

**DELAVAN LAKE SANITARY DISTRICT**

**MINUTES**

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**Regular & Closed Session**

**January 20, 2021**

**9:00 A.M.**

**CALL TO ORDER**

President Miller called the Regular & Closed Session Meeting to order at 9:01 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

Absent: Thomas Johnson, Commissioner

Other: Administrator Jim DeLuca  
Charlie Handel  
Eric Ritchey  
Doug Snyder (Engineer)

Visitors: Katherine Gaulke (Town of Delavan)

**DECLARATION OF A QUORUM**

President Miller declared a quorum present for doing business.

**APPROVAL OF MINUTES OF REGULAR MEETING OF DECEMBER 16, 2020**

Commissioner Beers made a motion to approve the Regular Meeting minutes of December 16, 2020 as written. Commissioner Reider seconded the motion which passed unanimously.

**FINANCIAL**

After a review and discussion of the bills represented by check numbers 27402 through 27456, Commissioner O'Keefe made a motion to accept check numbers

27402 through 27456. Commissioner Reider seconded the motion which passed unanimously.

Administrator DeLuca reviewed the Allocation of Funds through December 31, 2020 and the Financial Statements for periods ending December 31, 2020. Commissioner Reider made a motion to accept the Allocation of Funds report through December 31, 2020 and the Financial Statements for periods ending December 31, 2020 and place them on file. Commissioner O'Keefe seconded the motion which carried unanimously.

### **ADMINISTRATOR'S MONTHLY REPORT**

Administrator DeLuca shared the Town Board decided to table the decision to add Ted Kasch to the Delavan Lake Sanitary District Commission. They will wait till next month and give the District a chance to share potential candidate suggestions.

### **LAKE COMMITTEE REPORT**

Katherine Gaulke discussed what took place at the January Lake Committee meeting. Mary Knipper, Commissioner Beers, Administrator DeLuca, Charlie, and Katherine participated in a meeting with the DNR. The DNR is supposed to let them know dates when dredging is not allowed. The Lake Committee is reviewing the analyses of both Baxter Woodman and Batterman regarding how to go about the dredging project. The Lake Committee is looking for the best long-term, effective, and cost-efficient methodology. Mary Knipper, Commissioner Beers and Katherine also met with Fay Amerson from Walworth County to understand the permits needed and have copies of those. An appreciation for the communication and partnership between the Town and Sanitary District was expressed by Katherine Gaulke. Commissioner Beers requested the District continue to be included in all future meetings with the DNR and/or Walworth County.

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

None.

### **DISCUSSION/POSSIBLE ACTION – ONGOING LAKE MANAGEMENT**

Commissioner Reider would like to see the results of ongoing phosphorous measurements taken from Delavan Lake by USGS to evaluate the effect the manure dumping event had on the lake. Katherine Gaulke shared that Lake

and Ponds took a sample in October and there is a comprehensive lake plan study with SEWRPC in process. No results are being released as it is not complete. To access information now, the Town website under Delavan Lake Quality has a webpage that Dan Lamanski and Greg Ditchow have put together that has links to USGS that may offer the information that Commissioner Reider is looking for. The gauge we have placed in the lake at Mound Road takes samples based on flows that get sent to a lab. There is a sampling station the Town has placed at Borg Road that has just been activated to measure phosphorous and sediment that also gets sent to a lab. We do not have equipment that takes and analyzes samples instantaneously. Baxter and Woodman will do an analysis of Mound Road, Highway 50, and Borg Road to evaluate the cost of getting instantaneous monitoring stations at each location to receive real time data information.

#### **DISCUSSION/POSSIBLE ACTION REGARDING PURCHASE OF JETTING AND VACUUM TRUCK**

Eric went over a comparison spreadsheet he put together that showed the specifications, warranty, and additional cost for a stainless-steel debris tank option for the jetting and vacuum truck to replace the existing 2001 truck we currently have. Eric prefers the GapVax truck as it offers a superior warranty. Administrator DeLuca did not feel the upgrade to the stainless-steel debris tank was necessary as our current 2001 truck which is steel is in very good shape. The vacuum portion is used approximately 20% of the time and the jetting portion is used approximately 80% of the time. Any purchase is contingent on the ability to run the easement machine 800 feet away from the unit. We will require that we be able to run a test before finalizing the purchase contract. Once we order the vehicle, we can expect to take possession of it 6 months later. Commissioner Beers made a motion to approve the purchase of the GapVax truck not to exceed \$388,462 and subject to us running a test to determine the equipment's ability to meet our easement machine use and needs. Commissioner Reider seconded the motion which passed unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING FINAL CHANGE ORDER – LS#6 UPGRADE**

Doug Snyder shared the LS#6 Upgrade came in \$2,644.66 under the original contract price. Cash allowances, unit price, and changes in scope of the work are the reasons behind the decrease in cost. Doug recommended the Commission approve a net decrease of \$2,644.66 and an adjusted contract price of \$629,365.34. Commissioner Beers made a motion to approve the net decrease of \$2,644.66 and

an adjusted contract price of \$629,365.34. President Miller seconded the motion which carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING FINAL PAYMENT REQUEST – LS#6 UPGRADE**

Doug Snyder recommended final payment to Gilbank Construction in the amount of \$17,147.34 for LS#6 Upgrade based on the adjusted contract price that was just approved. The check should only be released to Gilbank when we receive the original documents in hand. At present Doug has only seen the scanned documents and would like us to be in possession of original signatures. Commissioner Beers made a motion to approve the final payment of \$17,147.34 for LS#6 Upgrade contingent on receipt of original documents. Commissioner Reider seconded the motion which passed unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING LAKE LAWN DEVELOPMENT UPDATE – DOUG SNYDER**

Doug Snyder shared what has taken place in the past and where the Lake Lawn Development project is at present so informed and timely decisions can be made once the City of Delavan, Developer and WalComet do what they are supposed to do.

In 2009 the City of Delavan had a TIF District going on and there was a four party agreement between WalComet, Lake Lawn Lodge, City of Delavan, and Delavan Lake Sanitary District that basically said Delavan Lake Sanitary District was going to end up with a new lift station near where the roller rink was on Lake Lawn property. The reason for the new lift station was a desire to put new buildings close to the existing lift station and their projected flows were greater than the existing lift station could handle. This was all going to be funded through City of Delavan TIF District and Delavan Lake Sanitary was going to review the design and own the project when all was said and done.

Lake Lawn at that time was proposing new buildings between the existing club house and a new marina. The east half of the site was going to get developed. They were moving lift station #11 to a piece of property they own near the roller rink and would do nothing with their sewer systems. Their clear water flows would be sent to the lift station and the new lift station would be sized for it at 1100 gallons per minute and have a sewage grinder component on it that WalCoMet required, a new sewage wet well, new piping and a new generator building along with the new force main. That is almost what we have right now.

The current plan that they provided to Delavan Lake Sanitary District is just Harbor Shores Residential Development. This is the area between the club house and the marina with single family housing. They want DLSD to continue operating the existing lift station 11 at its current 500 gallon per minute capacity. They have a plan that they gave the City of Delavan that is different from the plan that they gave DLSD. The plan that is in front of the City of Delavan is to add a new conference center on to Lake Lawn Lodge and a new marina as part of this development. They are showing the City of Delavan the big picture and trying to negotiate with DLSD the little picture.

The existing system has been analyzed by staff to tabulate the amount of clear water flow there has been in the Lake Lawn system. This is the flow that is coming whether they have one customer or one thousand customers. Doug wants the Developer to take every one of the new buildings and establish a sewage flow for it, make Lake Lawn Lodge take the new conference center they are planning and establish sewage flows for it, establish sewage flows for the marina, and take every existing building on Lake Lawn property and establish sewage flows for them as if Lake Lawn Lodge were going in for a new plumbing submittal. Doug wants to be able to add up everything to determine the correct size DLSD's lift station needs to be. There is also property north of Hwy 50 that the City of Delavan would like DLSD to provide service for. Before you agree to anything, its important for you to tabulate all the flows and see how big the lift station needs to be compared to the existing 500 gallon per minute capacity lift station. WalCoMet has only approved a 500 gallon per minute capacity lift station and has done a hydraulic study that shows they need a bigger facility in this area. This is why DLSD is limited to the capacity of 500 gallons per minute until WalCoMet can get a bigger facility up and operational. While WalCoMet has these plans in the works, everything is contingent on this developer moving forward.

The current plan that the developer has on the table is for DLSD to invest money in the District sanitary system before they construct any new homes which could cost between \$250,000 to \$500,000 to upgrade the existing station to include grinders, an outside wet well Lake Lawn Lodge can tap into, new sewage pumping equipment, new generator, and a new connection across the road at Hwy 50 rather than tie into the existing 20" of WalCoMet right now. Doug's review letter addresses eight different items. He wants the Developer and the City of Delavan to tabulate every one of the items so DLSD can properly size the lift station and start a negotiation with WalCoMet. The Developer and the City of Delavan want to have a separate agreement with DLSD, a three-party agreement. What Doug would like is what was happening in 2009, where WalCoMet was part of the agreement as well, creating a four-party agreement.

The Commission would like Doug to pursue the additional information requested.

#### **DISCUSSION/POSSIBLE ACTION REGARDING RESOLUTION NO. 1 OF 2021 REQUESTING ASSISTANCE TO PURCHASE A TRANSPORT BARGE AND TRAILER AND UPGRADE EXISTING TRANSPORT BARGE**

Charlie is looking into purchasing a new barge having Aquarius modify the existing barge to operate a rotary pump to do surface algae suction when needed. At the Waterways meeting, potential grants up to 50% were mentioned. With the unloading site difficulties we are having, we may need a second barge to make the trip back to the Town Park for weed offloading capabilities. The rotary pump is removable and can be put on and taken off by the crane truck. Charlie talked to Heidi at the DNR and she stated we would need to amend our harvesting permit and get an additional permit for suction of weeds off the lake surface. Applications for the grant must be submitted by February 1, 2021. Commissioner Beers made a motion to adopt Resolution No. 1 of 2021 requesting assistance to purchase a transport barge and trailer and upgrade existing transport barge. Commissioner O'Keefe seconded the motion and further discussion ensued. The new barge would be larger and have a load capacity of 22 yards vs the old one at 12 yards. The larger capacity of the barge could make the weed harvesters more efficient. Commissioner O'Keefe noted the inefficiency of having to run weeds to the other end of the lake to unload them and spending more money to support an inefficient system is a fundamental breakdown in the weed harvesting process. A rotary pump to remove algae blooms, duckweed, and algae mats makes sense. A vote was taken, and the motion was voted down and defeated unanimously.

#### **MOTION TO TABLE DISCUSSION AND MOVE AGENDA OUT OF ORDER**

President Miller made a motion to table the discussion of item 14 and take the agenda out of order to address item 17 before returning to and continuing to discuss item 14. Commissioner Reider seconded the motion. The motion carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING WI DOT HWY 50 TEMPORARY CONSTRUCTION EASEMENT RELEASE OF RIGHTS**

Administrator DeLuca shared there is going to be a culvert replaced under Hwy 50 and the DOT is requesting a Temporary Construction Easement Release of Rights. This ties into an issue we have with Lake Lawn Lodge and our force main. We should be fine with a temporary construction easement. We need to separate the two issues and only act on the construction easement. They would

like us to relocate our force main at our expense on behalf of the developer. We are not far enough along with the developer to negotiate who is to pay for what. We can let the DOT have a temporary construction easement to cross our easement and do work within our easement for the culvert replacement. Commissioner Beers made a motion to allow the DOT to have a temporary construction easement across our permanent easement for the purpose of installing three culverts under Hwy 50 contingent on the project time constraint of its beginning and termination dates. Commissioner O'Keefe seconded the motion which passed unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING RESOLUTION NO. 1 OF 2021 REQUESTING ASSISTANCE TO PURCHASE A TRANSPORT BARGE AND TRAILER AND UPGRADE EXISTING TRANSPORT BARGE- CONTINUED**

Three items are being decided upon in this agenda item. One is the larger capacity barge, one is the trailer for the barge, and one is a rotary pump for the possibility of algae extraction. The total bill for the three items combined would be approximately \$250,000 of which we are assured a 35 percent grant which could be as high as a 50 percent. Our current barge and trailer are 18 years old and in good shape. The rotary pump would be a nice addition to the existing barge as we could remove duckweed and go around the Town boat launch where weeds and algae float in. The cost of the rotary pump by itself is \$24,000. The existing barge would need some rehabbing to run the rotary pump. The cost of rehabbing the existing barge along with the purchase of the rotary pump could be accomplished by spending no more than \$40,000. Charlie needs to meet with Heidi to discuss the disposal site for the algae removal before moving forward with the purchase, however a resolution is needed soon due to the February 1, 2021 deadline. President Miller made a motion for Resolution 1 to state "Whereas Delavan Lake Sanitary District requests assistance for the purpose of reconditioning and upgrading the 2003 transport barge." Commissioner O'Keefe seconded the motion which carried unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING LS#1 ACCESS**

The elevation change on North Shore Drive has created a precarious slope problem for our crew at LS#1 as that is our access point to the lift station. Administrator DeLuca has approached the Town regarding the problem, however they are not willing to offer any assistance to help reconcile the problem. President Miller discussed sending a letter to the Town stating the District's position. Ray has contacted Reesman and Down to Earth to get quotes to resolve the problem. Both Ray and Administrator DeLuca recommend the upgrade to RCP concrete. Down to Earth gave us the best price at \$12,787.50. Commissioner O'Keefe made a motion to accept the Down to Earth Contractor

proposal not to exceed \$13,000. Commissioner Reider seconded the motion which passed unanimously.

#### **DISCUSSION/POSSIBLE ACTION REGARDING BORG ROAD EASEMENT PATH**

The crew is trying to get out to our metering station that can be accessed by the Borg Road easement path. There is difficulty getting to the station and the property owner graciously gave us an easement. There is an area along the easement that is very soft, and crew would like to gravel and stone the soft area, which is approximately 3,500 square feet. The farmer and the owner are fine with us doing that. We have quotes from Down to Earth Contractors and Stewart Excavating to do this work. Stewart Excavating came in with the best price at \$35,520. Commissioner O'Keefe made a motion to approve the \$35,520 quote by Stewart Excavating to gravel and stone a portion of the Borg Road Easement path. Commissioner Reider seconded the motion which carried unanimously.

#### **DISCUSSION ONLY REGARDING COMMISSIONER RESIGNATION**

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 February 17, 2021 at 9:00 a.m.

#### **CLOSED SESSION**

President Miller made a motion that the commissioners, upon motion duly made and carried, will immediately convene to closed session. Commissioner Beers seconded the motion, and a roll call vote was taken, and the motion carried unanimously. The purpose of the closed portion is 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 the administrator.



**ADJOURNMENT**

There being no further items to discuss, President Miller made a motion to adjourn the meeting. Commissioner Reider seconded the motion which carried unanimously. The meeting adjourned at 12:03 p.m.



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Kim O'Keefe, Secretary

Date Approved: 2/17/2021