

**DELAVAN LAKE SANITARY DISTRICT**

**MINUTES**

---

**Regular Meeting and Closed Session**

**July 18, 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 (*via telecom*)  
David Reider, Commissioner  
Richard Beers, Commissioner

Visitors: Mary Knipper, Dave Patzelt

**DECLARATION OF A QUORUM.**

President Miller declared a quorum present for doing business.

**APPROVAL OF MINUTES OF REGULAR MEETING OF JUNE 20, 2018, SPECIAL MEETING OF JUNE 26, 2018**

President Miller made a motion to waive the reading of the minutes of the regular meeting of June 20, 2018. Commissioner O'Keefe made a motion to approve the minutes as written. Commissioner Reider seconded the motion which carried unanimously.

President Miller made a motion to waive the reading of the minutes of the special meeting of June 26, 2018. Commissioner O'Keefe made a motion to approve them as written. Commissioner Beers seconded the motion which carried unanimously.

## **FINANCE**

After reviewing the bills, Commissioner O'Keefe made a motion to approve payment of bills represented by check numbers 25985 through 26030. Commissioner Beers seconded the motion which carried unanimously.

Commissioner O'Keefe made a motion to accept the Allocation of Funds report for the period ending on June 30, 2018 and place on file. The motion was seconded by President Miller and carried unanimously.

Commissioner O'Keefe made a motion to accept the Financial Statements for the period ending on June 30, 2018 and place on file. The motion was seconded by Commissioner Reider and carried unanimously.

## **ADMINISTRATOR'S MONTHLY REPORT**

Administrator DeLuca shared that the new equipment was up and running. A light weight mesh gate was ordered for the new dump truck to replace the tailgate it came with as the stainless steel one is extremely heavy.

Lift station 2 is almost done. The grouting of manholes is going good. An increase in diggers hotline service requests are being received due to all the infrastructure changes taking place right now. Gate 3 on the dam should be getting fixed tomorrow morning.

Commissioner O'Keefe made a motion to accept the Administrator's Monthly Report and place it on file. The motion was seconded by Commissioner Reider and carried unanimously.

## **LAKE COMMITTEE REPORT**

Commissioner Beers gave a report on the Lake Committee meeting. There were two contributions to the Pellet Project from the City of Delavan and the City of Elkhorn totaling \$4,000, of which we will receive 50% as reimbursement for our contribution to the project. Commissioner O'Keefe requested DLSD ask the Town of Delavan for copies of the letters that went out to the City of Elkhorn, City of Delavan and the Village of Walworth requesting participation/contributions in the Mound Road Pellet Program.

A budget for next year was discussed and the Lake Committee recommended to allocate the same amount as last year for lake projects that they know of which

include half of the lake monitoring along with some anticipated such as potential pellet projects. Commissioner O'Keefe requested DLSD obtain a copy of the Town of Delavan budget.

The Lake Committee has approximately \$297,000 in the lake fund right now. Commissioner O'Keefe would like to know the Committee's criteria for dipping into that. If there is a reason that the Lake Committee sees for use of the funds, they make a motion to the town board outlining the project and requesting the funds.

The question of whether the Lake Committee has considered using the funds for dredging the lake was asked. Commissioner Beers stated that has not been discussed.

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

None

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

Charlie shared an update on the samples that are being taken every two weeks as well as the phosphorus sampling which is done monthly. A discussion on what samples are taken and the frequency of these samples took place. Mary Knipper had notes that stated water samples would be taken at 5 locations on the lake every two weeks. These locations are the Mound Road bridge, Highway 50 bridge, the deep hole and the east and west ponds. The samples taken are for total and dissolved phosphorus. The muck pellets are also being tested for orthophosphorus. It was decided that we test the other locations for orthophosphorus as well. A request was made for a schedule showing what day samples are to be taken, what physical samples are being taken and the cost of the samples. They would like to see what data we have gathered by the next meeting. It was decided that samples should be taken weekly and Charlie was asked to update the testing protocol to include weekly sample testing including orthophosphorus testing.

#### **DISCUSSION/POSSIBLE ACTION REGARDING LAND ACQUISITION UPDATE**

Administrator DeLuca shared we are still looking at sites. This item will be removed from the agenda until Administrator DeLuca has more to share.

**DISCUSSION/POSSIBLE ACTION REGARDING HARVESTER REPLACEMENT PROGRAM & GRANTS**

Charlie shared that August 14, 2018 he will go to the DNR in Madison and give a presentation on what we received this year and what we would like to replace next year.

**DISCUSSION/POSSIBLE ACTION REGARDING DNR REQUIRED WEED AND SOIL DISPOSAL SITES**

Administrator DeLuca shared we do not have any sites to discuss at the present time. The DNR would like us to have separate sites for disposal of weeds and soil disposal.

**DISCUSSION/POSSIBLE ACTION REGARDING BORG ROAD MARSH EASEMENT – COST SHARING AGREEMENT WITH WALCOMET PENDING APPROVAL**

Administrator DeLuca shared that WalCoMet does not want to cooperate on the easement path as they do not see a value in doing that just yet. Another alternative is being worked on which involves an easement to the south that, although a little longer, will take us directly to the center of our sewer system.

**MOTION TO MOVE AGENDA OUT OF ORDER**

President Miller made a motion to take the agenda out of order to address item 16 to accommodate David Patzelt from Shodeen Development. Commissioner O'Keefe seconded the motion. The motion carried unanimously.

**DISCUSSION/POSSIBLE ACTION SHODEEN DEVELOPMENT SHORES OF DELAVAN REVIEW**

Doug Snyder of Baxter and Woodman handed out reports and a review letter. He gave an update as to where we are to date on the project and went over a proposed review letter that he drafted yesterday. He went over an engineer's report that was shared with the Commission back in March when he was at DLSD as well as a list of deficiencies prior to the developer's agreement dated January 5<sup>th</sup>, and a color sketch showing easements that we need for this development to happen.

There are seven items that need to be addressed. Of those seven, the easements are the biggest contention from an engineering standpoint. These need to be in place in order to provide long term sewer service. The width of the easement and the crossings underneath the ponds, noted in items 1 and 7, are an issue between the developer and the District. DLSD proposed sewers are going to cross under storm water structures right next to two ponds on each side with at least 6 feet of water in it at all times. The 2005 master plan shows a 15 inch sewer connection in between lift station 10 and this development. The developer in his January 5, 2018 plan is proposing an alternative to that. To follow this alternate format, Doug would like a large steel pipe casing installed so the sewer could be properly maintained in the future. If steel casings are put in, easements less than 30' in width could work. A 20' easement would work if there was a right-of-way on the south end of it. If steel casings are not used, easements much larger than 30' will be needed and the ponds would need to be reconstructed if there is a need to access the sewer pipe. Next, in item 2 there is a 30' wide easement being requested between two properties. If the District can get that easement and put half on each property, it would be an affordable way to provide gravity sewer service to the horse farm and all the parcels that front on County Road F that aren't served by this development. The easements in items 3, 4, 5 & 6 on the list are not in public right-of-ways. They are between parcels. The District would like 30' easements, similar to the previous easement, so that they are able to access and maintain the sewer.

Doug has newer plans from the developer that are dated January 17, 2018 and has done a review of these. If the District approves these plans without making the developer do what is being asked, they would violate the DLSD master plan that was approved in 2005. There was an addendum to the plan for Shodeen lands that was never approved and Dave Patzelt of Shodeen Development feels that might be where one of the conflicts is coming from. The addendum still shows a 15" sewer requirement. Doug stated that this is what needs to be corrected before signing the agreement. The addendum needs to be updated to show the two sewer connections, a 10" and an 8".

In 2005 Baxter Woodman did a master plan for sewer for DLSD that showed a 15" sewer connection between lift station 10 and the Shores of Delavan Lake. Everything to the north and east would be served from that gravity service. No more pump stations.

In 2012 the developer wanted the District to take a look at an alternate that would allow them to make two connections (a 10" and an 8" sewer connection)

which they are proposing, and in the future provide a permanent lift station to serve the lands to the north and east of the Shores of Delavan Lake. It's important that potential purchasers of the property further east and north don't think that they are getting gravity service from the district.

David Patzelt's concern is with the final engineering for gravity sewer coming through his property. The use of two pipes has created a new request to change this master plan. He's concerned that if he makes these changes more changes will come up and he'll have more engineering changes needed.

Doug stated that the District is asking the developer to provide permanent 30' easements just like the initial request. Any changes as of July 17, 2018 on the review letter are in bold. The second one is the basis of design – the last sentence of it is “provide a basis of design to serve as an addendum to the 2005 master plan. The Basis of Design must follow the attached concept from the 2012 Mound Road Estates, must be sealed by the engineer of record for the project (we can do this if you wish at a cost of approximately \$6,000).” Under general and all sheets, change the proposed materials to match the current requirements. What was approved in April needs to be on the plan sheets. One of the few changes made in April was the tracer wire that was added by state law for safety reasons. The developer would like to lower the gauge of the wire that is allowed by the state however, we prefer a larger wire as they read better.

Dave Patzelt said in late 2017 engineering was submitted. Then in early 2018 they got a review letter on the final engineering from DLSD. They got their zoning finally approved after 10 years by the Town of Delavan, the zoning gets approved by the County of Walworth, they have their final engineering, we think they are finally ready to go ahead with the project and they come in to start the discussion on the developers agreement back in March, and in April of 2018 DLSD changes their specifications. All of Shodeen's work was done based on the 2005 specifications and they have no problem matching those. They have no problem matching the state specifications for the sewer and water. They object to many of the items in the changed specifications and believe there are errors in the specifications that are drafted. While headway was made at a meeting they had with the Town of Delavan, DLSD and Doug from Baxter and Woodman, there are eight items that Doug suggested Shodeen submit as a variance to the specifications. They did this and now of the eight items, DLSD is only going to agree to two of the items which are the items that are clearly a mistake in the specifications. It says the developer has to bring the documents to DLSD and DLSD will record them. DLSD doesn't record documents, the County does. Those two items DLSD agreed to, the other six are in contention.

Of the six items, two of the items are tracer wire. Dave noted that at this meeting, another request is added in regard to the \$6,000 master plan. Item 3 says the easements shall be for the exclusive use of the District. There are other utilities that will need access and need to use the easements. Doug stated that we can grant access for special cases on a case by case basis. This is to maintain control and keep others out.

Other than the gauge requirements on the tracer wire, Doug stated all his comments apply to the 2005 Specification Standards. Dave stated he was made aware of the exclusive easement requirements in a May 2018 letter after the adoption of the April 2018 Specification Standards. Doug stated DLSD has had two other developments with Shodeen that required exclusive easements. Lake Prairie Business Park has approximately 30 exclusive easements. Mound Road Estates is the same. They have 30' wide exclusive DLSD easements. Dave stated Lake Prairie Business Park was never going to be built and Mound Road Estates was a quick hurry up just get a plat approved so that it could end up going to the County and State boards.

Doug also noted that the plans presented by the developer do not meet the sanitary sewer main pipe minimum 8" SDR26 requirement. Right now, their plans show SDR36 a thinner wall pipe. Also the 2005 Specification Standards say to use PVC pressure pipe conforming to AWWAC 900 class 150 in areas served by individual private wells. The developer is not proposing any of that material. Discussions did take place regarding what needs to be shown in order to use the SDR26.

The bedding and cover material, granular backfill underneath paved surfaces and consolidation by means of mechanical compaction, are all items that Shodeen is requesting a variance for. Doug recommends keeping the language as is. Dave stated they are using the State specifications.

Doug states that his recommendations, other than the tracer wire, are consistent with the 2005 Specifications Standards. Dave disagrees with that. The commission would like Dave to show how he is following the 2005 Specifications Standards. They would like to have it for review two weeks prior to the August 15<sup>th</sup> meeting. It was decided to table this item.

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

Doug Snyder from Baxter and Woodman shared he is still collecting data at this point. This item was tabled.

**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 requested this be put on the agenda as he wasn't getting a response from the paving contractor. In the last couple days the contractor did come out to the site and agreed to remove the first 2" of material and give us a new surface. We may be able to keep the grindings to use at lift stations and such. This option needs to be looked into and negotiated.

**DISCUSSION/POSSIBLE ACTION REGARDING STAFF RECOMMENDATION TO ADD A THIRD FUEL TANK FOR OFF-ROAD DIESEL (USED IN GENERATORS, HARVESTERS, EASEMENT MACHINE)**

Administrator DeLuca shared that with the fourth harvester, we're consuming a huge amount of fuel. Frawley has to come just about every other day to fill up the fuel truck. Also, the current tank that is stationary in the yard is starting to rust on the bottom. To replace one tank and get an additional new tank for off road diesel would cost \$25,000. Commissioner O'Keefe made a motion to accept the Glaus Industries, LLC proposal to replace the existing gasoline tank and purchase a new off road diesel tank. Commissioner Beers seconded the motion. The motion carried unanimously.

*Commissioner Johnson left the meeting via telecom at 11:45*

**DISCUSSION/POSSIBLE ACTION REGARDING REPAIRS/REPLACEMENT OF 2006 DUMP TRUCK**

Administrator DeLuca discussed the need to repair or replace the 2006 dump truck. The 2006 dump truck had an engine failure. The cost to fix it is approximately \$4,200. The other option is to sell the truck as is and spend approximately \$67,000 for a new dump truck. After discussion on the condition and remaining life of the 2006 dump truck, Commissioner O'Keefe made a motion to repair the dump truck. Commissioner Beers seconded the motion. The motion carried unanimously.



**CONSIDERATION OF FUTURE AGENDA ITEMS**

A discussion took place on the policy and procedure for placing items on the agenda once the meeting has adjourned. Administrator DeLuca shared that a Commissioner e-mails a request to have something put on the agenda and he e-mails it to the other Commissioners. The Commissioners individually e-mail back and if he gets two or more positive responses he puts the item on the agenda. A concern that two responses was not a majority was brought up. Administrator DeLuca will work on the language for the policy of adding items to the agenda.

Commissioner Reider made a motion to add "managing the invasiveness of cattails and lily pads" to the next agenda. Commissioner Beers seconded the motion. A vote of 2 yes, 2 no was taken. The motion did not pass.

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

Administrator DeLuca shared the importance of scheduling a budget workshop. It was suggested to have the budget workshop on the same day as the next regular Commission Meeting. The budget workshop which will have a separate agenda from the regular meeting is scheduled for 7:30am on August 15, 2018.

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

The next regular meeting date is scheduled to be held on August 15, 2018 at 9:00am.

**CLOSED SESSION.**

Commissioner O'Keefe made a motion to go into closed session at 12:08 p.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 Beers and a roll call vote showed all commissioners present in favor of the motion.

**RECONVENE IN OPEN SESSION**

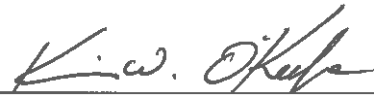
Commissioner O'Keefe made a motion to reconvene in open session at 12:12 p.m. The motion was seconded by Commissioner Beers and passed unanimously.

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

None

**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 12:15 p.m.



---

Kim O'Keefe, Secretary

Date Approved: 8/15/2018