

DELAVAN LAKE SANITARY DISTRICT

MINUTES

Regular & Closed Session

August 23, 2023

9:00 A.M.

CALL TO ORDER

President Miller called the Regular & Closed Session meeting to order at 9:04 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
Charlie Handel
Doug Snyder (Engineer)
Stan Riffle (Attorney)

Visitors: Dave Patzelt

DECLARATION OF A QUORUM

President Miller declared a quorum present for doing business.

APPROVAL OF MINUTES OF REGULAR MEETING OF JULY 19, 2023, SPECIAL MEETING OF AUGUST 2, 2023

After review of the Regular Meeting minutes of July 19, 2023, Commissioner Beers made a motion to waive the reading of the minutes and approve the July 19, 2023, Regular Meeting minutes as written. Commissioner Kasch seconded the motion which passed unanimously.

After review of the Special Meeting minutes of August 2, 2023, Commissioner Kasch made a motion to waive the reading of the minutes and approve the August 2, 2023, Special Meeting minutes as written. Commissioner Beers seconded the motion which passed unanimously.

FINANCIAL

After a review and discussion of the bills represented by check numbers 28855 through 28901, Allocation of Funds through July 31, 2023, and Financial Statements for periods ending July 31, 2023, Commissioner Kasch made a motion to accept payment of bills, Allocation of Funds and Financial Statements as presented and Commissioner O'Keefe seconded the motion. Administrator DeLuca shared the previous financial statement had a report glitch that the software vendor fixed. After a brief discussion, the motion carried unanimously.

ADMINISTRATOR'S MONTHLY REPORT

In addition to his written monthly report, Administrator DeLuca shared the County is in the process of paving Highway O and the crew has been out there adjusting manholes as they get bumped. There have been some breakdowns of harvesters which impacted harvesting operations. Charlie shared there are 4 crew members that will be with us a little longer which will allow us to lengthen our harvesting season. Commissioner O'Keefe made a motion to accept the Administrator's Monthly Report. Commissioner Kasch seconded the motion which passed unanimously.

LAKE COMMITTEE REPORT

Commissioner Beers shared information provided by Mary Knipper. The dredging project is moving to the 3rd (west) pond, this week. As this pond is not expected to yield as much sediment, they expect to complete the project before September 30, 2023. Also, over the Labor Day weekend, there will be a full boat count done by drone. This will be available later in the year as part of a Lake Management Plan being carried out with SEWRPC. Another thing the Township is doing is measuring the depth of the inlet and the outlet. This is a bathometric study providing a baseline for what is happening in those areas between now and in the future regarding sediment buildup. He also mentioned there is a draft of a lake budget completed by Ben Nixdorf and Mary Knipper that will be presented to the Finance Committee on August 31, 2023. A copy of the budget can be made available to anyone if they go to the Township and request a copy.

COMMENTS AND SUGGESTIONS OF CITIZENS PRESENT REGARDING AGENDA ITEMS

Commissioner Reider spoke as a concerned citizen wondering if the reports that come in from SEWRPC incrementally are assimilated in such a way as to answer questions citizens have. Commissioner O’Keefe shared this information is coming to the Lake Committee and SEWRPC puts together and gives an outlined report of this information to the Lake Committee. Administrator DeLuca also gets a copy of this report and can share it with interested parties as well.

DISCUSSION/POSSIBLE ACTION – ONGOING LAKE MANAGEMENT

In response to the effect wake boats are having on our harvesters when they are on the lake, Charlie shared that personal flotation devices on the harvesters are accessible to the crew, but are not worn by the them for a variety of reasons. Commissioner O’Keefe shared his concern over this and felt this needs to be reviewed further.

DISCUSSION/POSSIBLE ACTION REGARDING ILLEGAL LATERAL CONNECTIONS

None

DISCUSSION/POSSIBLE ACTION REGARDING CHANGE ORDER #3 – CTH O SANITARY SEWER REPLACEMENT

Doug of Baxter and Woodman gave a history leading up to Change Order #3. After meeting with Tyler from Reesman’s Excavating and coming up with a detailed breakdown of costs, he requested the Commission approve Change Order #3 in the amount of \$5,299.48, which is a correction to Change Order #2. Commissioner O’Keefe made a motion to approve Change Order #3. President Miller seconded the motion which carried unanimously.

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

Doug of Baxter and Woodman recommended final payment for the CTH O Sanitary Sewer Replacement project to Reesman’s Excavating & Grading Inc. in the amount of \$60,076.16. Commissioner O’Keefe made a motion to approve the expenditure as outlined by Baxter and Woodman dated August 14, 2023, in the amount of \$60,076.16. Commissioner Reider seconded the motion which passed unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING PAYMENT REQUEST #2 – LS#4 REMODEL – CONTRACT A

Doug of Baxter and Woodman recommended partial payment to Mid City Corporation in the amount of \$393,347.18 for work completed on the LS#4 Remodel project. Commissioner O'Keefe made a motion to approve the Baxter and Woodman recommended LS#4 Remodel Contract A payment in the amount of \$393,347.18. Commissioner Kasch seconded the motion which carried unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING SHORES OF DELAVAN

Doug of Baxter and Woodman discussed a letter he sent to the Sanitary District dated August 8, 2023, that included attachments. Most of the attachments are new easements that need to be added to each property before the District gives their approval. Doug referenced sheet C102 which shows where the easements are. This sheet identifies every parcel that is not going to have basement gravity sewer service. The floor drain in the basement of these homes drains to the storm sewer in the street by gravity. If you don't have basement service, you need to have an ejector pump in your basement to pump to the first-floor level so it can go to the sanitary sewer by gravity. The recorded easement will inform the buyer of one of these parcels that they do not have basement sanitary sewer service. There are 36 homes that will not have basement service. Doug is recommending the commission move forward with the amendment to the Developers Agreement at the next meeting after putting Baxter and Woodman's conditions of approval in that amendment to the Developers Agreement. He would also like the commission to authorize the developer at this meeting to get rid of the former easements that are there. Doug reviewed all seven recommendations in the letter he sent. One of the recommendations included the elimination of the Developer's ability to recapture from District Resolution 4 of 2019. He is proposing this elimination due to sewer location changes made that could serve the four parcels that Resolution 4 affects. Dave Patzelt representing the Developer disagreed with eliminating the entire recapture ability. He stated they agreed to elimination of portions of the recapture that involved the revisions. He requested they be able to recapture reasonable costs associated with serving those outparcels. He stated they would document those costs and should be able to recapture prorated costs from those parcels that choose to hook up to the service he paid for. Attorney Riffle mentioned a sunset clause be added which the Developer had no objections to. Dave Patzelt also mentioned timing concerns with having to wait for approval until the next meeting.

Commissioner O'Keefe made a motion to authorize and direct staff to incorporate all the Baxter and Woodman recommendations in the August 8, 2023 memorandum into the revised Developers Agreement and other instruments necessary to finalize the Amended Developers Agreement and put into place all of the recommendations and upon approval of the District Engineer, District Attorney, Administrator, and President, allow the Developers Agreement to move forward. Commissioner Beers seconded the motion which passed unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING DISTRICT FUNDS

Administrator DeLuca went over certificate of deposit information. There is a CD that has expired and can be put into another certificate of deposit or go into the money market. The consensus was to move the money into the money market.

CLOSED SESSION

Commissioner Beers made a motion that the commissioners, upon duly made and carried, will immediately convene to closed session. Commissioner O'Keefe seconded the motion, a roll call vote was taken, and the motion passed 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 performance and compensation of full-time staff.

RECONVENE IN OPEN SESSION

President Miller made a motion to reconvene in open session at 10:24 a.m. The motion was seconded by Commissioner Beers which carried unanimously.

DISCUSSION/POSSIBLE ACTION ON ANY CLOSED SESSION MATTERS

None

CONSIDERATION OF FUTURE AGENDA ITEMS

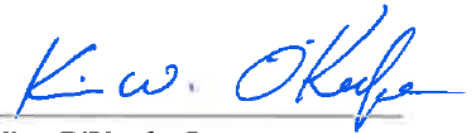
None

DISCUSSION/POSSIBLE ACTION OR CONFIRMATION OF NEXT MEETING DATE

The next regular meeting date is scheduled to be held on September 20, 2023, at 9:00 a.m.

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 10:25 a.m.



Kim O'Keefe, Secretary

Date Approved: September 20, 2023