

DELAVAN LAKE SANITARY DISTRICT

MINUTES

Regular Meeting & Closed Session

May 13, 2019

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

Absent: none

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

Visitors: Adam Lasch
Karla Bockholt
Marsha Lauer
Valerie Grohe
Donald Svachula
Barbara Svachula
David Patzelt
Katherine Gaulke
Christina Green
Marge Tourville

DECLARATION OF A QUORUM.

President Miller declared a quorum present for doing business.

CLOSED SESSION.

Commissioner O'Keefe made a motion to immediately convene into closed session in accordance with section 19.85(1)(g), Wisconsin Statutes, for conferring with legal counsel concerning strategy to be adopted with respect to possible litigation in which it is or is likely to become involved with respect to possible developments within DLSD Sanitary Sewer Boundaries. Upon completion of the closed session, the Commission will reconvene into a second closed session.

The purpose of the second closed session portion of the meeting is to consider, 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 as authorized under Section 19.85(1)(e), Wisconsin Statutes. Specifically, to be discussed is land purchased in the Town of Delavan. Upon Completion of the closed session, the Commission will reconvene into open session. The motion was seconded by Commissioner Beers and a roll call vote showed all commissioners in favor of the motion.

RECONVENE IN OPEN SESSION

Commissioner Beers made a motion to reconvene in open session at 9:41 p.m. The motion was seconded by Commissioner O'Keefe and passed unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING CLOSED SESSION MATTERS

None

MOTION TO MOVE AGENDA OUT OF ORDER

Commissioner Beers made a motion to take the agenda out of order to address item 16, 17 and 19 to accommodate Commissioner O'Keefe who will need to leave the meeting early. Commissioner O'Keefe seconded the motion. The motion carried unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING PELLET PROJECT QUOTE = LAKE AND POND SOLUTIONS CO.

Commissioner Reider handed out additional information at the meeting to the other Commissioners in regard to the pellet project. Commissioner O'Keefe requested all information to be reviewed and discussed at the meeting be provided to the Commissioner's prior to the meeting as an informed discussion is difficult given the lack of time to review the document(s). Rather than discuss the handout, Commissioner Reider stated that the charts that contributed to the pellet decision were incorrect as the graph measurements didn't show the phosphorus levels at Petrie Road, Mound Road and Hwy 50. Also, the sediment was measured from the water level at the top of the water surface to the top of the sediment. No one ever measured the sediment, therefore, evaluations in regard to the sediment are insignificant as there is no base line. He requested those two things be reviewed for future discussion.

DISCUSSION/POSSIBLE ACTION REGARDING DREDGING CAPITAL PROJECTS

Commissioner O'Keefe shared the Lake Committee's decision and support for dredging. The Lake Committee has proposed up to a \$1.2 million capital expenditure toward a dredging project. They would like to include DLSD and requested our participation with the contribution of a boat. The possibility of contributing the 13 year old conveyor barge was discussed in order for Aquarius to turn it into the optimum machine to be used in the ponds and other areas. The different types of sediment in the ponds may require more in-depth research into the type of equipment needed as the center of the ponds has a hard gravel sediment as opposed to the softer sediment toward the sides of the pond. The infrastructure would have to be mildly improved with additional limestone as well as the creation of a launching section for the dredging equipment. There also needs to be an intergovernmental operating agreement between the Town of Delavan and the Sanitary District. Ideally, this agreement would include the City of Elkhorn, The City of Delavan and the Town of Walworth as well. A commitment by all the entities would recognize the economic asset that Delavan Lake is to the area. If all parties contribute to the maintenance, the cost of dredging wouldn't be overwhelming to any one entity. What Commissioner O'Keefe envisions is the Town of Delavan purchasing the equipment and the Sanitary District providing the operation, maintenance, and storage as the District has been doing this for so many years, they have the experience. The

potential for grants was discussed. For now, this is just informational as the Town needs to commit the funds to this project to move it forward.

DISCUSSION/POSSIBLE ACTION REGARDING SHODEEN DEVELOPMENT'S RECAPTURE AGREEMENT REQUEST

Attorney Stan Riffle explained the only reason for a recapture agreement is the recapture of the reasonable value of the easement that the District is asking the developer to place on the plat. In order to determine what the value of the easement is, an appraisal needs to be done by an appraiser approved by the District, at the developer's expense. The value of the easement determined by the appraisal will be put into the recapture agreement and the District will sign it. Dave Patzelt of Shodeen and the Sanitary District agreed on Deusterbeck Appraisal handling the appraisal. Attorney Stan Riffle will contact Deusterbeck Appraisal to obtain a proposal to present to Shodeen Development.

Dave Patzelt wanted to clarify the number of easements to be included in the recapture agreement. Stan clarified that only those easements where off-site properties would be hooking in to the sewer pipe would be included in the agreement. After reviewing the concept plans for the development that Doug Snyder had with him, one easement was confirmed as long as the other easements noted on the concept plan can be vacated. If they cannot be vacated those easements will be included in the recapture agreement. Doug Snyder will look into the feasibility of vacating the other easements.

Once the appraisal is done, the recapture agreement will be revised and presented to DLSD to sign. DLSD will do a special assessment that will set those amounts against off-site properties, figure out who will be benefited, figure out the approximate number of units and divide the value of the easement by the number of units, Notice of the preliminary public hearing will be given, and a final resolution will be done.

APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 17, 2019

After reviewing the minutes of April 17, 2019, Commissioner Beers made a motion to approve the minutes as written. A brief discussion took place. Commissioner Johnson seconded the motion which passed unanimously.

FINANCIAL

After discussion and review of the bills, Commissioner O'Keefe made a motion to approve payment of bills represented by check numbers 26462 through 26494. Commissioner Johnson seconded the motion which carried unanimously.

The Allocation of Funds through April 30, 2019 were reviewed and discussed. Commissioner O'Keefe commented on the lack of red ink notations on the report.

The Financial Statements for periods ending April 30, 2019 were discussed. Commissioner Johnson noted the increase in the WalCoMet Expense on the Statement of Income Report. Administrator DeLuca explained that flows are high as we've had a lot of rain events. Also, Dam Expenses and Lake Monitoring Expenses compared to last year have increased significantly. Administrator DeLuca explained that we are reimbursed by the Town for the Dam Expenses, and Lake Expenses appear higher because USGS is billing us incrementally now as opposed to previous years where USGS didn't bill for the contracted work until it was completed. President Miller made a motion to accept the Allocation of Funds and Financials through April 30, 2019. Commissioner Beers seconded the motion which passed unanimously.

ADMINISTRATOR'S MONTHLY REPORT

Administrator DeLuca shared that there have been some server issues with the WIN911 update that needed to be resolved. IT was brought in for both the SCADA and our server.

The increased number of visits to the dam are a result of the number of rain events we've encountered.

LAKE COMMITTEE REPORT

Commissioner Beers discussed the highlight of the Lake Committee meeting which was the request for a combination of phase 1 and phase 2 for the one-time dredging and maintenance dredging project.

Roy from Lake and Ponds Solutions gave a presentation at the meeting. This was the same presentation he gave to DLSD last month. In that presentation was the review of the proposal for pellets to be used in the channel of the inlets

and also in the corner next to the launching ramp but not the area north of there as water flows through there all the time. The Lake Committee agreed to that proposal for this year.

COMMENTS AND SUGGESTIONS OF CITIZENS PRESENT REGARDING AGENDA ITEMS

Val Grohe with the South Shore Committee requested an update on the status of the of 4453 South Shore Drive property purchase that the District is considering. She also shared that they are willing to facilitate an alternate solution and that Frank Sciackitano, one of the committee members, has been working with Administrator DeLuca and Charlie to find an alternate solution. Frank would like to act on the District's behalf but needs to hear back from the District and the District's Attorney as to how to start the conversation and proceed. They would like to request a special meeting or be added on the next meeting agenda for communication purposes. A written request with an agenda item needs to be made to Administrator DeLuca in order to be placed on the next agenda.

Administrator DeLuca shared that when he spoke with Frank, Frank was going to contact the property owners and have them call the District and speak to him. As of yet, Administrator DeLuca has not heard from anyone. Property owners need to be the first to make contact with the District as by state law we cannot make the initial contact.

As to an update on the 4453 South Shore Drive property purchase, it is still being considered at this stage. Nothing further has been committed.

DISCUSSION/POSSIBLE ACTION REGARDING OLD BUSINESS

None

Commissioner O'Keefe's excused himself at 10:38 a.m.

DISCUSSION/POSSIBLE ACTION REGARDING PRESENTATION BY ADAM LASCH

Adam Lasch gave a presentation on the value of no till, cover crops, and inter-seeding. One of the things that he has identified in this watershed is the sedimentation run off coming into the Delavan Lake. The hydrological soil type within the watershed is clay which doesn't allow for good water infiltration.

Thus the large run off we experience which creates sediment loss and phosphorus load.

Practices that can limit sediment on cropland are waterways, controlled drainage, terraces, saturated buffers, wetlands and places to hold water. The goal is to slow down the water to keep the soil in place. We need to employ practices that help cover the soil. Cover crops are one of the practices that does this. A cover crop is plants that we put in the land between cash crops, either with them, before or after them to help protect our soil.

There are six Soil Health Principles we follow when planting cover crops to limit soil loss. Armor on the soil surface to minimize harmful rain drop impact, limit disturbance, increase diversity, living root as many months of the year as possible, integrate animals for grazing and manures, and the final principal is context, meaning nothing is perfect and we need to consider the weather, soil type and other factors. Slides in the presentation showed the benefits of using cover crops.

While this system produces positive results using nature, incentive for the farming community is a problem. The initial cost includes investment and loss of potential income. One method to give the farmers an incentive to buy into this system is to fund and implement a plan to increase cover crop acreage. Another is to coordinate with all the stakeholders in the watershed. The divergent goals of all the stakeholders (government entities, land owners, home owners and lake users) makes this a tough coordination effort.

DISCUSSION/POSSIBLE ACTION REGARDING BROWN'S CHANNEL BANK STABILIZATION

Administrator DeLuca updated the Commissioners on the work being done. The old snowmobile trail was cleared out, the dead trees are gone and seasonal workers are going to be planting native plants in the bare areas. Once this first phase is finished we will look into a stream stabilization grant.

DISCUSSION/POSSIBLE ACTION REGARDING RESOLUTION NO. 2 OF 2019 APPROVING THE 2018 CMAR

Commissioner Beers made a motion to approve Resolution No. 2 of 2019 approving the 2018 CMAR. Commissioner Johnson seconded the motion which passed 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 June 19, 2019 at 9:00 a.m.

ADJOURNMENT

There being no further items to discuss, Commissioner Johnson made a motion to adjourn the meeting. Commissioner Beers seconded the motion which carried unanimously. The meeting adjourned at 11:32 a.m.



Kim O'Keefe, Secretary

Date Approved: 6/19/2019