

Lake Geneva Utility Commission Minutes
Lake Geneva Utility Commission Meeting
Monday May 15, 2023, 4:00pm
Council Chambers, City Hall – 626 Geneva St

THIS MEETING WAS HELD IN PERSON

Call Meeting to Order – Lyon called the meeting to order at 4:00pm

Roll Call – Lyon, Klein, Howell, Nord, Binn & Stanczak

Staff in Attendance – Gajewski

Public in Attendance: Vistas of Lake Geneva representatives: Dave Patzelt, Chad Pollard, Ryan Cardinal & Mike Pantano. Kapur representatives: Naomi Rauch & Greg Governatori.

Comments from the public as allowed by Wis. Statutes §19.84 (2), limited to items on this agenda except for public hearing items. Comments will be limited to 5 minutes.

Chad Pollard of Clair Law spoke on behalf of the Vistas of Lake Geneva regarding agenda item #9, giving a history of the project and stating the reasons why the variance is being requested.

Approve Utility Commission Minutes from April 17, 2023, as prepared and distributed
Nord/Binn motion to approve. Passed 6-0.

Acknowledgement of Correspondence

Gajewski stated that he had received communication from Chad Pollard of Clair Law in regard to the request from Vistas of Lake Geneva which is in the packets.

Approval of April 2023 Financials

Howell/Stanczak motion to approve. Passed 6-0.

Approval of April 2023 Bills

Binn/Klein motion to approve. Passed 6-0

Directors Report

Gajewski gave an overview of the submitted Directors Report and an update on the Pine Tree/Mariane Terrace project.

Binn/Howell motion to approve. Passed 6-0.

Discussion/Action on a request for support in a petition for a variance and easement filed by Clair Law on behalf of the Shodeen Group for the Vistas of Edgewood Subdivision

Gajewski explained this situation from the Utility's point of view. All the curb stops for this development have been located outside of the right of way or outside of the approved easements in the outlots. There have been multiple meetings between the City staff, the Engineers and Shodeen's representatives regarding this issue and what the possible solutions are. Gajewski explained the different options and why he is recommending that the curb stops, and curb boxes be relocated to the proper areas by the date that coincides with the sunset of the approved PIP. Last week, the curb stops on Sierra Court & Vista Court were relocated to the right of way by the Shodeen developers ahead of tonight's meeting.

Nord/Stanczak motion to suspend the rules and allow Naomi Rauch from Kapur Engineering to speak. Passed 6-0.

Rauch said she wanted to clarify some of the items in the letter from Clair Law included in the packet and explained what she believed the language referenced in terms of the Development Agreement. She also stated that she did not agree with all the statements in the letter and read out some areas of the Development Agreement that state that all national and state laws & codes need to be adhered to.

Gajewski was asked to restate what his recommendation is. He restated that he feels that the Developer needs to relocate the curb boxes and curb stops into the right of way or the approved easement in the outlots. The PIP does have a sunset timeframe in it that says that if all the improvements are not made within the sunset time period, the PIP is no longer valid, and the Developer would need to submit a new one. The long-term outlook of having curb boxes on private property is problematic for the Utility, especially if the property owners have landscaping around a curb box that needs to be dug up and replaced. The Utility would then be required to return the landscaping to it's original state at it's own cost.

Chad Pollard of Clair Law stated the reasons why he feels that moving the curb boxes would be a hardship on the Developer. He feels that they can stipulate that homeowners do not landscape in these areas. He stated that they are not blaming anyone for this situation, but they want to avoid digging up something that could be solved with an easement. They want to seek a variance from the State with the City's support.

Discussion followed.

Howell/Binn motion to accept staff's recommendation to approve the relocation of the curb stops and curb boxes to the public right of ways and / or previously approved easement areas within the Vistas of Edgewood Development, to be completed by the date that coincides with the sunset of the approved Precise Implementation Plan and Development Agreement.

Discussion/Action on Payment Request #2 for the Mariane Terrace & Pine Tree Lane Improvement Project prepared by Asphalt Contractors Inc

Gajewski explained that this pay request is made up of Utility only costs and also some shared costs with Public Works. With 5% retainage the cost to the Utility is \$174,799.39 which staff recommend be approved.

Stanczak/Howell motion to approve. Passed 6-0.

Discussion on the 2022 Consumer Confidence Report submittal

Gajewski explained that this is an annual report that the DNR requires us to publish for our customers that includes our water quality test results. It has been published in the local paper and is available on our website, in our office, at City Hall and in the Public Library. He explained that was a violation as we missed the time window for some of the tests but the tests were performed and notice of the violation and the test results are in the CCR. We are also required to perform a retest for those contaminants this year.

No action taken – discussion only.

Discussion/Action on potential utility improvement projects along CTH H

Gajewski explained that the County is planning to repave a stretch of Cty Hwy H from E Geneva Square to George St. We are looking at abandoning a section of duplicate water main on Sheridan Springs Rd. MSA have used the existing water model to determine if this would affect fire flow. Gajewski explained their findings. Gajewski would like to get engineering estimates to see what the cost of this project may be and bring it back in June or July. If the Commission is onboard, we would go back to the County and let them know that we would like to do this in conjunction with their repaving project. Discussion followed. The Commission feel that Gajewski should continue fact finding and their job would be to review the costs once we have them and determine if it makes financial sense. No action taken.

Discussion/Action on preliminary Chloride Source Reduction Measures Plan

Gajewski explained that we have a Wisconsin Pollutant Discharge Elimination Permit (WPDES) granted by the WI DNR that runs for five years. The current permit was issued in 2018 and will be up for renewal in June. As part of the existing permit, we were required to draft a Chloride Source Reduction Measures plan. We are bound by the Groundwater Enforcement Standards because we discharge to groundwater at the seepage cells. Our chloride levels are above the acceptable levels of 250mg/l, primarily because we do not treat to remove chlorides from our effluent. When homeowners use softeners, the wastewater that discharges to our system includes chlorides and because we don't treat for that and treating for it is a major expense, the DNR's solution is to encourage removal at the source. Gajewski explained all the ways we tried to reduce chlorides with our last renewal including talking with the top 30 users of our system to see if there were things they could do to help. We are also tightening up the collection system to reduce the infiltration of groundwater, but this actually makes the chloride problem worse since the solution to pollution is dilution! With the renewal this year we are planning to distribute a customer survey to get feedback and also build an inventory of customers who have water softeners and how many of them are time based or on demand. We do currently have a rebate program in place to offer a financial incentive to customers who switch out a time-based regeneration softener to an on demand one. Most new water softeners are now on demand so the next step would be to look at offering a high efficiency (low salt use) softener incentive. We could also incentivize the use of non-ion exchange equipment because those do not use salt at all. Approximately 3800 of our 4800 customers are residential so these customers are more than likely going to be the focus of upcoming programs. The other option would be to ask the city to create an ordinance that does not allow the use of water softeners but this is a very dramatic measure to take at this point. DNR staff have said that the preliminary Chloride Source Reduction Measures Plan that we have put together for our renewal this year is good enough to be included as part of the formal permit if approved by the Commission which is why it is on the agenda today. Discussion was had regarding the difference between the types of water softener and Gajewski said that we haven't historically tracked incoming chlorides, only effluent chlorides. The two areas of incoming chlorides are road salt and water softener regeneration. Discussion was had regarding the type of financial incentives that would need to be offered and the financial impact of that. Discussion was also had on creating an ordinance that says newly constructed homes would be required to fit only high efficiency water softeners.

No action taken.

Lyon/Stanczak motion to go into closed session pursuant to Wis. Stat. 19.85 (1)(e) deliberating or negotiating the purchasing of public property, investing in public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

The Commission convened into closed session on a roll call vote at 5:20pm.

Nord/Klein motion to return to open session pursuant to Wis. Stat. 19.85 (2) and take action on any items discussed in closed session.

The Commission reconvened into open session on a roll call vote at 5:30pm.

Howell/Binn motion to direct staff to get an appraisal of the parcels in question. Approved 6-0.

Adjourn

Howell/Binn motion to adjourn at 5:32pm.

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY
THE LAKE GENEVA UTILITY COMMISSION**