

DELAVAN LAKE SANITARY DISTRICT

MINUTES

Regular & Closed Session

April 26, 2023

9:00 A.M.

CALL TO ORDER

President Miller called the Regular & Closed Session 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
David Reider, Commissioner
Richard Beers, Commissioner
Ted Kasch, Commissioner

Absent: None

Other: Administrator Jim DeLuca
Ray Seitz
Mitch Lepkowski
Kim Crosby
Shelly Weeks
Doug Snyder (Engineer)
Jake Lenell (CliftonLarsonAllen LLP)

Visitors: Mary Knipper
Edward Bromeland
Janet Mohr
Lisa Loepke
Jon McKinney
Mark Matuszewski
Gordon Loepke
Jason Shallcross

DECLARATION OF A QUORUM

President Miller declared a quorum present for doing business.

APPROVAL OF MINUTES OF REGULAR MEETING OF MARCH 8, 2023

After review of the Regular Meeting Minutes of March 8, 2023, Commissioner Beers made a motion to approve the March 8, 2023, Regular Meeting Minutes as written. Commissioner Kasch seconded the motion which passed unanimously.

FINANCIAL

After a review and discussion of the bills represented by check numbers 28638 through 28719, Allocation of Funds through March 31, 2023, and Financial Statements for periods ending December 31, 2022, January 31, 2023, February 28, 2023, and March 31, 2023, Commissioner O'Keefe made a motion to accept payment of bills, Allocation of Funds and Financial Statements as presented. Commissioner Kasch seconded the motion which carried unanimously.

ADMINISTRATOR'S MONTHLY REPORT

Administrator DeLuca shared we will be taking the old generator that we just pulled from L.S.#9 and wire it so we can use it as a backup for L.S.#1 until the new generator for L.S.#1 comes in. He also shared the Hwy O project continues to progress with little to no problems.

LAKE COMMITTEE REPORT

Commissioner Beers shared the Lake Committee meeting agenda primarily dealt with the dredging project and there is a meeting later today to discuss the project. Mary Knipper shared the DNR approved the project start and end dates of May 1 through September 30 for the dredging project.

COMMENTS AND SUGGESTIONS OF CITIZENS PRESENT REGARDING AGENDA ITEMS

Jon McKinney from Habitat for Humanity in Walworth County shared they would like to develop lot ERA 00007 on Broad Street and requested clarification on plans to provide sewer along that stretch of Broad Street. As the sanitary sewer extension to Broad Street and Wood Avenue is a line item on the agenda, his questions will be addressed at that time.

DISCUSSION/POSSIBLE ACTION – ONGOING LAKE MANAGEMENT

None

DISCUSSION/POSSIBLE ACTION REGARDING ILLEGAL LATERAL CONNECTIONS

While we did have rain events, the water table is still low, and we have not been able to observe and confirm leaks yet.

DISCUSSION/POSSIBLE ACTION REGARDING L.S.#1 AND L.S.#10 WELL REPAIRS

Mitch shared the positive experiences the District has had working with Butch from Sugar Creek Well. When we've had an emergency, Butch showed up right away. He also stated there is not much of a difference in the quote prices between vendors to repair the wells, however, who they order their parts from differs. Sugar Creek Well uses Flint & Walling and Huemann Well and Pump uses Sta Rite Industries. He also mentioned Huemann Well & Pump does have a longer warranty and he will talk with Butch from Sugar Creek Well to see what can be done about that. Commissioner O'Keefe made a motion to approve Sugar Creek Well for the repairs at L.S.#1 and L.S.#10. Commissioner Reider seconded the motion which passed unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING VIEW CREST AND WALWORTH COUNTY

Administrator DeLuca gave a brief update on the status of the View Crest lawsuit Walworth County has filed against Delavan Lake Sanitary District. While we have won the last 4 appeals Walworth County has filed, Walworth County is now filing an appeal with the Federal Supreme Court in an effort to make us rezone all our easements. Commissioner Beers shared that it was not a unanimous vote at the County Board. The decision to move the appeal process forward passed with a 4 nay, 7 aye vote. Commissioner O'Keefe requested a copy of the minutes from the County Board meeting showing how each member voted. At this point, the Federal Supreme Court has not decided whether they will accept the appeal. WalCoMet has sent a letter to the County Board stating they agreed with Delavan Lake Sanitary District. If the County were to win this appeal, the decision would have broad consequences for all utilities.

DISCUSSION/POSSIBLE ACTION REGARDING L.S.#2A REPLACEMENT

Doug of Baxter and Woodman presented a work order for a proposal for work to be done at L.S.#2A as discussed at the previous meeting. The cost has not changed and will be just under \$1,000,000 dollars and includes a new submersible station with a metering vault, generator, electric service, site and utility improvements, includes repaving the driveway, and the demolition of

the existing station. Commissioner Beers made a motion to approve the work order for L.S.#2A replacement. Commissioner Kasch seconded the motion and a discussion followed. A vote was taken, and the motion carried unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING CHANGE ORDER #1 – CTH O SANITARY SEWER REPLACEMENT

Doug of Baxter and Woodman shared the steel casing at CTH O was longer than expected due to incorrect record drawings. Change Order #1 in the amount of \$3,195 represents the contractor's costs to remove the extra piece of casing. Commissioner O'Keefe made a motion to approve Change Order #1. Commissioner Kasch seconded the motion which passed unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING CHANGE ORDER #2 – CTH O SANITARY SEWER REPLACEMENT

Doug of Baxter and Woodman shared Change Order #2 contains 2 items. We needed to correct the record drawing to modify the gravity and force main line at 2824 CTH O to make it connect to the new sewer. The cost of \$488 is just the time and material to do this. The second item is to change from PVC SDR-26 lateral pipe to PVC C-900 lateral and riser pipe. The cost difference in the material for that amount of pipe is \$3,115.88 and that is what the contractor is charging for. Commissioner O'Keefe made a motion to approve Change Order #2. Commissioner Kasch seconded the motion which carried unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING PAYMENT REQUEST #1 – CTH O SANITARY SEWER REPLACEMENT

Administrator DeLuca shared this payment of \$869,336.70 is a partial payment on the total CTH O Sanitary Sewer Replacement project. Commissioner Kasch made a motion to approve Payment Request #1. Commissioner O'Keefe seconded the motion which passed unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING ADDENDUM #1 TO BROAD STREET AND WOOD AVENUE SANITARY SEWER EXTENSION

Doug of Baxter and Woodman discussed the addendum plan which is a variation of the concept plan that would be possible if we can get easements from property owners along Wood Avenue. While there is existing 16' easements right now, the addendum would need an additional 14' as a 30' easement would be necessary for the addendum. This would allow for a shallower sewer extension, and this is where a cost savings comes in. The cost will be approximately 80% of the original concept plan. Rather than following

the road right of way along Broad Street and Wood Avenue, the addendum would provide sewer service using the road right of way along Broad Street and provide sewer service on Wood Avenue by extending the existing service on Mildred Street. If we can get the easements, the addendum becomes the new concept plan. The addendum does allow for the plan to be done in phases. If Habitat for Humanity wants to develop ERA 00007, they will need to extend the existing sewer on Broad Street to the property to connect. The depth of the extension that will be required for the extension to ERA 00007 depends on whether we can get the easements. To get the plans done, get them approved, and get a contractor to build it, the earliest Habitat for Humanity would be able to develop their lot would be Spring of next year.

The reason we are entertaining this sewer extension is a result of calls received by interested parties to purchase and develop lots in this area. At the end of the Public Hearing regarding the Broad Street and Wood Avenue Sewer Extension concept plan, several residents expressed possible interest in the extension if there was a less expensive option. Through conversation with the residents, Doug did believe the addendum he's presenting today is a viable route. At the March 8, 2023, meeting, the Commission shared there is a cost to have Doug put together the addendum plan and the District would only spend that money if the residents in attendance were open to the proposed addendum. Those in attendance stated they would be open to the possibility of the addendum, so a motion for Doug to move forward putting together the addendum plan was approved. Doug is presenting the addendum plan which would require some easements. Should we obtain the easements, if there is no interest in developing any of the lots, then the extension will remain a concept plan on file and we will know when there is interest, we only must go down 18 feet as opposed to the 26 feet that will be required if we do not have the easements. Six of the seven lots were represented at the meeting and agreed to granting the easement. Commissioner O'Keefe made a motion to direct Baxter and Woodman to get the easements established for Attorney Riffle's review and presentation to the property owners. Commissioner Beers seconded the motion which carried unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING L.S.#10 ELECTRICAL UPGRADES

Administrator DeLuca shared he thought it best to get proposals for the electrical upgrade the lift station will need in the future due to supply chain delays and changes that will be happening at L.S.#10. WE Energies, Alliant Energies, Commonwealth, and others are changing their process on large services and will require an exterior CT cabinet. We'd like to get started on upgrading the electrical so in future when we do upgrade the lift station, we

won't be delayed by a service panel hold up. The quotes are close, and Power Tech is our main electrical contractor so that is the preferred vendor. President Miller made a motion to accept the Power Tech proposal in the amount of \$11,950 for the electrical upgrades required at L.S.#10. Commissioner Reider seconded the motion which passed unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING L.S.#1 GENERATOR AND ELECTRICAL UPGRADES

L.S.#1 generator is failing. There are two problems. First, it doesn't easily start and second, when we do get it started, we can't shut it down. We've had 1 emergency service there that cost \$2,000 and didn't solve the problem. We had Power Tech look at it and there is more than just a generator issue going on. We would like to get the electrical gear updated as well. We will keep this station as a 240 volt 3 phase ungrounded system due to complications with the Alliant Energy grid. The cost to upgrade the generator and electrical is approximately \$43,000. Commissioner Beers made a motion to accept the proposal by Total Energy to upgrade L.S.#1 generator and electrical. Commissioner O'Keefe seconded the motion which passed unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING 2022 AUDIT PERFORMED BY CLIFTONLARSONALLEN, LLP

Jake Lenell from CliftonLarsonAllen, LLP reviewed the 2022 audit report for the year ending December 31, 2022. He gave a general overview of the audit process, purpose, and audit opinion. After concluding the audit, it is CliftonLarsonAllen, LLP's opinion that the financial statements presented an accurate reflection of the District's financial position. Commissioner Beers made a motion to accept the Audit as written. Commissioner Kasch seconded the motion which carried unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING GENERATORS FOR OTHER LIFT STATIONS

Administrator DeLuca discussed quotes from Total Energy Systems, LLC for generators he would like to order for L.S.#2A, L.S.#3 and L.S.#10. The average delivery time is approximately 40 weeks. Engineering for L.S.#2A is going on right now and panels for L.S.#10 have been ordered as these are lift station projects that will probably take place next year. All these generators are over 43 years old and their age as well as the supply chain delays are of concern. Commissioner Kasch made a motion to approve the quotes and purchase of all three lift station generators. Commissioner Beers seconded the motion and after a brief discussion, the motion passed unanimously.

CLOSED SESSION

Commissioner O'Keefe made a motion that the commissioners, upon duly made and carried, will immediately convene to closed session. Commissioner Kasch seconded the motion, a roll call vote was taken, and the motion carried unanimously. The purpose of the closed portion of the meeting is:

- a. 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.
- b. To consider employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility pursuant to Section §19.85(1)(c), Wisconsin Statutes. Specifically, to be discussed is the benefits and compensation of staff.

RECONVENE IN OPEN SESSION

Commissioner Kasch made a motion to reconvene in open session at 11:29 a.m. The motion was seconded by President Miller which carried unanimously.

DISCUSSION/POSSIBLE ACTION ON ANY CLOSED SESSION MATTERS

None

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 May 17, 2023, at 9:00 a.m.

ADJOURNMENT

There being no further items to discuss, Commissioner Kasch made a motion to adjourn the meeting. President Miller seconded the motion which passed unanimously. The meeting adjourned at 11:30 a.m.



Kim O'Keefe, Secretary

Date Approved: May 17, 2023