettle Moraine Land Trust is matching every donation at this time. Sue Heffron, the Assistant Program Manager of KMLT advised the board that the organization has a new focus they are working on which is farm conservation tactics. Currently they are working with a local farmer to utilize cover crops for their fields. Commissioner O'Keefe made a motion to donate \$100 to each entity. Commissioner Beers seconded the motion.

Commissioner Beers, who also serves on behalf of DLSD at the Town of Delavan Lake Committee, voiced concerns to Mrs. Heffron that the DLIA has been on the Lake Committee agenda, but a representative from the organization has not been present for the last several meetings for updates. Mrs. Heffron apologized for the miscommunication and wasn't aware of the situation. Mrs. Heffron stated that she will try and get a representative present for any future meetings that required DLIA updates. Commissioner Reider, Commissioner Johnson, Commissioner Beers and President Miller were in favor of the motion which carried unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING 2018 WEED HARVESTING CONCERNS – OFFLOADING SITES

Administrator DeLuca advised the commissioners that during a recent meeting with the WI DNR it was strongly suggested that the District look into a permanent offload site for all organic/inorganic material coming out of the lake. The district currently is able to offload all the weeds at a farm but no contract is in place. Eventually the farmer may change his mind or may not be able to keep up with all the material that the District needs to get rid of. Another concern is that future projects/equipment may allow the District to start skimming algae off the lake. This could lead to blue-green algae being offloaded as well. This type of algae may be toxic and should be disposed of on non-producing land. The DNR suggested to obtain at least 20 acres. The Administrator advised that a ten acre dump site would work for just plant matter but would need an additional 15 acres for plant matter and dredging. The commissioners requested to have the staff look into land costs and see if there were any reasonable options nearby.

CLOSED SESSION

President Miller made a motion to immediately convene to closed session at 10:55 a.m. The purpose of the closed session is to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session pursuant to section 19.85(1)(c), Wisconsin Statutes. Specifically to be discussed is land purchases in the Town of Delavan.

The motion was seconded by Commissioner Reider. A roll call vote revealed all commissioners in favor of the motion. The motion carried unanimously.

CLOSED SESSION

President Miller made a motion to remain in closed session. The purpose of the second closed session is to consider employment, promotion, compensation, or performance evaluation data of any public employee over which the government body has jurisdiction or exercises responsibility pursuant to section 19.85(1)(c), Wisconsin Statutes. Specifically to be discussed is the performance and duties of the secretary/receptionist.

The motion was seconded by Commissioner Beers. A roll call vote revealed all commissioners in favor of the motion. The motion carried unanimously.

RECONVENE IN OPEN SESSION

President Miller made a motion to reconvene in open session at 11:16 a.m. The motion was seconded by Commissioner Reider and carried unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING ANY CLOSED SESSION MATTERS

No further discussion on closed session matters.

DISCUSSION/POSSIBLE ACTION OR CONFIRMATION OF NEXT MEETING DATE

Commissioner Beers made a motion to move the next monthly meeting to January 17, 2017 at 9:00 a.m. Commissioner Reider seconded the motion which passed unanimously.

COMMENTS AND SUGGESTIONS OF CITIZENS PRESENT

No citizens present at this time.

FURTHER AGENDA ITEMS

None at this time

THE COMMISSION WILL RECESS FOR AN EMPLOYEE APPRECIATION LUNCHEON AT THE VILLAGE SUPPER CLUB

This will be strictly a social function and no District business shall be conducted.

ADJOURNMENT

There being no further items to discuss, President Miller made a motion to adjourn the meeting. Commissioner Reider seconded the motion which passed unanimously. The meeting adjourned at 11:28 a.m.



Kim O'Keefe, Secretary

Date Approved: 1/17/2018