

DELAVAN LAKE SANITARY DISTRICT

MINUTES

Regular & Closed Session

March 13, 2024

9:00 A.M.

CALL TO ORDER

President Miller called the Regular and 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
Adam Handel
Ray Seitz
Eric Ritchey
Doug Snyder (Engineer)
Stan Riffle (Attorney)

Visitors: Chad Pollard
Marsha Lauer
Ryan Simons

DECLARATION OF A QUORUM

President Miller declared a quorum present for doing business.

APPROVAL OF MINUTES OF REGULAR MEETING OF FEBRUARY 21, 2024

After a review of the Regular Meeting minutes of February 21, 2024, Commissioner Beers made a motion to waive the reading of the minutes and

approve the February 21, 2024, Regular Meeting minutes as written. Commissioner O'Keefe seconded the motion which carried unanimously.

FINANCIAL

After a review and discussion of the bills represented by check numbers 29202 through 29243 and Allocation of Funds through February 29, 2024, Commissioner Beers made a motion to accept payment of bills and Allocation of Funds as presented. Commissioner Kasch seconded the motion which passed unanimously.

ADMINISTRATOR'S MONTHLY REPORT

Nothing more to share than what is written in his monthly report.

LAKE COMMITTEE REPORT

Commissioner Beers shared the Lake Committee discussed the last part of the Mound Road Dredging Project, which is restoring the site, getting rid of the geotubes, disbursing the dewatered sediment, and reseeding the property. Another topic discussed was the bathometric survey of the Inlet and the Outlet that was done giving a baseline of water depth to use going forward. Also brought up and talked about is concern over the number of new homes being built at Lake Lawn and the population effect they will have on the lake. There is another set of studies the township did to get a baseline for determining the carrying capacity of the lake for lake safety purposes. Drone sessions are being scheduled for surveying lake activity this summer.

COMMENTS AND SUGGESTIONS OF CITIZENS PRESENT REGARDING AGENDA ITEMS

None

DISCUSSION/POSSIBLE ACTION – ONGOING LAKE MANAGEMENT

Adam has a full crew ready to start harvesting in May. Navigation channels can be harvested starting May 15th and full harvesting of the lake can start June 15th.

Commissioner Reider discussed verifiable results that pellet use had on reducing the phosphorus level in the lake as well as the increased depth of the channel due to a reduction in sediment volume because of pellet use. He would like to see the Town, DLIA and DLSD share in the expense of a pellet program

to continue seeing these results. It was suggested he start by discussing this at the Lake Committee.

DISCUSSION/POSSIBLE ACTION REGARDING VEHICLE REPLACEMENT

Administrator DeLuca shared the quotes Eric received for the new service truck the District is looking to purchase. After a brief discussion, Commissioner O'Keefe made a motion to approve the purchase of the Fleet 2024 GMC Sierra 2500HD (TK20953) 4WD Double Cab 162" SLE as described in the packet information along with the Northland Equipment Co. items for the snowplow, toolbox, and safety equipment quote also provided in the packet of information. Commissioner Reider Seconded the motion which passed unanimously. The new truck is to have Linex undercoating applied after we take possession.

DISCUSSION/POSSIBLE ACTION REGARDING LS# 2A RESTORATION AGREEMENT

This agreement is being requested by the owner of the land as we undertake the restoration of LS #2A. This agreement is formalizing discussions that have already taken place. After a brief discussion Commissioner Beers made a motion to approve the LS #2A Restoration Agreement. Commissioner Reider seconded the motion which carried unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING LS# 2A AND LS# 5

Doug shared we have submitted permits for erosion control for both projects to the County. While they have no problem with the erosion control permits, they are holding up the zoning permits. Stan recommended the District send a letter to the County stating on a certain date, we will be starting the project as the Court of Appeals has already ruled in the District's favor determining the County has no zoning authority in this situation. After a brief discussion, Commissioner Beers made a motion to direct and authorize the District's Attorney to advise the County that they have no authority under their zoning code and to inform them that the District will be starting the project, listing the date the project will start, and share they can feel free to go into Circuit Court and try to get injunctive relief to stop us if they believe that the District is wrong. Commissioner Reider seconded the motion which passed unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING SHORES OF DELAVAN REIMBURSEMENT AGREEMENT

Administrator DeLuca shared this agreement is the same as the one established with Villa Clare. Dave Patzelt of Shodeen has already made all the necessary deposits and has signed the document. If the Commission approves the Reimbursement Agreement, the document just needs to be signed by the District. Commissioner O'Keefe made a motion to accept the Shores of Delavan Reimbursement Agreement as presented. Commissioner Reider seconded the motion which carried unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING AMENDMENT TO DEVELOPER'S AGREEMENT - SHORES OF DELAVAN

Engineer Doug Snyder shared a new set of plans that was received on March 8th differing from the plans previously reviewed. He will be submitting a future letter based on the new plans submitted. Attorney Riffle has reviewed this agreement and recommends approving with the condition of review and incorporation of any recommendations from the District Engineer and the Developer also signs all the easements so they can be recorded when the Developer comes in to sign the Developer's Agreement. Commissioner Beers made a motion to accept the recommendation of Attorney Riffle. Commissioner Reider seconded the motion which passed unanimously.

DISCUSSION/POSSIBLE ACTION REGARDING CLEAR WATER INFILTRATION

Administrator DeLuca shared options for pursuing violators with illegal hookups. After a brief discussion, it was decided to have Administrator DeLuca send out I & I letters and illegal sump pump letters to residents identified as having issues with clear water infiltration. The District ordinance states it does not allow connections without our approval and the fine is \$100 per day per connection, up to \$2,000 per day. This will be part of the letter being sent to violators.

CLOSED SESSION

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

authorized under Section 19.85(1)(e), Wisconsin Statutes. Specifically, to be discussed is land purchases or sales in the Town of Delavan.

- b. To confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved as authorized under Section 19.85(1)(g), Wisconsin Statutes. Specifically, to be discussed is the outstanding balance on Fairwyn Development deposit account.

RECONVENE IN OPEN SESSION

Commissioner O’Keefe made a motion to reconvene in open session at 10:05 a.m. The motion was seconded by Commissioner Beers which passed 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 April 17, 2024, at 9:00 a.m.

ADJOURNMENT

There being no further items to discuss, Commissioner Beers made a motion to adjourn the meeting. Commissioner Kasch seconded the motion which passed unanimously. The meeting adjourned at 10:07 a.m.

Kim O’Keefe, Secretary

Date Approved: April 17, 2024