

**DELAVAN LAKE SANITARY DISTRICT**

**MINUTES**

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**Public Hearing**

**July 17, 2019**

**9:00 A.M.**

**CALL TO ORDER.**

President Miller, called the Public Hearing 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

Absent: None

Other: Administrator Jim DeLuca  
Charlie Handel  
Stan Riffle (Attorney)

Visitors:	Carol Dahl	David Patzelt
	Frank Sciakitano	Deneen Krantz
	Joanne Kiepura	Mary Knipper
	Maureen Denard	Barbara Svachula
	Karla Bockholt	Marsha Lauer
	Mike Grohe	Valerie Grohe
	Donald Svachula	Ann Krejci
	John Strepek	Connie Strepek
	Russell Collins	Peter Kilcrece
	Karen Bordes	Richard Lauer
	Katherine Gaulke	Raymond Ferrara
	Mary O'Connor	

**DECLARATION OF A QUORUM.**

President Miller declared a quorum present for doing business.

**PUBLIC HEARING FOR SPECIAL ASSESSMENT OF OBTAINING SANITARY SEWER EASEMENTS – SHORES OF DELAVAN**

Attorney Stan Riffle shared the Shores of Delavan is a single family development being developed and sanitary sewer is being put in. In the planning process of putting in new sewer for a development, whether this sewer can serve other properties not in the development is taken into consideration. In this situation, there are 6 properties that could be served by the sanitary sewer being put in. By Wisconsin State Statute Administrative Code, the developer can request a fair value reimbursement from those properties in the event they do connect to the sanitary sewer. This is based on the subdivision not receiving a benefit while others do receive a benefit. There is an easement that will be required for the District to be able to put in extension of sewer to get it to a point in the right of way adjacent to the 6 parcels. A Preliminary Resolution and a Final Resolution putting a deferred assessment out there against the 6 properties that are involved in order to make this sanitary sewer service available is under consideration. This assessment only gets paid if the property is hooked up to the sanitary sewer. When paid, it is a pass through, paid to the District and the District reimburses the Developer.

**PRESENTATION OF THE ENGINEERS REPORT AND APPRAISALS**

The District got an appraisal at the expense of the Developer and that appraisal shows the land the District is taking to make this benefit available to the 6 parcels is \$13,000. The District's engineer put together an engineering report concluding that the fair value to each unit is \$2,166.

**RECEIVE PUBLIC COMMENTS**

Attendees were given an opportunity to address the Commission in regard to this Public Hearing however, no one had any comments or questions.

**CLOSING OF THE PUBLIC HEARING**

Commissioner Johnson made a motion to close the public hearing regarding the Proposed Easements for future connections on County F. Commissioner Beers seconded the motion which carried unanimously.

**ADJOURNMENT OF PUBLIC HEARING**

The Public Hearing adjourned at 9:07 a.m.

**DELAVAN LAKE SANITARY DISTRICT**

**MINUTES**

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**Regular Meeting**

**July 17, 2019**

**9:07 A.M.**

**CALL TO ORDER.**

President Miller, called the Regular Meeting to order at 9:07 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

Absent: None

Other: Administrator Jim DeLuca  
Charlie Handel

Visitors: David Patzelt                      Frank Sciakitano  
Deneen Krantz                              Joanne Kiepura  
Mary Knipper                                Maureen Denard  
Barbara Svachula                          Karla Bockholt

Marsha Lauer  
Valerie Grohe  
Ann Krejci  
Connie Strepek  
Peter Kilcrece  
Richard Lauer  
Raymond Ferrara

Mike Grohe  
Donald Svachula  
John Strepek  
Russell Collins  
Karen Bordes  
Katherine Gaulke  
Mary O'Connor

## **APPROVAL OF MINUTES OF REGULAR MEETING JUNE 19, 2019**

After reviewing the minutes of June 19, 2019, Commissioner Beers made a motion to approve the minutes as written. Commissioner O'Keefe seconded the motion which passed unanimously.

## **FINANCIAL**

After a discussion and review of the bills, Commissioner Beers made a motion to approve payment of bills represented by check numbers 26552 through 26606. Commissioner Johnson seconded the motion which carried unanimously.

The Allocation of Funds through June 30, 2019 and Financial Statements were reviewed and discussed. We're keeping money available in the money market as we have the force main project that is going out for bid in August.

## **ADMINISTRATOR'S MONTHLY REPORT**

Administrator DeLuca discussed a letter we received from Walworth County inviting the District to participate in their Clean Sweep program. As this is a good program that we have supported in the past with a donation of \$50 to \$100, it was recommended we continue doing the same as past years.

The dump truck had a brake failure that cost approximately \$1,400 to repair and the crane truck developed a leak in the hydraulic which is in the process of getting repaired which should cost approximately \$1,500 to \$1,600.

Administrator DeLuca handed out budget worksheets for the Commissioners to take home with them and prepare for future budget workshop meetings. These sheets are just a concept and include dredging.

## LAKE COMMITTEE REPORT

Commissioner Beers shared there was no Lake Committee meeting as there was no quorum.

## COMMENTS AND SUGGESTIONS OF CITIZENS PRESENT REGARDING AGENDA ITEMS

Karla Bockholt representing the South Bay Association requested information regarding the District's intentions now that they own the property at 4453 South Shore Drive. Administrator DeLuca shared as of now the District is planning to use it for parking the harvesters when harvesting that area of the lake. Weeds are being offloaded at Blue Gill Road. The only time weeds would come off at 4453 South Shore is if the harvester broke down. We would then pull off what is on the machine so that it doesn't create a stench. While the Association understands the importance of harvesting the weeds, they want to make sure that the members have their lake lot and access to what they are doing. They also want to make sure they don't have the same situation as Manor Lane considering they are also zoned R2. Karla also addressed the rough sketch of a truck turn around shown to them at the June meeting as this is a serious concern for them as a group. They are concerned that there might be another closed session whereby decisions are made and they lose their lake lot. Administrator DeLuca stated that whatever they do to the lot would not be a closed session. Frank Sciackitano questioned the posting on the DLSD website that stated Walworth County stopped all aquatic plant harvesting on the lake by issuing a stop work order. Administrator DeLuca stated he received an email from the State of Wisconsin with a note from Dave Bretl two days ago clarifying that the stop work order was just for Manor Lane. Mr. Sciackitano wanted to know if a clarification has then gone out to residents. Administrator DeLuca stated we are waiting for an official letter stating this from Walworth County. Mr. Sciackitano requested the Commissioners review these email releases to make sure they are true and correct as this message came across as a threat that if DLSD couldn't use this land that was just purchased to offload then they would stop harvesting the weeds. He felt this was a bullying tactic. He also stated that by purchasing property for the purpose of offloading, which is not something DLSD is able to do per zoning, shows that the fiduciary duty is not being exercised. Administrator DeLuca stated we are not offloading at these properties, we are using Blue Gill to offload. If we need to offload at these properties we will have to pursue the avenues to have the properties rezoned. At this time, we are going to continue using Blue Gill for offloading purposes as the Town is in

agreement with our use of Blue Gill for this purpose. Administrator DeLuca shared that the purchase of 4453 S. Shore was to accommodate equipment as we have 3 harvesters and a barge that need to be parked. Mr. Sciackitano stated that they are severely against any offloading of weeds at the property. If Blue Gill were to ever be taken away as an option for us to unload, they would help us fight to regain access to it. Mr. Sciackitano felt that paying overtime to workers to harvest the weeds would have been less expensive than purchasing property. Commissioner O'Keefe stated that there are other metrics that come into the equation. One is the weather which we don't have control over which also leads to safety concerns and the other is the wear and tear on the equipment. Mike Grohe spoke next sharing that the biggest concern is that we're going to do this without approval. He referred to a document from 2016 where Administrator DeLuca met with the County and were told the property was zoned 2A and would need a petition to rezone the property to Park District to allow for storage of a weed harvester. Mr. DeLuca stated we were told we couldn't do weed harvesting operations unless it was zoned P1. Parking a boat along the shore is a matter of interpretation per our attorney. As we are not doing lake operations from these properties no action has been taken to rezone the properties. Mr. Grohe stated that the turnaround shows that the intent is to use the property for offloading. Commissioner Beers encouraged everyone to suspend their belief that we are not trustworthy and to meet and discuss concerns as well as potential plans. Administrator DeLuca will be sending out a letter with a date and time for everyone to get together for an exchange of ideas and dialogue. Commissioner Beers confirmed that as long as we have the ability to offload at Blue Gill, it is not our intent to offload at 4453 S Shore. Marsha Lauer was concerned with the camera mounted on the house that is approximately 10 ft. from their porch as it records sound as well as video. She felt this was an invasion of privacy. The purpose of the camera is a security measure for the boats that are parked there and the camera is focused toward where the boats are parked. Recognizing that it potentially could pick up conversation from the neighbor Charlie will see if we can turn the sound feature off. Mr. Sciackitano also requested that we level the ground out where we dug the borings as it is very uneven and if someone got hurt on our property we could be sued. Administrator DeLuca stated we would look into this concern.

**DISCUSSION/POSSIBLE ACTION REGARDING PRELIMINARY RESOLUTION  
DECLARING INTENT TO EXERCISE POLICE POWER AUTHORITY FOR  
SPECIAL ASSESSMENT OF OBTAINING SANITARY SEWER EASEMENTS –  
SHORES OF DELAVAN**

Commissioner O'Keefe made a motion to approve the Preliminary Resolution Declaring Intent to Exercise Police Power Authority for Special Assessment of Obtaining Sanitary Sewer Easements – Shores of Delavan. Commissioner Beers seconded the motion which carried unanimously.

**DISCUSSION/POSSIBLE ACTION REGARDING FINAL RESOLUTION  
DECLARING INTENT TO EXERCISE POLICE POWER AUTHORITY FOR  
SPECIAL ASSESSMENT OF OBTAINING SANITARY SEWER EASEMENTS –  
SHORES OF DELAVAN**

Commissioner O'Keefe made a motion to approve the Final Resolution Declaring Intent to Exercise Police Power Authority for Special Assessment of Obtaining Sanitary Sewer Easements – Shores of Delavan. Commissioner Beers seconded the motion which carried unanimously.

**DISCUSSION/POSSIBLE ACTION REGARDING – RECAPTURE AGREEMENT –  
SHORES OF DELAVAN**

Administrator DeLuca received easements that need to be reviewed to confirm accuracy of legal descriptions at 3:00 p.m. yesterday and Doug of Baxter and Woodman has not had a chance to review them. Commissioner Johnson made a motion to approve the Recapture Agreement – Shores of Delavan contingent upon Doug reviewing and approving the legal descriptions of the easements to be recorded. Commissioner Reider seconded the motion which passed unanimously.

**DISCUSSION/POSSIBLE ACTION REGARDING – CLARIFICATION  
AGREEMENT - SHODEEN**

Commissioner Beers made a motion to approve the Clarification Agreement – Shodeen. Commissioner Johnson seconded the motion which passed unanimously.

**DISCUSSION/POSSIBLE ACTION REGARDING – TERMINATION OF EASEMENTS - SHODEEN**

Commissioner Beers made a motion to approve the Termination of Easements – Shodeen. Commissioner Johnson seconded the motion which passed unanimously.

**DISCUSSION/POSSIBLE ACTION REGARDING – SEWRPC DISCUSSION – DALE BUSE**

Administrator DeLuca shared the purpose of the SEWRPC discussion is to revise the lake management plan which will most likely be headed up by the Town of Delavan as they did the original. There will be parts of it that the District will be responsible for and we need to clarify who will be responsible for doing each item in the plan. While Dale is not here today, he was asked to attend the Lake Committee meeting on August 7, 2019. A special meeting with Dale, the Town and DLSD was discussed in order to identify the scope of the work to be done.

**DISCUSSION/POSSIBLE ACTION REGARDING – KITCHEN REMODEL – FLOORING REPLACEMENT**

Administrator DeLuca would like to replace the floor in the kitchen area and presented the Commission with cost for different types of flooring options. President Miller would like to physically walk through the kitchen and work that Administrator DeLuca would like to have done to discuss options and cost.

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

Administrator DeLuca requested establishing budget workshop dates. Commissioner O’Keefe suggested having the workshop meeting before and on the same day as the monthly meeting. It was decided to have the first workshop meeting on August 14, 2019 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 August 14, 2019 at 9:00 a.m.



**ADJOURNMENT**

There being no further items to discuss, Commissioner Beers made a motion to adjourn the meeting. Commissioner O'Keefe seconded the motion which carried unanimously. The meeting adjourned at 11:15 a.m.

  
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Kim O'Keefe, Secretary

Date Approved: 8/14/2019