

**DELAVAN LAKE SANITARY DISTRICT**

**MINUTES**

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**Regular & Closed Session**

**January 24, 2024**

**8:00 A.M.**

**CALL TO ORDER**

President Miller called the Regular and Closed Session Meeting to order at 8:00 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 (*Arrived 8:24*)  
Ted Kasch, Commissioner

Absent: None

**Other:** Administrator Jim DeLuca  
Adam Handel  
Ray Seitz  
Eric Ritchey  
Mitch Lepkowski  
Doug Snyder (Engineer)  
Luke Martell (Attorney)  
Dale Robertson (USGS)

Visitors: Mary Knipper

**DECLARATION OF A QUORUM**

President Miller declared a quorum present for doing business.

**APPROVAL OF MINUTES OF REGULAR MEETING OF DECEMBER 15, 2023**

After a review of the Regular Meeting minutes of December 15, 2023, Commissioner Kasch made a motion to waive the reading of the minutes and

approve the December 15, 2023, Regular Meeting Minutes as written. President Miller seconded the motion which carried unanimously.

## **FINANCIAL**

After a review and discussion of the bills represented by check numbers 29094 through 29160 and Allocation of Funds through December 31, 2023, Commissioner O'Keefe made a motion to accept payment of bills and Allocation of Funds as presented. President Miller seconded the motion which passed unanimously.

## **ADMINISTRATOR'S MONTHLY REPORT**

Nothing to add to the monthly report.

## **LAKE COMMITTEE REPORT**

None

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

None

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

Adam is working on repairs and maintenance for the weed harvesters. Commissioner Reider shared cattails can be reduced during the winter months by scrapping off the top of the plants that are above the frozen water. The plants below the water will die off as they have no oxygen. Administrator DeLuca stated this is something we can investigate.

## **DISCUSSION/POSSIBLE ACTION REGARDING USGS JOINT FUNDING AGREEMENT**

Dale Robertson shared the history of lake monitoring and the importance of monitoring the lake for future management decisions. The reason for changes in the lake can be missed when monitoring is only done every other year or even less often than that, as there can be unusual conditions that impact the lake's quality that may not be recorded. President Miller agrees with the importance but does not feel that the Sanitary District sewer payers should be paying for this. President Miller made a motion that the Sanitary District does

not approve the funds of \$34,265 as listed by USGS in the Joint Funding Agreement. Commissioner Reider seconded the motion, and a discussion took place. Commissioner O'Keefe felt if the Sanitary District wants the Town of Delavan to absorb the entire cost of the USGS lake monitoring expense, they should be given advance notification for budgeting purposes. Commissioner Kasch felt the Cities of Delavan and Elkhorn should be contributing to the joint funding of this agreement. A vote was taken, and the motion failed with a 1 aye, 4 nay vote. President Miller, aye, Commissioner O'Keefe, nay, Commissioner Kasch, nay, Commissioner Reider, nay, Commissioner Beers, nay. Commissioner Beers made a motion to fund the USGS Joint Funding Agreement in the amount of \$34,265. Commissioner O'Keefe seconded the motion, and a discussion took place. A vote was taken and passed with a 3 aye, 2 nay vote. President Miller, nay, Commissioner O'Keefe, aye, Commissioner Kasch, aye, Commissioner Reider, nay, Commissioner Beers, aye.

#### **DISCUSSION/POSSIBLE ACTION REGARDING VILLA CLARE ESTATES REIMBURSEMENT AGREEMENT**

Administrator DeLuca discussed a standard Developers Reimbursement Agreement draft that Attorney Riffle prepared and was sent to the developer for review and potential changes. When he received it back, it was signed, and the developer agreed to deposit \$12,000 into an account at the District which we can draw from to cover engineering and legal expenses for the development. President Miller would like additional language to clarify when additional funds need to be received from the developer to replenish the account as reimbursed expenses deplete the account. Additional language will be added to reflect when the account reaches 5% of the \$12,000, additional funds will be added to bring the account balance up to 50% of the original \$12,000 deposit within 30 days from the date a notice and invoice is sent. If funds are not received, interest will accrue at 1.5% and all work and reviews will stop until funds are received. Commissioner O'Keefe made a motion to have our Attorney take the language recommended by the Commission and implement it into the new standard Developer's Reimbursement Agreement and forward it to the developer without the Commissions subsequent review. Commissioner Beers seconded the motion which carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING LIFT STATION #2A PROJECT**

Doug Snyder discussed the bid results and additional information he has gathered since the bid opening. Bids came in higher than what was estimated. There were two bidders and the base bid amount which included concrete pavement was \$1,038,200 and the base bidder offered a deduct of \$34,000 if

asphalt is used rather than concrete for the driveway. The soil condition was a huge factor in the bidding process. The low bidder stated if we could take some of the unknowns away, they would work with us on the bid price. A soil boring was done and confirmed the need for dewatering which is what the low bidder expected. The bidder is willing to offer \$6,000 which will pay for the soil boring expense as they did want this done. We have also received an easement document where the property owner will allow the District to use their asphalt driveway in exchange for the District replacing their entire driveway, repair and restore any damage done to sprinklers along the driveway, accent lighting that is affected, and damaged landscaping. They would also like a 3-year removal warranty on any large trees adjacent to the driveway that an arborist determines are dying. The restoration and repair costs should be covered up to the savings of \$34,000 which is the difference in cost for using asphalt as opposed to concrete on the driveway. Doug recommended the Commission sign the easement and then award the contract. Commissioner O'Keefe made a motion to accept the alternative to the contract and award the contract to Mid City Corporation for \$1,004,200. Commissioner Beers seconded the motion and further discussion took place. Commissioner O'Keefe updated his motion to include the conditions stated in the property owners' letter to the District dated December 27, 2023. Commissioner Beers seconded the updated motion and the motion passed unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING MOWER REPLACEMENT & TRADE-IN**

Administrator DeLuca shared the current mower is 20 years old and keeps breaking down. Eric has done research and is recommending that the District go with the Ferris ISX 800 for which we received a quote of \$9,999. We can try to sell the old mower for around \$1,500 and tool cat deck for around \$1,800. Commissioner O'Keefe made a motion to allocate the funds to purchase the 2023 Ferris ISX 800, 27HP, 61" deck with Briggs and Stratton engine not to exceed \$9,999. President Miller seconded the motion which carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING NALMS ATTENDANCE – NOVEMBER, 2024**

Administrator DeLuca shared NALMS stands for North America Lake Management Society. When he started, Charlie took him to a NALMS convention and thought it would be good to take Adam to the convention. This year's convention is in Lake Tahoe and Dale Robertson will be doing a presentation on Delavan Lake. Commissioner O'Keefe made a motion to approve sending Administrator DeLuca and Adam to the NALMS conference in

Reno in 2024 at cost not to exceed \$5,000. Commissioner Beers seconded the motion which passed unanimously.

### CLOSED SESSION

President Miller made a motion that the commissioners, upon duly made and carried, will immediately convene to closed session. Commissioner Beers seconded the motion, a roll call vote was taken, and the motion carried unanimously. The purpose of the closed portion of the meeting 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)(e), Wisconsin Statutes. Specifically, to be discussed is land purchases or sales in the Town of Delavan.

### RECONVENE IN OPEN SESSION

Commissioner Beers made a motion to reconvene in open session at 9:54 a.m. The motion was seconded by President Miller which carried unanimously.

### CONSIDERATION OF FUTURE AGENDA ITEMS

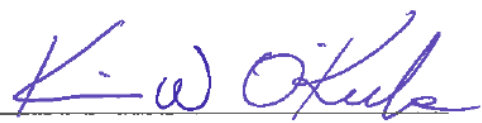
None

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

The next regular meeting date is scheduled to be held on February 21, 2024, 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 9:54 a.m.



Kim O'Keefe, Secretary

Date Approved: February 21, 2024