

**DELAVAN LAKE SANITARY DISTRICT**

**MINUTES**

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**Regular Meeting and Closed Session**

**November 14, 2017**

**8:30 A.M.**

**CALL TO ORDER.**

President Miller, called the meeting to order at 8:35 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

Visitors: Greg Digieso  
William Mularkey  
Ed Thompson  
James Smith  
Stan Riffle, DLSD attorney

**DECLARATION OF A QUORUM.**

President Miller declared a quorum present for doing business.

**CLOSED SESSION**

President Miller made a motion that the commissioners, upon motion duly made and carried, will immediately convene to closed session. The purpose of the closed portion of the meeting is to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to litigation as authorized under §19.85(1)(g), Stats,. Specifically to be discussed is the use of District owned tax parcel FD 3200100 and installation of access improvements along Viewcrest Channel for maintenance purposes.

The motion was seconded by Commissioner Beers. A roll call vote revealed Commissioner Johnson and Commissioner Reider in favor. Commissioner O'Keefe gave notice that he would be arriving late to meeting and was not present at time. The motion carried unanimously.

*Commissioner O'Keefe arrived at 8:45 a.m.*

#### **RECONVENE IN OPEN SESSION**

Commissioner Beers made a motion to reconvene in open session at 9:14 a.m. The motion was seconded by Commissioner Johnson and carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING CLOSED SESSION MATTERS**

There was no additional discussion on closed session matters.

#### **MOTION TO MOVE AGENDA OUT OF ORDER**

President Miller made a motion to move agenda item number twelve to agenda item number seven in order to accommodate visitors. Commissioner O'Keefe seconded the motion which carried unanimously.

President Miller made a motion to move agenda item number thirteen to item number eight in order to accommodate visitors. Commissioner O'Keefe seconded the motion which carried unanimously.

#### **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 brought pictures of the blocked manhole that morning as well as his damaged basement. Mr. Digieso stated that due to illegal manipulation of a manhole his family suffered immensely and had over six inches of sewage throughout their basement. Mr. Riffle, the attorney for DLSD, made a recommendation to table the discussion at the direction of the insurance company until there is a determination to honor claim or not. The commission agreed with Mr. Riffle's recommendation but agreed to listen to the entirety of the property owner's plea before moving to the next agenda item. Mr. Digieso stated that there is history of the manhole being tampered with and that DLSD and the police were aware of the situation. The property in front of the

manipulated manhole had a tree cut down just before the rain event happened in July. When the manhole cover was removed, all the debris which was in the yard went into the lifted manhole and blocked up the sewer main causing all the raw sewage to go into the property owner's basement. If the problem would have been corrected sooner then his family would not have had to undergo such a traumatic event. There is speculation as to who has opened the manhole in the past but there is no evidence. The property owner doesn't want to focus so much on the rain event, but on the tampering of the manhole. The property owner feels that DLSD was negligent in this situation and that the incident could have been prevented. Mr. Digieso stated that almost all possessions in the basement were destroyed but worse yet their autistic son, whose bedroom was in the basement, lost most of his possessions. Their autistic son has not been coping with the situation well which has put great strain on the family. The property owner is requesting reimbursement in the amount of \$12,765.00 solely for construction and replacement costs. All receipts could be made available upon request.

The property owner would like the commissioners to be aware that due to the known history of the manhole being tampered with, and the failure to act by DLSD, the family suffered catastrophic damages to their home and put great strain financially and emotionally on the family. President Miller apologized for everything the family has been through and told him that the commission will make a decision on reimbursement after the insurance investigation is done. Commissioner O'Keefe made a motion to table any decision making until the final decision comes back from the insurance company. Commissioner Johnson seconded the motion which carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING CONNECTION FEES & SEWER CHARGES FOR 222 STATE ROAD 50**

Ed Thompson, attorney for William Mularkey of 222 Hwy 50, discussed with the commissioners the fees that are outstanding on Mr. Mularkey's property. The property on 222 Hwy 50 was thought to have been disconnected from the sewer back in 1991. Crew members recently discovered that the mentioned property was hooked up to the sewer but no permit was ever pulled for the property and it wasn't being billed. WalCoMet's policy is that the full connection fee is due for any property that has been disconnected for more than 10 years. A letter was sent on December 13, 2016 requesting the property owner to pay the \$6,735.00 for the connection permit. However, a proper disconnection was never made and the property was never actually disconnected. Mr. Thompson requests that the \$2,565.00 DLSD main sewer connection charge and \$100.00 administration fee be removed from the owners account. The property owner and Mr. Thompson will

be going to the WalCoMet board immediately following this meeting and asking them to remove their fees in the amount of \$4,320.00. The attorney has a letter from the administrator in 1991 allowing the improper disconnect and believes that they should not be responsible for the reconnection fee due to the lateral never actually be disconnected.

Commissioner O'Keefe advised that he believed either the reconnection fee needs to be paid for utilizing the lateral after a decade of having it improperly disconnected. Or the property owner needs to pay for the years of bi-monthly sewer charge fees that he hasn't been paying while the lateral has been hooked up. Mr. Thompson discussed that the property owner didn't utilize or have running water at the property till February of 2017. After much discussion, Commissioner O'Keefe made a motion to keep the bi-monthly sewer charges on the account from February of 2017 and to temporarily remove the late penalties and connection fees and table the discussion for the next thirty days pending the WalCoMet meeting. Commissioner Beers seconded the motion. Mr. Thompson requested to have the motion pushed back sixty days due to the property owner being out of town during the next meeting. A roll call vote revealed no commissioners in favor, motion was denied.

Commissioner O'Keefe made a motion to keep the bi-monthly sewer charges on the account from February of 2017 and to temporarily remove the late penalties and connection fees and table the discussion until the January 17, 2018 meeting, pending WalCoMet's decision. Commissioner Beers seconded the motion which carried unanimously.

#### **MOTION TO MOVE AGENDA OUT OF ORDER**

Commissioner O'Keefe made a motion to move agenda item eleven to agenda item nine in order to accommodate visitors. Commissioner Beers seconded the motion which carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING SEWER MAIN METERING – APPLIED TECHNOLOGIES**

Jim Smith from Applied Technologies advised the commissioners about different sewer main flow monitoring options available. Mr. Smith explained the process of how WalCoMet charges and how proper monitoring can save the district a considerable amount of money. The District currently has a demo monitoring unit in the marsh. Mr. Smith advised that there are 4 other areas that would be ideal

locations for monitoring stations. The marsh would be the optimal location to consider due to the amount of infiltration that can occur.

After much discussion, Commissioner O'Keefe made a motion to proceed with one new monitoring station in the marsh, not to exceed \$22,000. Commissioner Beers seconded the motion, after a brief discussion a roll call vote revealed no commissioners in favor, motion was denied.

Commissioner O'Keefe made a motion to proceed with one new unit for the marsh interceptor, not to exceed \$22,000 and request the Mulcahy Shaw Water demo monitoring unit be moved to 15" main as instructed by Jim Smith. Commissioner Beers seconded the motion which carried unanimously.

#### **APPROVAL OF MINUTES OF REGULAR MEETING OF OCTOBER 18, 2017, PUBLIC HEARING OF NOVEMBER 3, 2017, SPECIAL MEETING OF NOVEMBER 3, 2017**

After a brief discussion, Commissioner O'Keefe made a motion to waive the reading of the regular meeting minutes of October 18, 2017, public hearing of November 3, 2017, and the special meeting of November 3, 2017 and approve them as written. President Miller seconded the motion which carried unanimously.

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

No citizens present at this time.

#### **FINANCIAL**

After reviewing the bills, President Miller made a motion to approve payment of bills represented by check numbers 25577 through 25620. Commissioner Johnson seconded the motion which carried unanimously.

Commissioner O'Keefe made a motion to accept the Allocation of Funds report and the financial statements for the period ending October 31, 2017 and place on file. The motion was seconded by Commissioner Johnson and carried unanimously.

## **ADMINISTRATOR'S MONTHLY REPORT**

In addition to the monthly report already provided to the commissioners, Administrator DeLuca advised the commissioners that he is currently in the process of negotiating with USGS. He would like to have District staff remove the shed by the weir on Mound Road that is going to be replaced. The old shed could be moved to lift station two because the district needs one over the manhole while it is on bypass. The district would save money by not buying a new shed but reusing the old shed that was going to be replaced. All work at the district office and lift station nine is complete. The district project manager is working on a lining project and the sewer field staff is working on cleaning and jetting sewer mains. The administrator has been looking into getting the District's breakroom and back hallway flooring redone. The current floor is damaged and extremely hard to clean. After a brief discussion about flooring, the commissioners decided to table the decision till additional flooring quotes are obtained. A motion was made by President Miller to accept the administrator's monthly report as submitted and place on file. Commissioner O'Keefe seconded the motion which carried unanimously.

## **DISCUSSION/POSSIBLE ACTION REGARDING PURCHASE OF HARVESTER & CONVEYOR PER NOVEMBER 2, 2017 GRANT AGREEMENT**

Administrator DeLuca advised the commissioners that the District has been approved for a grant for a new harvester in the amount of \$66,617.00. The additional harvester would allow the District to have a designated harvester in the outlet, inlet, and two on the main lake. This will save the District immensely on time and cost due to the harvester needing to be cleaned and transported after moving to a different area. The District is also going to modify their tanker truck so it can transport the harvesters without being subject to the schedule of the Town of Delavan. Commissioner Beers made a motion to approve the modification of the District tanker truck and to accept the proposal by Aquarius Systems for the purchase of a harvester and conveyor in the amount of \$192,835.00. President Miller seconded the motion which carried unanimously.

## **DISCUSSION/POSSIBLE ACTION REGARDING LAKE MANAGEMENT PLAN UPDATING**

Commissioner O'Keefe requested that the District needs to update resolution number two of 2003. The resolution concerns amending an aquatic plant management plan for Delavan Lake. With the amended resolution he would also like a set percentage of the budget for lake expenditures. This would ensure that

the District is allocating proper funds to the lake water quality but has a set cap so there isn't excessive expenditures. The District needs to make sure they are utilizing the most beneficial and cost effective tactics. Commissioner O'Keefe would also like the mission statement for DLSD to be updated. The District needs to make sure they are operating and allocating their money within their limitations. Much discussion was had, President Miller is working on lake budget and updating mission statement. No motion needed at this time.

#### **DISCUSSION/POSSIBLE ACTION REGARDING PELLET PROGRAM COST SHARING**

Brief discussion was had concerning communication between DLSD and Town of Delavan Lake Committee. Commissioner Beers requested a copy of any official correspondence between the two entities. Commissioner Beers is the liaison between the two entities and will be looking into a cost sharing proposal between DLSD and the Town of Delavan Lake Committee. Discussion was tabled until proposal is received.

#### **DISCUSSION/POSSIBLE ACTION REGARDING SPOT LINING IN AREA 8**

Several quotes were obtained for a spot lining treatment in Area 8. A section of the piping there has caved in and nine feet needs to be relined. Administrator DeLuca advised the commissioners that the best quote was received from Great Lakes in the amount of \$3,425.00. A motion was made by Commissioner Beers to go with Administrator's DeLuca recommendation to approve the proposal from Great Lakes in the amount of \$3,425.00 for the spot lining in Area 8. Commissioner O'Keefe seconded the motion which carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING PURCHASE OF DUMP TRUCK**

Administrator DeLuca advised the commissioners that there is need for an additional dump truck to assist with offloading weeds. Due to the distance and size of the current truck, the seasonal crew is having to wait extensive periods of time for the dump truck to unload and come back. The harvester and crew is sometimes left waiting for an hour at a time just to unload weeds. Several quotes were obtained. Dump truck has to be within a certain size to be below CDL requirements. After much discussion, Commissioner Beers made a motion to authorize allocation of funds for an additional dump truck not to exceed \$78,000. Commissioner O'Keefe seconded the motion which carried unanimously.

**DISCUSSION/POSSIBLE ACTION REGARDING DISTRICT OFFICE MAINTENANCE ISSUES**

Per the Administrator's report, the agenda item was to discuss re-flooring options at the district office for the damage and unfinished flooring. A motion was made by President Miller to table the agenda item. Motion was seconded by Commissioner O'Keefe, motion carried unanimously.

*Commissioner O'Keefe excused himself from the district meeting at 11:35 a.m.*

**DISCUSSION/POSSIBLE ACTION REGARDING BROWN'S CHANNEL TRIBUTARY PLANNING STUDY**

The final draft was submitted to the state for the Brown's Channel Tributary Planning Study. The district was approved earlier in the year for \$10,000 going towards the planning of Brown's Channel tributary. The planning study includes a parking lot, pathway, observation area, removal of invasive species, and stream bank stabilization, with a total estimated cost of \$375,000.

Much discussion was had concerning the benefits and purpose of the planning study. The commissioners discussed what work would be beneficial and if it was worth the cost of the work. The commission debated whether they should do any further work on Brown's Channel and to pay back the already allocated grant money that was received for the purchasing and planning. Commissioner Johnson expressed concern as to the amount the project costs and would like to know what the minimum amount of work would do to retain the funds that have already been received.

The commission decided to table the discussion until it was made apparent what the minimal would be to not lose allocated grants and how much would have to be paid back if there was no further work done with Brown's Channel.

**DISCUSSION/POSSIBLE ACTION REGARDING LS#2 "ADVANCED COMMUNICATIONS" AND "AFFECTED PARTIES"**

Much discussion was had concerning the miscommunication that occurs between DLSD and DLYC. The District has an easement on DLYC property that is undergoing some rehabilitation and there are details that were not properly communicated. The commission discussed who should be informing DLYC of the timeline and details of the work being done. The commission decided to have conversation with the District's engineer to make sure that project details are



being properly relayed. Commissioner Beers requested to have a communications program be written up so that details are being effectively communicated.

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

The District is looking for different options for offloading and parking spots at the west end of the lake. The harvesters have a two hour commute time to get from one end of the lake to the other. The lake operations manager has been looking into four different options on the west end. The options include utilizing the ramp at Viewcrest, parking and offloading by the Viewcrest channel, Blue Gill ramp, and the District's property at Manor Lane.

The district is in contact with Viewcrest to get a contract in writing for the use of their ramp, currently waiting for the subdivision to have an executive meeting. The commissioner's decided while they wait for the official response from Viewcrest, they will be in contact with the Town of Delavan in order to get permission to utilize Blue Gill for the next coming year and work with the Town of Delavan and DNR for the following years. After legal counsel with the district attorney, the commission received approval to utilize the district's property at Manor Lane for overnight harvester parking during the week.

After much discussion, it was decided that President Miller and Commissioner Beers will meet with the Town of Delavan representative to discuss usage of the Blue Gill ramp and the District will await the official response from Viewcrest after they have their executive meeting.

#### **DISCUSSION/POSSIBLE ACTION REGARDING RESOLUTION NO. 10 OF 2017 ACQUIRING WEED HARVESTER/LAKE MAINTENANCE EQUIPMENT**

Administrator DeLuca advised the commissioners that they need to approve resolution no. 10 of 2017 which would allow the district to apply for a waterway grant for acquiring weed harvesting/lake maintenance equipment. The grant would not mean the district has to buy the equipment, but they could apply for the waterways grant and make a decision based on grant allowance. Commissioner Beers made a motion to adopt resolution no. 10 of 2017 acquiring weed harvesting/lake maintenance equipment. Commissioner Johnson seconded the motion which carried unanimously.

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

Commissioner Beers made a motion to move the next monthly meeting to December 13, 2017 at 9:00 a.m. Commissioner Reider seconded the motion which passed unanimously.

*Please take further notice that the Commissioners will remain to attend a holiday luncheon with the staff on December 13, 2017. This will be strictly a social function and no District business shall be conducted.*

**COMMENTS AND SUGGESTIONS OF CITIZENS PRESENT**

No citizens present at this time.

**ADJOURNMENT**

There being no further items to discuss, Commissioner Beers made a motion to adjourn the meeting. Commissioner Johnson seconded the motion which passed unanimously. The meeting adjourned at 12:40 p.m.

  
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Kim O'Keefe, Secretary

Date Approved: 12/13/2017