

The St. Peter Sanitary District Commission met on Wednesday, January 26<sup>th</sup>, 2005, at 6:00 p.m., at the Taycheedah Town Hall, for the purpose of conducting the January monthly meeting. Members present were President Mike Freund, Commissioners John Rickert and Bill Gius and Recording Secretary Brenda Schneider. Also present were Dennis Steigenberger and Doug Fredrickson of Foth & Van Dyke and Bud Sabel, District Maintenance Staff. The meeting was tape recorded.

1. Call to order. The President called the meeting to order at 6:07 p.m..
2. Approval of the minutes of the 12/21/04 meeting. Bill Gius motioned to approve the minutes as presented, seconded by John Rickert. Motion carried (3-0).
3. Review the ordinance. Section 5.1 needs to be clarified. The Commission will ask the auditor to address the impact of the current language. A workshop meeting will be scheduled.

Attorney Sharpe's written opinion regarding an ordinance amendment to regulate the tapping of mains needs clarification. Dennis Steigenberger will contact Attorney Sharpe to explain the District's position.

4. Discussion and possible action to authorize the review of the plans and specs for Sand Hill Ridge by the City of Fond du Lac and the impacted OSG members. The Wastewater Agreement Between the City of Fond du Lac and the Outlying Sewer Group requires a review by the City and the impacted OSG members. Eric Otte, J.E.Arthur & Associates, explained the review process. The preliminary submittal consists of the sewer service area map and the design calculations. The final submittal consists of complete plans and specs.

Foth has not yet done a preliminary review of the plans and specs. Foth suggests District review prior to the final submittal to the City.

John Rickert motioned to approve the Preliminary Notice of Intent, seconded by Mike Freund. Motion carried (3-0).

5. Discussion regarding the O&M Agreement with Taycheedah Sanitary District No. 1. The Commission received a letter from TSD No. 1, dated 1/24/05. The letter accuses the District of being in violation of the O&M Agreement due to failure to reimburse them for O&M expenses. The District has refused to pay the cost-share of the operation and maintenance expenses for the first and second quarter. The District has not approved TSD No. 1's request for reimbursement due to lack of detailed billing information. The District will request copies of their bills.

The District will continue to attempt to work with TSD No. 1 to clarify the O&M Agreement.

6. Project review. The County submitted a bid of \$1185.00 for the pipe bollards at the Deadwood Point meter station. Kruczek's bid was for \$975.00. Kruczek was notified, per the Commission directive at the November meeting, to do the work. The work will not be completed until spring due to frost. The work will be done as a change order.

Revised punchlists were reviewed. The Commission discussed outstanding issues not included on the lists.

Surface water drainage by the Church Road lift station needs to be reviewed. Foth will view the videos.

The lateral stub at W3573 Hillside Circle had settled and tipped. Pat Mand submitted a claim for the expense to correct the lateral elevation. Kruczek will be responsible for the expenses if the problem was caused by Kruczek's installation.

Town & Country's restoration work at the Hwy. 149 flow meter station may be affected by the corrective action the state will have to make due to the springs causing water to drain across the highway.

Bud Sabel is still waiting for parts for the Miller grinder pump. Once the grinder pump is working correctly, Kruczek will be billed for Bud's time spent addressing all of the problems.

The Huelster grinder pump has been installed. However, the interior electrical work needs to be completed. The Contractor claims he has been denied access to the house. Foth will attempt to contact the owner.

Mr. Huelster's daughter is considering building a house on the adjacent lot. The Huelster grinder pump would have the ability to serve two homes. However, it is doubtful that the pump is deep enough to provide basement service to the new home. An individual grinder pump may be needed for basement service. The depth of the Hwy. 149 main is too shallow for gravity service. The District owns and maintains all grinder pumps built for existing homes. Grinder pumps needed for new construction will be the property owner's responsibility.





Contractors and/or property owners requiring a grinder pump connection will be advised to run a control wire from the control panel to the basement for the connection of an alarm.

Foth will research the cost of switching the lights from on to off when there is a problem with the grinder pumps..

The chimney seals have been installed on the manholes along Hwy. 149.

The Commission will follow-up on the guardrail at the Cty. QQ lift station in spring.

Foth submitted a draft of the master sewer plan map.

A Quantity Adjustment Change Order from Green Bay Pipe and TV Contractors for the televising and cleaning of the Hwy. 149 sewer was reviewed. A quantity adjustment reduction \$539.66 was made to the bid.

7. Consideration and possible approval of the Certificate of Substantial Completion of Contract A-04, Existing Sanitary Sewer Televising (STH 149). Bill Gius motioned to approve the Certificate of Substantial Completion for the televising and cleaning of the existing sanitary sewer along Hwy. 149 and the Quantity Adjustment Change Order as submitted, seconded by John Rickert. Motion carried (3-0).
8. Discussion and possible action regarding quarterly compensation to the Recording Secretary The Commission will discuss the issue at a future workshop meeting.
9. Discussion regarding vegetation by the lift stations and meter stations. The consensus of the Commission was that this is a town issue due to the stations being located within the road right-of-way.
10. User Charge billing issues. The ordinance required the charging of interest on outstanding user charges. G.M. Hietpas, CPA, has been doing the District's billings. They have received claims of not receiving the first bill. Commission consensus was to grant Hietpas the discretion of waiving the interest in unusual situations.
11. Review of correspondence. Dennis Steigenberger submitted and explained an Agreement for Professional Services. The Commission will consider the Agreement at the February meeting.

As a result of the Commission's discussion at the January meeting, a letter was sent to Attorney Ed Ritger from the District informing him that he is to route all draft correspondence to the Commission for review and approval by the Commission. An approved draft will then be forwarded to the attorney under signatures of all or a majority of the commissioners prior to being sent to the recipient. President Freund believes this policy could handcuff the attorney.

President Freund informed the Commissioners that he would like to resolve the Nett issue. He had contacted Attorney Ritger to schedule a meeting with the Nett's to discuss the Ledge Road sewer construction costs. A meeting was scheduled; but then cancelled by the Netts.

President Freund advised the Commissioners to prepare to be interviewed in response to contact he made with the District Attorney's office and an investigator from the Fond du Lac County Sheriff's Department regarding an illegal closed session Town Board meeting allegation. President Freund filed the complaint as a representative of the Commission and sought legal advice from Attorney Ritger on the subject at District expense. He expects the Town will reimburse the District for the associated legal costs. He may also pursue civil action against the Town Board. President Freund feels the Commission needs to be a unified group. Commissioner Bill Gius is concerned about Mr. Freund's actions and will contact Attorney Sharpe to obtain his legal opinion regarding Mr. Freund's use of District funds to fight his battle, possible conflict with Ed Ritger continuing to serve as Special Counsel over the Ledge Road sewer construction issue while giving personal advice to Mr. Freund and the ordinance amendment in response to the sewer extension request for Sand Hill Ridge.

12. Approval of bills. John Rickert moved to approve the bills as submitted (Order nos. 1-20), seconded by Bill Gius. Motion carried (3-0). Bill Gius moved to
  - authorize the transfer of \$27,900.00 from the G.O. Account to the regular checking account,
  - authorize the transfer of \$5,920.75 from the Operations/ Inspections Account to the regular checking account for the Inspectors' payroll,
  - authorize the transfer of \$21.95 from Operations/User Charge Account to the Reserve for Replacement Account,
  - authorize the transfer of \$406.43 from the Operations/User Charge Account to the Debt Service Account, and
  - refund Scott Mack's \$150.00 permit fee from the Operations/Inspections Account due to double payment, seconded by John Rickert. Motion carried (3-0).

13. Public Comment. Attorney Steve Sorenson, Eric Otte of J&E Arthur and Glen Elmer, all representing Signature Homes, addressed the Commission regarding Attorney Sorenson's letter to the Commission, dated 12/21/04. The District's legal counsel has not reviewed the letter. The letter interprets the District's ordinance prior to the 12/9/04 amendment. Attorney Sorenson is willing to discuss his letter with Attorney Sharpe. The Commission preferred to meet with Attorney Sharpe.

Attorney Sorenson explained Green Lake's fee policy. The availability fee pays for the pipe past the property and the access fee pays for capacity and other related expenses.

14. Schedule the next meeting. The next monthly meeting will be on February 23<sup>rd</sup>, 2005.
15. Adjournment. Bill Gius motioned to adjourn at 9:20 p.m., seconded by John Rickert. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary



The St. Peter Sanitary District Commission met on Wednesday, February 23<sup>rd</sup>, 2005, at 6:00 p.m., at the Taycheedah Town Hall, for the purpose of conducting the February monthly meeting. Members present were President Mike Freund, Commissioners John Rickert and Bill Gius and Recording Secretary Brenda Schneider. Also present were Dennis Steigenberger of Foth & Van Dyke and Bud Sabel, District Maintenance Staff. The meeting was tape recorded.

1. Call to order. The President called the meeting to order at 6:05 p.m.
2. Approval of the minutes of the 1/26/05 meeting. Bill Gius motioned to approve the minutes, President Freund requested a sentence be added to Item 11 stating that if civil action is brought against the Town Board, legal advice received from the attorney may become personal expense at that time, John Rickert seconded with possible revision upon confirmation of the audio tapes. Motion carried (3-0).
3. Rick Schneider, Town & Country UUC, Inc., to address the Commission. Mr. Schneider requests reimbursement for the costs of the control panel and telemetry for the monitoring station. The components were not considered part of the project due to confusion regarding items deleted in the bid documents by an addendum. Mr. Schneider believes all of the bidders misunderstood the bid documents in reference to the aforementioned components. Town & Country became aware of the misunderstanding after the contract was signed. The components were needed and were installed by Town & Country under the direction of the District's engineer. John Rickert motioned to reimburse Town & Country \$17,692.50 for the actual cost of the control panel and telemetry system, seconded by Bill Gius. Motion carried (3-0).

Mr. Schneider also requested the reimbursement of \$25,685.00 (\$7,525.00 paid to Asphalt Specialists and \$18,160.00 paid to Northeast Asphalt) for additional asphalt work needed in the roadway areas that settled. Town & Country also incurred \$12,067.95 for associated costs for removals for which Mr. Schneider is not requesting reimbursement. Mr. Schneider stated that his company's work consistently met or exceeded compaction tests per the contract. The problem areas surfaced where the contract required the use of native material for backfilling. Mr. Schneider stated that if granular backfill had been used; he would not have incurred the cost of additional asphalt work and the project would have cost the District considerably more. Dennis Steigenberger informed the Commission that bidders are responsible for the specifications and that the contractors should have had provisions for settling. It was also noted that compaction tests were not performed at every few inches of backfill. The Commission will consider the request for reimbursement of additional asphalt work at the March monthly meeting.

Mr. Schneider also addressed the release of retainer. The Commission intends to release an additional \$15,000 of the retainer today. Mr. Schneider was not aware of the revised punchlist. A draft of the revised punchlist was given to Mr. Schneider. Due to the remaining punchlist items; Mr. Schneider feels comfortable with the retainer being held by the District.

4. Consideration and possible action to amend Section 4.9 of the ordinance for the tapping of sewer mains. A sample resolution was submitted by Attorney Gary Sharpe. After brief discussion, Bill Gius motioned to postpone the revision to a workshop meeting for review, seconded by John Rickert. Motion carried (3-0).
5. Project review. Foth has contacted L.W. Allen regarding changing the warning lights on the grinder pump stations to go on when there is a problem. L.W. Allen would have to change the logic in the computers at a cost of \$325.00 per station. L.W. Allen also recommends installing a battery panel with horn alarm or strobe light at a cost of \$800.00 each; not including installation. It was also noted that without the battery panel, there would not be any type of warning if the electricity failed. The Commission consensus was to not pursue changing the lights from off to on in the event of a problem. The District will send a notice to all grinder pump serviced property owners recommending they purchase and install an alarm inside their homes.

Bud Sabel, maintenance technician, commented that the parts for the Miller grinder pump have yet to be received. Bud commented that when the bulb goes out; it blows a fuse.

Bud also informed the Commission that some of the stainless steel control panels are discoloring. Foth will investigate.

Bud added that the Endres' grinder pump station has two cracked hubs. Foth will investigate.

Mr. Endres has recently contacted the District's Recording Secretary, Brenda Schneider, regarding \$23,000.00 in damage as a result of an alleged grinder pump failure. The cause of the back-up is unknown. Mr. Endres has filed a claim with the contractor and various subcontractors. All of them have denied his claim. A claim has not been filed with the District's insurance carrier. It is unclear if Mr. Endres submitted



a claim to his homeowner's insurance carrier. Mr. Endres plans to submit a claim and denial information to Brenda Schneider.

The Shady Lane lift station continues to transmit false failure warnings. Pump no. 1 has consistently shown a failure report. Bud has adjusted the pump relay to see if pump no. 2 will now trigger false failure warnings. Bud has contacted L.W. Allen about the problem.

The drainage around the Church Road lift station has been resolved. The Town is responsible for plantings within the right-of-way.

The bill for lateral adjustment from Pat Mand Trenching and Boring has been submitted to Town & Country.

The Huelster grinder pump installation is not complete. Mr. Huelster has issues with the restoration of private utility services damaged by Town & Country. Town & Country will complete the installation in the spring.

Engineering costs will be added to the pay request for the televising of the sewer along Hwy. 149, prior to submittal to the State for reimbursement. Town & Country's bill of \$511.77 for repair to the damaged cone section at Hwy. 149 and Lakeview Road will also be submitted to the State. The Hwy. 149 meter station had considerable sediment; which altered the meter reading.

The Town Board is scheduled to review the Final Plat of Sand Hill Ridge at their March 14<sup>th</sup> meeting. Foth has reviewed the sewer extension plans for Sand Hill Ridge. The Commission discussed Foth's written review dated February 14<sup>th</sup>, 2005.

The County Highway Dept. will reduce the length of the Cty. QQ guardrail after the spring thaw.

The master project map was revised and presented. Foth will have the map mounted, per Commission directive, to a foam board. It will then be framed and mounted.

6. Consideration and possible action on an Agreement for Professional Services with Foth & Van Dyke. Bill Gius had spoken with Attorney Gary Sharpe regarding the Agreement. Attorney Sharpe had no objections to the Agreement and will submit a note to that affect to the Commission. John Rickert motioned to approve the Agreement for Professional Services with Foth & Van Dyke, seconded by Bill Gius. Motion carried (3-0).
7. Discussion User Charge billing issues. President Freund received correspondence from a resident regarding a user charge bill. It was thought that the billing was a mistake because the home has yet to connect to the sewer system. The billing was for the fourth quarter prorated portion of the \$25.00 per month debt service charge applicable to the properties not connected by their initial deadline. President Freund will contact the resident to explain the billing.
8. Review of correspondence. A letter, dated 12/25/04, was sent to Attorney Ritger regarding the Commission's review and approval policy. A letter will also be submitted to Foth & Van Dyke, Attorney Gary Sharpe and Schenck Business Solutions.

A Letter of Understanding for accounting services was submitted by G.M. Hietpas, CPA, LLC. Bill Gius motioned to accept the Letter of Understanding, seconded by John Rickert. Motion carried (3-0).

A letter received from the City of Fond du Lac regarding treatment bills not paid by some of the OSG districts and contracting with an independent third-party for the reading and calibration of all meters within the entire collection system was discussed. The OSG will address the reading and calibration issue at their semi-annual meeting to be held in April.

9. Approval of bills. John Rickert motioned to approve Change Order No. 7 to Town & Country and Change Order No. 10 to Kruczek, seconded by Bill Gius. Motion carried (3-0).

Bill Gius motioned to approve the bills as presented, with the exception of #37 from Taycheedah Sanitary District No. 1, (order nos. 21-36), seconded by John Rickert. Motion carried (3-0).

Mike Freund made the following motion:

- authorize the transfer of \$79,000.00 from the G.O. Account to the regular checking account,
- authorize the transfer of \$5,008.94 from the Operations/Inspections Account to the regular checking account for the Inspectors' payroll,
- authorize the transfer of \$348.10 from Operations/User Charge Account to the Reserve for Replacement Account, and
- authorize the transfer of \$7,142.45 from the Operations/User Charge Account to the Debt Service Account, seconded by John Rickert. Motion carried (3-0).

10. Public Comment. None given.
11. Establish Workshop Meeting date. The Commission will plan to meet for a workshop meeting on Wednesday, March 2<sup>nd</sup>, at 6:00 p.m., to discuss revisions to the ordinance.
12. Establish Special Meeting re: Ledge Road sewer. The March monthly meeting will be changed to March 16<sup>th</sup> or 21<sup>st</sup>. The Commission will attempt to conduct a special meeting on April 6<sup>th</sup>.
13. Establish manhole inspections. The Commission intends to inspect the manholes after the spring thaw or after the completion of the snow plowing season.
14. Adjournment. Bill Gius motioned to adjourn at 9:52 p.m., seconded by John Rickert. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary

# DONOHUE, SHARPE & CASPER, S.C.

ATTORNEYS AT LAW

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Jerald P. Donohue  
Gary R. Sharpe  
Nicholas A. Casper  
Court Commissioner

Joseph D. Donohue  
1912-1991

February 24, 2005

Brenda A. Schneider, Clerk  
Town of Taycheedah Sanitary  
District #3 (St. Peter)  
W2695 Loehr Street  
Malone, WI 53049-1412

Re: Foth and Van Dyke Addendum to Agreement for Professional Services

Dear Brenda:

Pursuant to the request of Bill Gius I have reviewed the standard form of addendum (Agreement for Professional Services) prepared by Foth and Van Dyke and released January 26, 2005. This Agreement is for specific advisory services at a fixed price of \$2,450 annually but contemplates additional services and additional cost. Those additional costs are broken down on a rate schedule and an itemization of direct expense reimbursements. I don't find anything unusual or improper with regard to this Agreement and I believe it is appropriate for the District to sign the agreement.

If you have questions, please call.

Sincerely yours,

DONOHUE, SHARPE & CASPER, S.C.



Gary R. Sharpe

GRS/lms



**STANDARD FORM OF ADDENDUM**  
**(Agreement for Professional Services)**

This Agreement shall be an addition to, and subject to the conditions contained in that Agreement for Services dated June 25, 2003 between FOTH & VAN DYKE and Associates, Inc. (ENGINEER), and

Taycheedah Sanitary District #3 (OWNER).

WHEREAS the OWNER wishes to engage the ENGINEER to provide various services as described below, in accordance with ENGINEER procedures, standards, and normal billing practices, and

WHEREAS the project to which such services apply is referred to as the PROJECT and described generally as follows: advisory/consultive services for 2005 and

WHEREAS the ENGINEER has agreed to perform such work.

NOW, THEREFORE, and in consideration of the above, the ENGINEER and the OWNER do hereby agree and covenant as follows:

**SECTION 1 - SERVICES**

1.1 Advisory/consultive services are intended to provide technical and economic information upon which policy decisions and project designs may be based.

1. Attend six (6) monthly Sanitary District meetings at Town Hall during 2005, as directed (includes travel and mileage). Meeting attendance to begin in July.
2. Provide existing sewer data to developers as needed for potential new subdivisions being designed by developer's engineer. (This does not include reviewing plans and specifications which is covered in Section 1.2 of this addendum.)
3. Provide general advice and consultation as needed regarding existing and potential public sanitary sewer facilities.
4. Assist in annual budget preparation and review user charge system, if necessary.
5. Provide general input for sewer service area planning.
6. Interpretation of general requirements of regulations, codes, etc. of local, state and federal agencies (i.e., DOC, WDNR, etc.).

7. Review monthly wastewater flow chart prepared by the Sanitary District. Provide advice on system performance related to number of customers.
8. Consult on collection system maintenance issues and make recommendations if appropriate.
9. Respond to technical questions on sewer use ordinance or user charge system.
10. Consult on lateral hookups/permit questions.
11. Provide input to sewer extension policy and sewer use ordinance changes.

(Estimated hour effort for above tasks = 40 hours)

## 1.2 ADDITIONAL ENGINEERING SERVICES

The ENGINEER shall under this paragraph provide optional additional professional services which are often a part of the project, but which have not been included under previous paragraphs. These services shall be provided AT ADDITIONAL COST under the method indicated in Section II.

Examples of these services include, but are not limited to:

- ♦ Reviews of developer sanitary sewer plans and specifications for subdivision.
- ♦ Preliminary designs and projected cost for extensions to unsewered areas.
- ♦ Easement description development.
- ♦ Detailed rate studies.

The ENGINEER agrees to provide the following Additional Consulting Services for the PROJECT:

- None requested at this time. However, services of the type listed above will be provided under this paragraph AT ADDITIONAL COST if authorized in writing by the OWNER.

## SECTION 2 - COMPENSATION

AN INITIAL PAYMENT OF Zero Dollars (\$ 0) shall be made upon execution of this Agreement and credited to the OWNER's account at final payment.

It is proposed to complete tasks 1 through 11 described in Section 1.1 for a lump sum total of \$2,450.00 annually. \$1,225 will be invoiced July 2005 and the remaining \$1,225 will be invoiced in December of 2005.

Whereas the OWNER has elected to compensate the ENGINEER for services under Section 1.2 on a Per Diem Basis, such compensation shall include payment for labor, direct expenses, and other compensation as follows:



**Hourly Rate Schedule:**

The hourly rates to be used for this item shall be determined by the hourly rate schedule incorporated into this agreement as shown below or attached schedule. The ENGINEER reserves the right to adjust the overhead rate, which is used in determining the above hourly rates, on a yearly basis.

**Direct Expenses:**

Reimbursement of direct expenses incurred in connection with the PROJECT, including but not limited to the following:

- ♦ Reimbursable expenses (e.g. long distance telephone, subsistence and lodging, commercial transportation, postage and shipping, expense of purchased services, lease of specialized equipment, etc.).
- ♦ Mileage at forty-five (45) cents per mile.
- ♦ Mileage for survey vehicles at sixty-five (65) cents per mile.
- ♦ Fees paid for securing approval of authorities having jurisdiction over the PROJECT.
- ♦ Printing and reproduction.
- ♦ Equipment costs (e.g. computers, automated survey instruments, CADD equipment, etc.).
- ♦ The OWNER will reimburse the ENGINEER for taxes or levies (excluding Federal, State and Local income taxes) which may be assessed against the ENGINEER by the Federal Government or any State or political subdivision directly on services performed or on payments for services performed, by the ENGINEER and which taxes or levies the ENGINEER may be required to collect or pay.

**Other Compensation:**

It is understood that when requested by the OWNER, the ENGINEER shall procure the services of independent inspection bureaus, laboratories, soil exploration firms, etc. However, this is for the convenience of the OWNER and the ENGINEER shall provide coordination only of these services at the labor rates determined above. The ENGINEER shall pass the costs of the independent services directly to the OWNER for payment with a surcharge of 15% to cover the processing expenses of the ENGINEER.

Payments are due and payable thirty (30) days from the date of the ENGINEER's invoice. Amounts unpaid thirty (30) days after the invoice date shall bear interest at the rate of one percent (1%) per month from invoice date.

**SECTION 3 - TIMETABLE**

As described in the scope of services and/or as agreed upon with OWNER.

**SECTION 4 - SPECIAL CONDITIONS**

- 4.1 The scope and level of service for 2005 advisory/consultive services are described in Section 1.1. These services will be evaluated annually and adjusted as mutually



agreed upon. Dennis Steigenberger will serve as client contact for the duration of this addendum.

4.2 For services described in Section 1.2, authorization will be issued by the Recording Secretary as received from the Commission.

4.3 A separate addendum will be executed for design, bidding and general administration during construction, and resident observation services on a project by project basis.

All other provisions of that Agreement referred to above shall remain in force unless otherwise modified or deleted above.

IN WITNESS WHEREOF the parties hereto set their hands and seals dated this

23<sup>rd</sup> day of February, 2005.

For ENGINEER:

Foth & Van Dyke and Associates, Inc.

By: [Signature]  
Name (Please print): DENNIS M. STEIGENBERGER

Title: ASSOCIATE

By: [Signature]

Name (Please print): David K. Sauer

Title: Project Director

For OWNER:

Taycheedah Sanitary District #3

By: [Signature]  
Name (Please print): William J. Glus

Title: Commissioner

By: [Signature]

Name (Please print): John J. Rickert

Title: Commissioner

**Foth & Van Dyke and Associates, Inc.**  
**2005 Taycheedah Sanitary District No. 3 - Rate Schedule**

Classification	Hourly Rate
Director/Principal	\$110.00
Senior Project Manager	\$99.00
Senior Engineer/Scientist/Planner	\$92.00
Project Engineer/Scientist/Planner	\$82.00
Staff Engineer/Scientist/Planner	\$72.00
Architect	\$78.00
Landscape Architect	\$72.00
Senior Technician	\$77.00
Project Technician	\$69.00
Staff Technician	\$58.00
Surveyor - Chief	\$64.00
Surveyor - Helper	\$43.00
Administrative	\$58.00
Clerical	\$47.00

The cost of specific technical equipment and employee travel expenses are not included in the above hourly rates.

The St. Peter Sanitary District Commission met on Wednesday, March 2<sup>nd</sup>, 2005, at 6:00 p.m.. Members present were President Mike Freund, Commissioners John Rickert and Bill Gius. Also present were Attorney Gary Sharpe and Recording Secretary Brenda Schneider.

1. Call to order. The President called the meeting to order at 6:05 p.m.
2. Discuss possible ordinance revisions. The group discussed revising the following sections:
  - Section 5.1 regarding the rate of interest.
  - Section 5.2(a) regarding to a requirement of final plat approval prior to requesting a sewer extension and the design of such extension. Attorney Sharpe will contact Sam Tobias, Fond du Lac County Planner, about Sand Hill Ridge's request for an extension.
  - Section 5.3(a) regarding an access fee. Attorney Sharpe suggested consulting with Jerry Edgar to evaluate the connection charge and the annual increase to the charge. The Commission may consider having a workshop meeting with Mr. Edgar.

The Recording Secretary, Brenda Schneider, left the workshop meeting at 6:55 p.m., in order to attend a public hearing of the Town of Taycheedah Plan Commission.

- Section 4.9 regarding the tapping of mains.
3. Discuss correspondence. The group discussed the recent anonymous distribution of a confidential document to selected residents of the District.
  4. Adjournment. The group will meet in for a workshop meeting on March 16<sup>th</sup>, at 5:00 p.m., to further discuss the ordinance revisions. The workshop meeting adjourned at approximately 7:40 p.m.

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary



The St. Peter Sanitary District Commission met on Wednesday, March 16<sup>th</sup>, 2005, at 6:00 p.m., at the Taycheedah Town Hall, for the purpose of conducting the March monthly meeting. Members present were President Mike Freund, Commissioners John Rickert and Bill Gius and Recording Secretary Brenda Schneider. Also present was Dennis Steigenberger of Foth & Van Dyke. Also in attendance were Mike Wirtz, Tim Simon and John Abler. The meeting was tape recorded.

1. Call to order. The President called the meeting to order at 6:15 p.m.
2. Approval of the minutes of the 2/23/05 and 3/2/05 meetings. Bill Gius motioned to approve the minutes, seconded by John Rickert. Motion carried (3-0).
3. Discussion and possible action regarding issues with Taycheedah Sanitary District No. 1. The third quarter invoice contained an error. TSD No. 1 has submitted a revised invoice.

The District has not reimbursed TSD No. 1 for operation and maintenance expenses due to unresolved differences of opinion on what expenses should be cost-shared. The District has attempted to resolve the issue with TSD No. 1 for most of the past year. Negotiations have deteriorated. The District will attempt to get the TSD No. 1 Commission back to the table. A conference between the presidents of Calumet Sanitary District, Johnsburg Sanitary District and St. Peter Sanitary District will be held next week to discuss the issue.

4. Consideration and possible approval to reimburse Town & Country UUC, Inc., for costs relating to asphalt settling. Bill Gius motioned to decline the request, seconded by Mike Freund. Motion carried (3-0).
5. Consideration and possible action to amend Section 4.9 of the ordinance for the tapping of sewer mains. Attorney Sharpe recommends a revision stating that the property owners be required to obtain all necessary permits. Bill Gius motioned to postpone the amendment, seconded by John Rickert. Motion carried (3-0).
6. Project review. The master map is not complete.

Foth is still compiling the total cost for the Hwy. 149 televising and repair project. Foth will submit a summary of costs to the Commission when it is complete.

The Shady Lane lift station continues to transmit low level warnings. Foth believes there may be a float problem. L.W. Allen will be contacted.

The Huelster grinder pump installation is not complete. Town & Country would like to complete the installation so that they can be paid. L.W. Allen wants their money from Town & Country. It is doubtful that the installation will be completed before the spring thaw.

It is believed that road salt is discoloring some of the control panels.

There is some possible settling along Cty. QQ that may need to be added to the punchlist.

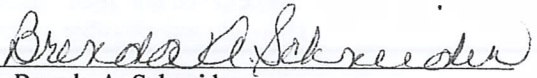
7. Consideration and possible action regarding the Notice of Intent for the review of the designs and specifications for sewer service to Sand Hill Ridge. Bill Gius motioned to approve the Notice of Intent, seconded by John Rickert. Motion carried (3-0).
8. Consideration and possible action regarding a damage claim submitted by Don Endres. Mr. Endres submitted a claim for damage possibly caused by a back-up of his grinder pump station. The Commission consensus was to obtain a legal opinion regarding submission to the District's insurance carrier. The attorney review and response will be discussed at the next meeting.
9. Consideration and possible approval of an on-site system rebate submitted by Jean Killinger. Rebate requests were due in the fall of 2002. The Killinger's system was installed after the formation of the District and is therefore not be entitled to a rebate based upon the statutes. Glen Viercant, Foth & Van Dyke, will be contacted regarding the handling of late submittals received in the past. Bill Gius motioned to table the rebate request to the next meeting for further information, seconded by John Rickert. Motion carried (3-0).
10. Consideration and possible action regarding the lateral connection deadline. The extended deadline for one of the three areas in April 10<sup>th</sup>. Approximately 136 homes still need to be connected to the system. It is unknown at this time how many of those homes are located in the first deadline area. Bill Gius motioned to table the issue to the April meeting pending additional review and information, seconded by John Rickert. Motion carried (3-0). Bill Gius motioned to extend the December 10<sup>th</sup> deadline area by one month (May 10) pending April's meeting, seconded by John Rickert. Motion carried (3-0).

11. Consideration and possible action regarding quarterly compensation to the Recording Secretary. Bill Gius motioned to not change the Recording Secretary's 2005 compensation from the 2004 compensation (2004 compensation of \$10,000.00 was established by the Commission on 11/17/04), to be paid on a quarterly basis, seconded by John Rickert. After considerable discussion, the motion carried (2-1). Mike Freund voted nay.
12. Approval of bills. Bill Gius motioned to approve the bills as presented, with the exception of reimbursing from Taycheedah Sanitary District No. 1 for treatment and Town of Fond du Lac Sanitary District O&M charges only, (order nos. 37-48), seconded by John Rickert. Motion carried (3-0).

Mike Freund made the following motion:

  - authorize the transfer of \$7,500.00 from the G.O. Account to the regular checking account,
  - authorize the transfer of \$1,614.75 from the Operations/Inspections Account to the regular checking account for the Inspectors' payroll,
  - authorize the transfer of \$401.29 from Operations/User Charge Account to the Reserve for Replacement Account,
  - authorize the transfer of \$8,439.39 from the Operations/User Charge Account to the Debt Service Account, and
  - authorize the wire transfer of \$205,875.00 (\$150,000 principal/\$55,875.00 interest) from the Debt Service Account for payment toward the Bond Anticipation Note, seconded by Bill Gius. Motion carried (3-0).
13. Public Comment. Mike Wirtz, Town of Taycheedah Supervisor, enquired about reimbursement to the Town for the use of the office materials and equipment and the use of the Town Hall.
14. Establish Special Meeting re: Ledge Road sewer. A meeting date was not determined.
15. Consideration and possible election of officers. After considerable discussion, John Rickert motioned to nominate Bill Gius President, John Rickert Treasurer, and Mike Freund Secretary, seconded by Bill Gius. After additional discussion and debate, Motion carried (2-1). Mike Freund voted nay.
16. Adjournment. John Rickert motioned to adjourn at 8:45 p.m., seconded by Mike Freund. Motion carried (3-0).

Attest:

  
Brenda A. Schneider  
District Recording Secretary



March 16<sup>th</sup>, 2005

St. Peter Sanitary District  
Workshop Meeting

1.

The St. Peter Sanitary District Commission met on Wednesday, March 16<sup>th</sup>, 2005, at 5:00 p.m. Members present were President Mike Freund, Commissioners John Rickert and Bill Gius. Also present were Attorney Gary Sharpe, Kathy Diederich of Schenck Business Solutions, Mr. Jerry Edgar and Recording Secretary Brenda Schneider.

1. Call to order. The President called the meeting to order at 5:08 p.m.
2. Financial status report presented by Kathy Diederich, Schenck Business Solutions. The 2004 audit is nearly complete. As part of the auditing process, Ms. Diederich evaluated outstanding monetary obligations. She has validated the material costs, reviewed billings from Ronet Construction, verified payments to Ronet and verified change orders and pay requests for the Ledge Road extension. She believes there is room for negotiation of Excel Engineering's bill.

Ms. Diederich has also evaluated the accuracy of the District's financial projections. She recommends the Commission considers adjusting some of the projections. Dave Wagner, Ehler's & Associates, and possibly Mr. Edgar, will be able to assist.

Jerry Edgar, consultant, discussed various methods to compile applicable charges for special assessments and connection charges. Mr. Edgar will work with District staff to prepare for a recommendation to the Commission at the April 27<sup>th</sup> meeting.

3. Discuss possible ordinance revisions. Attorney Sharpe is researching the possible revisions.
4. Adjournment. Bill Gius motioned to adjourn at 6:15 p.m., seconded by John Rickert. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary

April 18<sup>th</sup>, 2005

St. Peter Sanitary District  
Workshop Meeting

1.

The St. Peter Sanitary District Commission met on Monday, April 18<sup>th</sup>, 2005, at 4:00 p.m. Members present were President Bill Gius, Commissioners John Rickert and Mike Freund. Also present were Attorney Gary Sharpe, Kathy Diederich of Schenck Business Solutions, Attorney Jerry Edgar, Dennis Steigenberger of Foth & Van Dyke and Recording Secretary Brenda Schneider.

1. Call to order. The President called the meeting to order at 4:04 p.m.
2. The Commission will meet with professional staff to discuss the financial position of the District. Attorneys Sharpe and Edgar have met with Dennis Steigenberger and Glen Viercant of Foth & Van Dyke to review the details and history of the District's funding methodology. Staff reported their initial evaluation of the District's developable lot potential, special assessments, sewer extensions, residential equivalent units, multiple assessments and deferred special assessments.

Legal staff advises revising the District's special assessment schedule. The proposed steps are as follows: amend the preliminary special assessment resolution; amend the engineer's report, conduct the public hearing; and adopt the final special assessment resolution.

Attorneys Sharpe and Edgar will evaluate Area F issues and make a recommendation to the Commission with consistency as a goal.

The original assessment area consisted of 1,236 potential lots. The District purchased capacity for approximately 730 RUE's. The initial service area consisted of 560 vacant and developed lots.

Staff needs to compile additional data before establishing the proposed special assessment schedule.

Staff will update the Commission at the April 27<sup>th</sup> monthly meeting.

3. Discuss possible ordinance revisions. The ordinance will need to be amended once the special assessment schedule is established.
4. Adjournment. Mike Freund motioned to adjourn at 5:59 p.m., seconded by John Rickert. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary



April 21<sup>st</sup>, 2005

St. Peter Sanitary District  
Semi-Annual Meeting of the Outlying Sewer Group

1.

The St. Peter Sanitary District Commission was represented on Thursday, April 21<sup>st</sup>, 2005, at 2:00 p.m., at the Village of North Fond du Lac Community Center, 280 Garfield Street, North Fond du Lac, for the purpose of participating in the semi-annual meeting of the Outlying Sewer Group. Member present was President Bill Gius. Also present were Attorney John St. Peter, District Recording Secretary Brenda Schneider and various other representatives of OSG members.

1. Call to order. Mell Smigielski, Chairman of the OSG, called the meeting to order.
2. The Commission will meet with other members of the Outlying Sewer Group for the purpose of conducting their semi-annual meeting. The minutes of the meeting compiled by Attorney John St. Peter and distributed amongst the member entities is hereby attached and incorporated into these minutes.
3. Adjournment. The workshop meeting adjourned at approximately 4:15 p.m.

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary

**MINUTES OF THE SEMI-ANNUAL MEETING OF THE  
OUTLYING SEWER GROUP  
HELD ON APRIL 21, 2005**

**ROLL CALL**

The meeting was called to order by the OSG Executive Committee Chairperson Mell Smigielski at the Village of North Fond du Lac Community Center at 2:00 p.m. Open meeting notice was confirmed. Attached is a copy of the attendance sheet. Also in attendance were Attorney John St. Peter, Attorney Martin De Vries, Ronald Cunzenheim of REC Engineering, LLC, Jeff Mazanec of SEH and Jodi Dobson of Virchow Krause & Company. The minutes of the October 21, 2004 meeting were approved as submitted.

**CITY TREATMENT  
PLANT**

Mark Lentz and representatives of Strand Associates presented a status report on the wastewater treatment plant project. Among the highlights of the report were the following items:

- The project cost has increased from approximately \$49 million to approximately \$59 million. However, the allocation of costs among the project elements remain approximately the same with nitrification the largest element at 43%.
- The increased cost is attributable to the rising costs of building materials as well as an environmental cleanup expense relating to Rueping Leather landfill materials.
- June 30, 2008 is the state mandated deadline to comply with the nitrification requirements.
- The City will borrow 100% of the project costs using a 2.5% Clean Water Fund Loan. The individual OSG districts will be billed for their share through their quarterly rate bills. The four Towns will be allowed to pay over time on the same schedule as the City of Fond du Lac. The first payments are anticipated for the fall of 2008.



- Mr. Lentz offered to provide OSG members with tours either individually or combined.

## **EAST SIDE METERING**

All of the east side OSG members that they are implementing the metering recommendations submitted by Applied Technologies.

## **METER CALIBRATION/ READING**

The Executive Committee brought the OSG's attention to the current practice of the City of Fond du Lac reading and calibrating OSG meters. Certain members have expressed concern over the City's activity. Therefore, Ron Cunzenheim was asked to obtain a quote for an independent service. Attached is a proposal from Badger Laboratories & Engineering, Inc. Under the proposal the annual cost per meter for calibration and reading is approximately \$1,100. After extensive discussion the consensus of the OSG was to continue with the City calibrating and reading meters consistent with the Sewer Agreement. However, any OSG member who wishes to independently verify the City's information is encouraged to contact Badger Laboratories & Engineering, Inc. or any other competent outside source.

## **SSES**

Attached is a proposal from SEH for the first phase of a Sewer System Evaluation Survey (SSES). The cost is not to exceed \$72,650. The cost would be evenly divided among the 13 connection points for a net cost of approximately \$5,600. The Executive Committee members reminded the individual OSG districts that the Wisconsin Department of Natural Resources requires the SSES. Further, the information from the SSES will be useful in determining the OSG's allocated share of the new treatment plant. After further discussion, motion and second with unanimous approval of the following resolution:

RESOLVED, that each OSG member shall present the SEH proposal to its respective district for action within 30 days. The decision of each district should be communicated to John St. Peter's office c/o Mary Jo Kraus so that the SEH contract may be executed.

**TECHNICAL  
STANDARDS  
COMMITTEE**

Ron Cunzenheim reminded all of the members that the DNR has issued individual permits to the Districts and that each District must comply with the SSES requirement. John St. Peter will send copies of the DNR letters to Mr. Cunzenheim who will then forward a summary of the applicable requirements.

**CITY 2004  
TRUE-UP  
CALCULATION**

Jodi Dobson of Virchow Krause & Company presented a summary of the City 2004 True-Up calculation. A copy of the memorandum is attached. Ms. Dobson noted that actual flows and loadings were higher than budgeted. Flows were approximately 22% higher while the various loadings ranged from 5% to 11% higher than budgeted. Therefore, the OSG members paid higher amounts during the year due to the higher unit costs. Each District is entitled to a refund. A summary of the refund is found on the last page of the report. In total OSG refunds amount to \$294,063.48. John St. Peter was asked to forward a letter to the City requesting payment of the refunds. Mr. St. Peter was also asked to clarify why the OSG is responsible for a portion of the legal fees set forth in the City's year-end actual expense report.

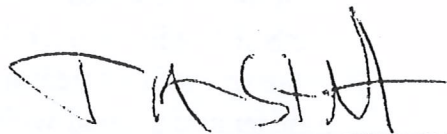
**NEXT MEETING**

The next meeting of the OSG is scheduled for October 20, 2005 at the Village of North Fond du Lac Community Center.

**ADJOURNMENT**

No other business coming before the OSG, the meeting was adjourned at the conclusion of the closed session.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. St. Peter', written over a horizontal line.

John A. St. Peter, Recording Secretary



Name

Entity

\* Mary Frullo

Martin DeVries

James Apple

Jerry Guelley

Charles McCombs

Jodi Dobson

NORBERT KOLELL

HAROLD MANSKE

Al Sattler

Mike TAVISTAD

TON CONZENHEIM

Mell Smigielski

JEFF MAZANEC

Bill Gius

Brenke Schrecker

\* FRANZ SCHMITZ

\* Richard Wehner

\* BOB STEINKE

MIKE BURRIS

\* Brian Balsom

John St. Pierre

SD#1 Empire

Taych. SD #1

Taych. SD #1

Town Taychedah

Town of Friendship

VK

Town of Empire

Town of Fond du Lac

Town of Calumet

N.F.L.

REC ENGINEERING, LLC

N.F.D.L.

SEH

TSD #3

Town Taychedah / TSD No. 3 / Johnsonburg

JOHNSBURG S. Dist.

Town of Calumet S.W. #1

SANITARY #1 FRIENDSHIP

FR. S.D. #2

Town Fond du Lac #2

OLL Aty

\* Send copy of Budget to State

The St. Peter Sanitary District Commission met on Wednesday, April 27<sup>th</sup>, 2005, at 6:00 p.m., at the Taycheedah Town Hall, for the purpose of conducting the April monthly meeting. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert and Recording Secretary Brenda Schneider. Also present were Dennis Steigenberger of Foth & Van Dyke, Kathy Diederich of Schenck Business Solutions, Rick Schneider of Town & Country, Roger Braun of Braun Septic Service and Bud Sabel, District Maintenance Personnel. The meeting was tape recorded.

Call to order. The President called the meeting to order at 6:03 p.m.

Pledge of Allegiance.

Approval of minutes. The minutes of the 3/16/05 workshop meeting, the 3/16/05 monthly meeting and the 4/18/05 workshop meeting were presented. After considerable discussion, John Rickert motioned to accept the minutes. Mike Freund seconded the approval with the exception of the following additions to the 3/16/05 monthly meeting minutes: recognize the attendance of Mike Wirtz, Tim Simon and John Abler; note in Item #11 from the minutes of that meeting, the Recording Secretary's annual compensation for 2005 will be the same as it was in 2004, \$10,000 paid in quarterly increments of \$2,500.00; and attach a transcript of Item #15, Consideration and possible election of officers. Motion carried (3-0). Mike Freund moved, John Rickert seconded, to attach a transcript of the 4/18/05 workshop meeting, Item #2, Commission will meet with professional staff to discuss the financial position of the District, in order to clarify that the potential number of lots was based upon an estimated density by making a comparison to Sand Hill Ridge. Motion carried (3-0). Discussion of producing transcripts of the meeting minutes followed and will be reported on at the next monthly meeting.

#### Unfinished Business

1. Review Town & Country UUC, Inc. blacktop claim. Last February, Mr. Schneider, Town & Country UUC, Inc., requested the reimbursement of \$25,685.00 (\$7,525.00 paid to Asphalt Specialists and \$18,160.00 paid to Northeast Asphalt) for additional asphalt work needed in the roadway areas due to settling. Town & Country also incurred \$12,067.95 for associated costs for removals for which Mr. Schneider is not requesting reimbursement. Mr. Schneider stated that his company's work consistently met or exceeded compaction tests per the contract; with the exception of two tests. The two areas were re-compacted prior to surfacing. Mr. Schneider submitted a copy of the compaction test results to the District. The problem areas are where the contract required the use of native material for backfilling. Mr. Schneider stated that if granular backfill had been used; he would not have incurred the cost of additional asphalt work and the project would have cost the District considerably more. Dennis Steigenberger informed the Commission that bidders are responsible for the specifications and that the contractors should have made provisions for settling. It was also noted that compaction tests were not performed at every few inches of backfill. The Commission denied the request at the March 16<sup>th</sup> meeting. Town & Country will incur an additional \$3,435.00 for asphalt areas that settled since last fall.  
Town & Country's warranty bond will be reviewed with Foth & Van Dyke and possibly with legal counsel. The request will be further addressed at a future meeting.
2. Status report on the 2005 audit. Kathy Diederich, Schenck Business Solutions, is still awaiting attorney letters regarding unresolved issues and outstanding liabilities. The attorney letter is a standard auditing practice. She can not release the audited financial statements for the last two years until she receives the letters. She has spoken to Attorney Sharpe; he is working on his letter. She has also spoken to Attorney Ed Ritger. Kathy reported that his demeanor was somewhat confrontational. She does not know if he will be cooperative. President Gius has placed several calls to Attorney Ritger over the past six weeks. Attorney Ritger has yet to respond to him.
3. Ordinance review and status of the evaluation of the special assessment schedule. Attorneys Sharpe and Edgar were not in attendance. The Commission will attempt to schedule a workshop to address this issue.
4. Review Taycheedah Sanitary District No. 1 invoices. An analysis of the operation & maintenance invoices was reviewed. Some of the computations are incorrect. Richard Nieheuser, TSD No. 1 Commissioner, submitted correspondence to the District addressing the O&M issue and inviting the Commission to attend their May 23<sup>rd</sup> meeting. Bill Gius drafted a response to Mr. Nieheuser which was reviewed by the Commission and staff. The draft is attached. The response letter will be revised and each of the Commissioners will have the opportunity to sign it.



5. Status report on the Sand Hill Ridge development. Taycheedah Sanitary District No. 1 has objected to the sewer extension due to the outstanding O&M reimbursement. Attorney Sharpe submitted a response to TSD No. 1 regarding their lack of legal basis to object for that reason. The property has been staked in preparation for construction. Foth has had no contact from J&E Arthur. The District needs the escrow deposit for sewer construction. The District also needs a copy of the DNR's permit.
6. Project status report. Town & Country's punch list was reviewed. Kruczek intends to visit the site within the next week or two to review the punch list items. They plan to lay the second layer of blacktop on or about May 9<sup>th</sup>.

Foth needs to compile the bill to Hoffman Construction for the repair work and televising of Hwy. 149.

The project master map has been completed and mounted. An extra map will be printed for Bud Sabel.

Foth will contact the Fond du Lac County Highway Dept. to find out when they intend to shorten the guardrail at the Cty. QQ lift station.

Ronet Construction has been contacted regarding the supplying of dirt for restoration by the Gilgenbach property on Ledge Road. The property owner has offered to do the grading and seeding.

The connection permit report was reviewed. So far, 330 structures have been connected. 122 are yet to be connected.

7. Punch List status. Rick Schneider, Town & Country, has recently reviewed the individual punch list items with Bud Sabel and Bill Gius. Pea gravel was found in the Hwy. 149 flow meter station. Town & Country has removed the gravel. A lock was also installed on the station. The needed asphalt work will be done in May. Some of the items on the punch list have been completed. Rick requests a determination be made regarding Ken Groeschel's restoration complaint. Bill Gius will contact Mr. Groeschel.
8. Consideration and possible action regarding lateral connection deadlines. The deadlines of the 122 structures are as follows:
  - a. Dec. 10<sup>th</sup>, extended to April 10<sup>th</sup>, extended to May 10<sup>th</sup>—63 structures,
  - b. Jan. 10<sup>th</sup>, extended to May 10<sup>th</sup>—42 structures, and
  - c. Mar. 26<sup>th</sup>, extended to July 26<sup>th</sup>—14 structures.

A \$25.00 monthly charge for debt reduction is currently being charge against the structures not yet connected. Roger Braun informed the Commission that he has taken on very little additional work for this season and that he intends to do sewers all summer.

The group discussed the additional time incurred by the accountant's staff to calculate the different prorated schedules. John Rickert motioned to establish the connection deadline for all areas as June 30<sup>th</sup>, with the continuation of the \$25.00 per month debt reduction charge, seconded by Bill Gius. Motion carried (2-0-1). Mike Freund abstained.

9. Consideration and possible action regarding the damage claim submitted by Don Endres. Attorney Sharpe advised the District go through the formal process of submitting the claim to their insurance carrier.
10. Consideration and possible action regarding the on-site system rebate submitted by Jean Killinger. The Killingers submitted a request for a rebate of their on-site system on March 4<sup>th</sup>, 2005. The submittal deadline was September 2002. Foth submitted a memo regarding the District's handling of other late rebate submittals. The remaining life of the on-site systems was calculated using the date of submittal rather than the Nov. 1, 2002 date. Of issue is the fact that the final inspection of the Killinger system was Dec. 3<sup>rd</sup>, 1998; almost six months beyond the mandatory rebate date per statutes. District records will be reviewed regarding any other rebates paid for systems inspected after June 15<sup>th</sup>, 1998.

#### New Business

1. Consideration and possible approval of a private interceptor to serve four homes on Hwy. 149. Roger Braun has a contract to install four neighboring properties on Hwy. 149. Roger requests approval to install a private interceptor for three of the homes. The request is being made due to several issues with the connections. Town & Country installed the lateral stub to the old right-of-way; which is now under the curb and stormsewer. Town & Country struck an agreement with Roger to compensate him for the additional length of pipe needed to extend the stub to the new property line. Roger would also need to work around a new telephone pole installed at the lateral location and a private well located in the intended area of the lateral connection. Roger is concerned about excavating under the new stormsewer and curb. The private



interceptor would require recorded easements among the property owners. Foth advised against installing a private interceptor. Foth suggested installing three pipes in one trench or installing a 6" or 8" sewer with a manhole at the end. It was noted that the installation of an 8" sewer would require full approval and permits. Roger and Foth will evaluate the situation further. John Rickert motioned to postpone acting on the request to the May meeting pending further review of the design concept by Roger and Foth, seconded by Mike Freund. Motion carried (3-0).

2. Report on the semi-annual meeting of the Outlying Sewer Group. The cost of the treatment plant update has increased \$10,000,000 due to material costs. The project will begin this summer and be completed by June, 2008.

The OSG requested a quote from Badger Laboratories & Engineering, Inc., for meter reading and calibration. Calibration would be approximately \$500.00 per unit, field inspection/reading would be approximately \$600.00 per year and a one time fee of \$3,380.00 for data collection OSG-wide. The consensus of the group was to continue under the agreement which delegates the responsibility to the City.

3. Consideration and possible approval of a contract with Short Elliott Hendrickson, Inc. (SEH) to perform a Sewer System Evaluation Survey (SSES). The DNR requires that each district using the treatment plant compile a SSES. The OSG has contacted SEH for the first phase of the SSES; which will be the monitoring of flows and analyzing the data for infiltration problems. The District's share of the cost will be \$12,000.00; \$6,000.00 for each connection point. Mike Freund motioned to authorize the OSG to accept, on the District's behalf, the contract submitted by SEH and to proceed with the SSES, seconded by John Rickert. Motion carried (3-0).
4. Report on intra-district meeting. The districts intend to continue to work toward clarifying the O&M Agreement.
5. Review and possible action regarding attorney relationships. Currently, the District is represented by Attorney Gary Sharpe. Special Counsel Ed Ritger was contracted to handle the notice of claim against the District. The Commission discussed the status of Attorney Ritger's involvement with the District. Mike Freund motioned to table consideration to the May meeting pending his submittal of the materials requested by Kathy Diederich of Schenck Business Solutions for the annual audit. Motion died for lack of a second. John Rickert motioned to end the relationship with Attorney Ritger after receipt of the requested report by Schenck Business Solutions on behalf of the District and he is to forward the District's documents to the District's attorney of record, seconded by Bill Gius. Motion carried (2-1). Mike Freund voted nay.
6. Consideration and possible action to purchase a computer. The Commission discussed the pros and cons of purchasing a computer. The Town Board will be asked for their input.
7. Development of a newsletter. A leaflet explaining the connection deadline issue and associated debt reduction charge will be compiled for insertion in the applicable bills. The Commissioners will compile topics for a newsletter to the next meeting.
8. Schedule the May meeting. The District's next monthly meeting will be held on June 1<sup>st</sup>. The District will decline the invitation received from Sanitary District No. 1 to attend their May 23<sup>rd</sup> monthly meeting.
9. Approval of bills. John Rickert motioned to approve the bills as presented (order nos. 49-62), seconded by Mike Freund. Motion carried (3-0).


John Rickert made the following motion:

- authorize the transfer of \$33,000.00 from the G.O. Account to the regular checking account, and
- authorize the transfer of \$4,171.44 from the Operations/Inspections Account to the regular checking account for the Inspectors' payroll.

The motion was seconded by Mike Freund. Motion carried (3-0).

10. Public Comment. Commissioner John Rickert commented on a call he received regarding the cost of the sewer pricing people out of their homes.
11. Adjournment. Mike Freund motioned to adjourn at 10:21 p.m., seconded by John Rickert. Motion carried (3-0).

Attest:

  
Brenda A. Schneider  
District Recording Secretary





April 27, 2005

Taycheedah Sanitary District No. 1  
N7645 Peebles Lane  
Fond du Lac, WI 54935

Dear TSD#1 Commissioners:

Thank you for the invitation to your May 23, 2005 meeting. Because of scheduling conflicts we will need to arrange another date, hopefully sooner than the May 23<sup>rd</sup> date, to discuss your O&M billing. Brenda Schneider, Recording Secretary for TSD#3, will be in contact with you and the other Sanitary Districts to determine a more opportune date for the meeting.

In regards to your letter dated April 21<sup>st</sup>, 2005, we do not understand the claim you make in paragraph two, sentence three. You state "... we have received little or no input as to how you would like these bills to be itemized."

1. On numerous occasions we have requested, in writing and in verbal communication, documentation to your expense claims. Such documentation has yet to be provided.
2. We have had numerous joint meetings regarding the O&M issue. We believe our expectations have been made very clear.
3. We have provided a form, developed by Schenck Business Solutions, for you to provide said itemization. You have not made use of it.
4. Brenda Schneider has had a number of personal visits with Gene Karls, at the Taycheedah Town Hall, to discuss this issue. To wit, Mr. Karls has adjusted the O&M billing amount to reflect our input. Yet, the billing continues to remain inconsistent, inaccurate and undocumented.

If your internal resources are unable to provide consistent, accurate and documented invoicing, you may wish to consider obtaining professional accounting services from one of such companies in the Fond du Lac area. If your invoicing practices remain uncorrected, we will be forced to follow dispute resolution guidelines as outlined in the OSG Agreement.

Taycheedah Sanitary District No. 3  
W2695 Loehr Street, Malone, WI 53049



We look forward to meeting with you, other Sanitary District Commissioners, legal counsel, professional business services representatives and/or OSG Technical Standards Committee representatives to help you develop professionally acceptable invoicing practices in order to reverse your history of inaccurate inter-District billing.

Sincerely,  
Commissioners:

Bill Gius  
President

John Rickert  
Treasurer

Mike Freund  
Secretary

cc:  
Brenda Schneider  
Franz Schmitz  
Richard Wehner  
Gary Scharpe  
John St. Peter  
Martin De Vries



May 5<sup>th</sup>, 2005

St. Peter Sanitary District  
Pre-Construction Conference-Sand Hill Ridge

1.

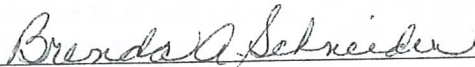
J&E Arthur conducted a pre-construction conference on Thursday, May 5<sup>th</sup>, 2005, at 4:00 p.m., at the Taycheedah Town Hall. Sanitary District members present were President Bill Gius, Commissioners Mike Freund and John Rickert, and Recording Secretary Brenda Schneider. Also present were Dennis Steigenberger of Foth & Van Dyke, Eric Otte of J&E Arthur, Rick Schneider of Town & Country and Mike Sabel and Jerry Guelig of the Town of Taycheedah. A sign-up sheet was circulated.

J&E Arthur and Associates, Inc. will conduct a pre-construction meeting regarding Sand Hill Ridge development. The meeting is intended to discuss the project with the contractors, sub-contractors and utility firms. A quorum of the sanitary district commission may be in attendance.

- Construction is planned to begin on May 23<sup>rd</sup> and take approximately 20 working days.
- All correspondence from Town & County will be submitted to J&E Arthur. J&E Arthur will distribute it.
- Foth & Van Dyke will provide a full-time inspector; at Signature Homes' expense.
- Foth & Van Dyke will compile the lateral cards; at Signature Homes' expense.
- J&E Arthur will compile the record drawings.
- The sewer will be televised; with a copy of the tapes and the report to be submitted to the District.
- The County permit for the Cty. QQ crossing was issued May 4<sup>th</sup>. The crossing must be completed by June 21<sup>st</sup>.
- Excess material will be used at the site.
- They will use granular backfill.
- Financial surety in the form of a letter of credit for 100% of the project has been secured.
- They are willing to escrow funds for the inspection fees.
- Inspection bills from Foth will be forwarded to Arthur for timely payment.
- Town & County will inform Arthur when the mandrel and air testing will be done.
- DNR permit approval is pending.
- City of Fond du Lac issued an approval letter on April 29<sup>th</sup>.
- Arthur will provide copies of all permits to the District.
- Foth requests the two manholes be core-drilled below the bench.
- Arthur will supply Foth with a copy of the plans and specs.
- Town & Country will contact Foth's inspector directly if work is called due to weather.

Bill Gius motioned to adjourn at 4:29 p.m., seconded by John Rickert. Motion carried (3-0).

Attest:



Brenda A. Schneider  
District Recording Secretary

The St. Peter Sanitary District Commission met on Wednesday, June 1<sup>st</sup>, 2005, at 6:00 p.m., at the Taycheedah Town Hall, for the purpose of conducting the May monthly meeting. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert and Recording Secretary Brenda Schneider. Also present were Dennis Steigenberger of Foth & Van Dyke, Kathy Diederich of Schenck Business Solutions and Bud Sabel, District Maintenance Personnel. The meeting was tape recorded.

Call to order. The President called the meeting to order.

Pledge of Allegiance.

Approval of minutes. The minutes of the 4/27/05 monthly meeting and the 5/5/05 Sand Hill Ridge Pre-Construction Conference were considered. John Rickert motioned to approve the minutes as presented, seconded by Mike Freund, with a request that the amended minutes from the March 16<sup>th</sup>, 2005 meeting be presented to the Commission for approval as amended. Motion carried (3-0). President Gius stated that the amended minutes do not need to be brought forward for additional approval.

#### Unfinished Business

1. Review Town & Country UUC, Inc. blacktop claim. President Gius has yet to review the claim with legal counsel. Bill Gius moved to table the review to a future meeting, seconded by John Rickert. Motion carried (3-0).
2. Status report on the 2005 audit. Kathy Diederich, Schenck Business Solutions, is still awaiting attorney letters regarding unresolved issues and outstanding liabilities. Attorney Sharpe intends to submit his letter by Friday.

Kathy advises the Commission resolve the claim with Nett Land & Development, either by attorney letters or a settlement, in order to complete the audit. Kathy intends to mitigate her dependence on Attorney Ritger's letter by an analysis of the claim and Commission resolution with the Netts. Then she can finish her work with Attorney Sharpe and Attorney Edgar on the financial projections and revised special assessments.

Kathy dispersed her analysis of the Notice of Claim. She has reviewed the claim and determined that the costs are valid and reasonable. She has also studied the minutes and the resolution and determined the resolution is an honest portrayal of the events that occurred. Exhibit G of her analysis is the itemized project costs. Kathy recommends a \$3,265.56 reduction of the claim for Excel Engineering's expenses due to inability to substantiate the costs. She does not make a recommendation regarding Nett's interest expense. The balance due after adjustment would be \$133,287.92. Kathy advises resolving the issue would be in the best interest of the District. Kathy's work is not dependent upon feedback from others and therefore she did not contact Jim Hovland or Attorney Ritger. Her analysis is based upon the District's documents. There was further discussion regarding the 2002 minutes, the signed resolution, the connection fee for Hawk's Landing and the previous possibility of service by Taycheedah Sanitary District No. 1. John Rickert motioned to receive and file the auditor's report on the Nett's claim, seconded by Bill Gius. Motion carried (2-1). Mike Freund voted no. Further discussion regarding connection charges, vacant lot assessments, possible methods of payment to the Netts and the evaluation currently in process to amend the cost of future extensions and special assessments took place. During the discussion, Mr. Freund made accusatory and derogatory comments against fellow Commissioners, Town Board Officials and the District's professional staff. President Gius declared Mr. Freund out of order.

3. Ordinance review and status of the evaluation of the special assessment schedule. Attorneys Sharpe and Edgar are not ready to report.
4. Project status report. Town & Country's punchlist was reviewed. One outstanding issue is a request from Ken Groeschel, Jr., of \$1240.00 for lost trees/bushes, black dirt, seed and straw. He intends to self perform the black dirt placement and seeding this spring. A commissioner or Foth & Van Dyke will meet with Groeschel to discuss the restoration.

Mr. Groeschel has also noticed settling of his driveway and water infiltration in the sewer line. The line was televised last year. A problem was found and repaired. Foth will check their records for the detailed report.

Jim Rosenthal has issues with drainage and the removal of corner stakes. Town & Country does not feel responsible for the drainage problem that arose after Mr. Rosenthal added fill to the lot. The stakes are believed to be in an area not disturbed by the sewer construction.



The heat treatment done on the driveway at W3832 is an unsatisfactory repair.

Kruczek has not been on-site as promised. They plan to have a crew on site on Friday, June 3<sup>rd</sup>. The paving is scheduled for late June.

The County Highway Dept. agreed to shorten the guardrail by the Cty. QQ lift station. The neighboring property owner now wants the entire guardrail removed. A commissioner and a representative from the County Highway Dept. should meet with the Schneiders.

Sewer construction in Sand Hill Ridge started last Thursday. The construction is planned for completion by June 7<sup>th</sup>.

An Agreement for Professional Services between the District and Foth & Van Dyke for services that have and will be rendered for the Sand Hill Ridge development was presented. The Developer will be required to reimburse the District for all costs associated with the development.

A summary of cost reimbursement for the televising of Hwy. 149 was reviewed. Mike Freund motioned to accept the letter of submittal to Gremmer & Associates for reimbursement, seconded by John Rickert. Motion carried (3-0).

5. Consideration and possible action regarding the on-site system rebate submitted by Jean Killinger. The Killingers submitted a request for a rebate of their on-site system on March 4<sup>th</sup>, 2005. The submittal deadline was September 2002. Foth submitted a memo regarding the District's handling of other late rebate submittals. The remaining life of the on-site systems was calculated using the date of submittal rather than the Nov. 1, 2002 date. Of issue are the facts that the County permit was issued 9/1/98 and final inspection of the Killinger system was Dec. 3<sup>rd</sup>, 1998. Statutes mandate the rebate for systems deemed operable prior to the formation of the District. John Rickert motioned to deny the rebate request due to the installation being beyond the scope of the rebate period, seconded by Bill Gius. Motion carried (2-0-1). Mike Freund abstained.
6. Consideration and possible approval of a private interceptor to serve four homes on Hwy. 149. Roger Braun has a contract to install four neighboring properties on Hwy. 149. Roger requests approval to install a private interceptor for three of the homes. The request is being made due to several issues with the connections. Town & Country installed the lateral stub to the old right-of-way; which is now under the curb and stormsewer. Town & Country struck an agreement with Roger to compensate him for the additional length of pipe needed to extend the stub to the new property line. Roger would also need to work around a new telephone pole installed at the lateral location and a private well located in the intended area of the lateral connection. Roger is concerned about excavating under the new stormsewer and curb. The private interceptor would require recorded easements among the property owners. Dennis Steigenberger, Rick Schneider and Roger Braun conducted a site visit. Foth advised extending the laterals, per the contract, in lieu of the private interceptor. Town & Country agreed to a compromise that the District would accept a change order in the event the storm sewer is damaged. The letter of conditions will be revised to state that the Commission will consider a change order. Mike Freund motioned to accept the letter, to be submitted to Town & Country and Roger Braun, with the revision, seconded by John Rickert. Motion carried (3-0).
7. Consideration and possible action to purchase a computer. According to information President Gius received, it is not expected that the Board will pursue cost reimbursement from the District. Therefore there is no need for the District to purchase a computer.

#### New Business

1. Consideration and possible adoption of an Amended Preliminary Resolution Regarding Construction of Improvements and Initiating Special Assessments in Special Assessment District No. 1-2002. The Commission is currently awaiting the revised special assessment schedule from Attorneys Sharpe and Edgar. Mike Freund motioned to table the resolution pending discussion with Attorney Sharpe regarding the Rosenthal and Wehner properties, seconded by Bill Gius. Motion carried (3-0). After discussion regarding the timing of the adoption of the resolution, the notice requirements and public hearing, Mike Freund motioned to rescind the motion to table the resolution, seconded by Bill Gius. Motion carried (3-0). Mike Freund motioned to approve the resolution as submitted, seconded by Bill Gius. Motion carried (3-0).
2. Discuss meter calibration. Mr. Giese, City of Fond du Lac Public Works Dept., informed Brenda Schneider that he has been reading and calibrating the meters on a monthly basis since last fall.

3. Report on transcription of minutes. Recording Secretary Brenda Schneider recently attended an educational session on minute taking. Eli Mina, a Registered Parliamentarian, advises not creating verbatim minutes unless required by law. One of several reasons is that verbatim minutes tend to prohibit free and open discussion. No action was taken.
4. Development of a newsletter. A leaflet explaining the connection deadline issue and associated debt reduction charge will be compiled for insertion in the applicable bills. The Commissioners will compile topics for a newsletter.
5. Approval of bills. Mike Freund to approve the bills as presented (order nos. 63-78). Motion died for lack of a second. John Rickert motioned to approve the bills as presented with the exception of #78 (order nos. 63-77), seconded by Mike Freund. Motion carried (3-0).  
Bill Gius made the following motion:
  - authorize the transfer of \$32,000.00 from the G.O. Account to the regular checking account,
  - authorize the transfer of \$807.37 from the Operations/Inspections Account to the regular checking account for the Inspectors' payroll,
  - authorize the \$92,250.00 for the semi-annual General Obligation debt payment, and
  - authorize the transfer of \$6,623.69 from the Operations/Inspection Account to the Operations/User Charge Account to correct a deposit error..The motion was seconded by Mike Freund. Motion carried (3-0).
6. Public Comment. Allen Sabel questioned the user charge for Steffes' Tavern.  
The next meeting is scheduled for June 22<sup>nd</sup>, at 7:00 p.m.
7. Adjournment. Mike Freund motioned to adjourn at 9:25 p.m., seconded by John Rickert. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary



June 16<sup>th</sup>, 2005

Taycheedah Town Board  
Johnsburg Sanitary District  
St. Peter Area Sanitary District

1.

The Taycheedah Town Board, Johnsburg Sanitary District and St. Peter Sanitary District Commissions were invited to tour the City of Fond du Lac Wastewater Treatment Plant. Tours were offered at 3:30 p.m. and 6:30 p.m. The 3:30 tour lasted until 5:15 and the 6:30 tour lasted until 8:20.

Members present were:

**Taycheedah Town Board:** Chairman Jerry Guelig at the 3:30 tour (left before the conclusion of the tour).

**Johnsburg Sanitary District:** President Franz Schmitz at the 6:30 tour.

**St. Peter Area Sanitary District:** Present were President Bill Gius and Commissioner Mike Freund at the 3:30 tour. (Mr. Freund left before the conclusion of the tour).

**Also present:** Brenda Schneider, Town Clerk and Recording Secretary for Johnsburg and St. Peter Area Sanitary District at the 6:30 tour.

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary

The St. Peter Sanitary District Commission met on Wednesday, June 29<sup>th</sup>, 2005, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of conducting the June monthly meeting. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert and Recording Secretary Brenda Schneider. Also present were Dennis Steigenberger of Foth & Van Dyke, Kathy Diederich of Schenck Business Solutions, Rick Schneider of Town & Country and Bud Sabel, District Maintenance Personnel. The meeting was tape recorded.

Call to order. The President called the meeting to order.

Pledge of Allegiance.

Comment from the President. Present Gius commented on the past actions of Commissioner Freund pertaining to his claims of alleged impropriety by the other commissioners, certain Town Board members and some of the District's professional staff. President Gius insisted Mr. Freund produce his written complaint, the findings of any investigation and any ruling on the complaint. President Gius also insisted on Mr. Freund's formal withdrawal of the accusations against the Commissioners and a formal apology to the Commissioners, the District residents and the Town Board and/or his immediate resignation from the commission. Upon not receiving any of the requested items/actions; President Gius found Mr. Freund in contempt.

Approval of minutes. John Rickert motioned to approve the minutes of the 6/1/05 monthly meeting, seconded by Bill Gius. Motion carried (3-0).

#### Unfinished Business

1. Status report of the 2005 audit. Kathy Diederich spoke to Attorney Gary Sharpe. He intends to submit his attorney letter to her in the near future. Ms. Diederich plans to have the final audit report in approximately two weeks.

Kathy has been working with Attorneys Sharpe and Edgar on the special assessment schedule. She anticipates a workshop meeting in the near future.

Commissioner Freund discussed his differences of opinion with Ms. Diederich's report during the last meeting regarding the Ledge Road sewer construction issue.

2. Ordinance review and status of the evaluation of the special assessment schedule. It is anticipated the Commission and professional staff will meet for a workshop meeting in July.

#### Project status report.

1. Certificate of Substantial Completion-Huelster grinder pump. The Certificate of Substantial Completion is dated May 24<sup>th</sup>, 2005; the date on which the pump and force main were tested. The Commission discussed the warrantee date vs. connection date. John Rickert motioned to accept the Certificate of Substantial Completion of the Huelster grinder pump and force main, seconded by Bill Gius. Motion carried (3-0).
2. Discuss the acceptance of post-construction restoration. The Certificates of Substantial Completion that were accepted Dec. 2003, Jan. 2004 and Mar. 2004, excluded all restoration. Town & Country has consistently addressed the issues and complaints. The current punchlist for Town & Country was drafted January 25, 2005 and revised June 29<sup>th</sup>. A Certificate of Substantial Completion accepting the restoration completed by Town & Country will be back-dated to July 1<sup>st</sup>, 2004.
3. Review the Town & Country punchlist. The Commission reviewed the following punchlist items:
  - a. Ken Groeschel-restoration of easement and settling of driveway. Mr. Groeschel requests \$750.00 for dirt, seed, fertilizer and straw, \$250.00 for an ash tree and \$240.00 for six dogwood bushes. The tree and shrubs were located within the easement area. Mr. Groeschel is undecided on whether or not he wants to replace the tree and shrubs. After discussion on whether or not Town & Country should supply the dirt, seed, etc., John Rickert motioned to require Town & Country issue Mr. Groeschel a \$750.00 check, seconded by Bill Gius. Motion carried (3-0). Rick Schneider and Bud Sabel left the meeting to site inspect the driveway settling complaint. Rick and Bud returned to the meeting. While at the site, Rick gave Ken Groeschel a \$750.00 check noting "restoration complete" on the memo line. The blacktop has a 1" dip. It has been repaired/replaced twice. Rick commented that if he repairs it again; it will be added to his pending blacktop claim.
  - b. Don Brown-driveway apron too narrow. Mrs. Brown and her son approved the forms for the apron prior to the concrete being poured. John Rickert motioned to deem the item satisfactorily completed, seconded by Bill Gius. Motion carried (2-0-1 Mike Freund abstained).



- c. Jim Rosenthal-standing water along south side of property and a missing corner stake. Town & Country had an agreement with Jim regarding to dumping of excess fill material at the site. There was no excavation done where the stake is missing. Commission consensus that neither the District nor Town & Country is responsible for the standing water or the missing corner stake.
- d. Furnish final lien waivers from subcontractors and suppliers. Town & Country needs to submit final lien waivers from Clover Leaf Landscaping, John Eilert, Stock Building Supply and Merwin Oil Co.
- 4. Review the Kruczek punchlist and discuss Silica Road restoration. Silica Road west of Lakeview needs repairs due to additional settling and Silica Road east of Lakeview needs the final lift of asphalt. Foth has been unable to finalize dates for the work with Kruczek. Kruczek has requested the reduction of the retainer to assist with the final layer of asphalt. Dennis will submit a written offer to Kruczek to issue a joint check to Kruczek and Northeast Asphalt as a reduction in the retainer in the amount of the quote for the final layer of asphalt in order to expedite to work. The Commission will obtain legal advice regarding the cancellation of a portion of the contract and completing the work with the remaining retainer.
- 5. Discuss grinder pump issues. Bud has installed a jumper to the motor in the Miller grinder pump. Any further problems will indicate problems in the panel. Kruczek may be billed for Bud's time.  
The contact log maintained by the Endres was received and forwarded to the commissioners and the insurance company.  
The cover on the Cty. QQ lift station has been fixed.
- 6. Discuss service to a vacant lot on Lakeview Road. A vacant lot at the north end of Lakeview is planned to be serviced via a future extension to Cty. Q and then south on Hwy. 151. It would not be cost-effective to service the lot by the extension. The lot may be serviceable with a grinder pump into Lakeview or possibly by gravity to Decorah Lane, however, an easement would be needed. The Commission will obtain a legal opinion.

#### New Business

1. Consideration and possible approval of a private interceptor to serve four homes on Hwy. 149 or approval of the letter of conditions for the extension of the laterals to serve the affected homes. Roger Braun has a contract to install four neighboring properties on Hwy. 149. Roger requests approval to install a private interceptor for three of the homes. The request is being made due to several issues with the connections. Town & Country installed the lateral stubs to the old right-of-way; which are now under the curb and the stormsewer. Town & Country struck an agreement with Roger to compensate him for the additional length of pipe needed to extend the stub to the new property line. Roger would also need to work around a new telephone pole installed at the lateral location and a private well located in the intended area of the lateral connection. Roger is concerned about excavating under the new stormsewer and the curb. The private interceptor would require recorded easements among the property owners. Dennis Steigenberger, Rick Schneider and Roger Braun conducted a site visit. Foth advised extending the laterals, per the contract, in lieu of the private interceptor. A letter of conditions was revised and approved to state that the Commission will consider a change order if there is damage. After Town & Country and Roger Braun declined to sign the letter of conditions, Foth revised the letter pertaining to the pillars. The revised letter was signed by Town & Country and Roger Braun. John Rickert motioned to accept the revised letter of conditions, seconded by Mike Freund. Motion carried (3-0).
2. Consideration and possible approval of a private interceptor to serve two future homes on the Hermanns' property. Foth has evaluated the depth of the sewer on Sunset Drive at the location of the lateral for the Hermanns property. It has been determined that the sewer main is deep enough to extend an 8" sewer into the property. Foth does not advise the installation of a grinder pump station. Two 4" laterals could also be extended into the property. The request will be discussed with legal counsel.
3. Consideration and possible action regarding the lateral connection deadline. The current deadline will expire on June 30<sup>th</sup>. The full user charge will be charged to all units beginning July 1<sup>st</sup>, regardless if they are connected or not. The inspectors voice frustration over the length of time it is taking to complete the connections. The contractors seem to think the inspectors are on call all day; any day. The inspectors may request the enforcement of a 24 hour notice.
4. Development of a newsletter. Bill Gius motioned to table to the next meeting, seconded by John Rickert. Motion carried (3-0).

5. Approval of bills. Mike Freund to approve the bills as presented (order nos. 78-92), seconded by John Rickert. Motion carried (3-0).

Mike Freund made the following motion:

- authorize the transfer of \$9,800.00 from the G.O. Account to the regular checking account,
- authorize the transfer of \$4,306.00 from the Operations/Inspections Account to the regular checking account for the Inspectors' payroll,
- authorize the transfer of \$1,050.00 from the Operations/User Charge Account to the Inspection Account to correct a deposit error,
- authorize the transfer of \$797.50 from the Operations/User Charge Account to the Reserve for Replacement Account,
- authorize the transfer of \$19,721.43 from the Operations/User Charge Account to the Debt Service Account,
- authorize the refund of \$1,177.00 from the Debt Service Account to Mark Wagner for the overpayment of the special assessment, and
- authorize the refund of \$550.00 from the Debt Service Account to Anthony Passler for the overpayment of the special assessment.

The motion was seconded by Bill Gius. Motion carried (3-0).

6. Public Comment. Allen Sabel questioned the user charge for Steffes' Tavern. His special assessment was \$15,400.00; not 2.5 times the \$9,000.00 assessment. He contends that he asked at the public hearing in 2002 about the number of units he would be charged and was told it would be two. The minutes of the public hearing will be reviewed. He wants a refund of his pre-paid special assessment so that he would be switched to the amortization method. A legal opinion is needed.

Tom Wehner and some of his neighbors enquired about a reasonable projection of when they will receive sewer service. They feel the mil tax is a fee for a service that they don't have. Some of the systems in the area are marginal. They want to know the date of which they will get service. President Gius suggested he submit a letter of withdrawal.

John Rickert received another call from the same resident concerned about the cost of the sewer. John is concerned about statements made by Jerry Guelig which were repeated to him by the resident.

Future meetings will be conducted on the third Wednesday of the month at 7:00 p.m.

7. Adjournment. John Rickert motioned to adjourn at 10:03 p.m., seconded by Mike Freund. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary



Commentary  
6/29/05

TSD#3 has come a long way since its inception. It has faced many challenges with many more. The ordinance which guides the actions of the sanitary district is a dynamic document. It has its good parts, it has its flaws. And we are working to overcome those flaws.

Before we can move forward a serious issue, a roadblock, must be addressed. At the May, 2005 meeting of the commission, Mike Freund has placed himself on the record charging that two other commissioners have held illegal meetings. Earlier this year Mr. Freund made similar, spurious complaints against these same commissioners, and four members of the Taycheedah Town Board. You also claimed the right to unfettered access sanitary district funds in your pseudo-legal efforts to assail commission and board members. Your claims, Mr. Freund, appear to have no basis in legal fact.

Mr. Freund, your position on this commission is not a platform for you to falsely accuse residents of this Township, Town Board members or members of this commission with what clearly is your personal interpretation of legal wrongdoing. Your position on this commission is not a platform for you to assault the impeccable professional reputation of highly respected suppliers to this commission; some of whom are also residents of this township.

This commission is apolitical. The residents of this township expect us all to act in a mature, professional manner. They place their trust in us to manage this project and their tax dollars. They place their trust in us to selflessly act on their behalf. They do not expect anyone on this commission to use this highly visible, public position as a bully pulpit.

Your fact less, rhetoric-laden tirades witnessed by this commission, fellow residents and sanitary district suppliers, in your continued attempts to sully the reputation of members of this commission, district suppliers and members of the Taycheedah Town Board are abhorrent to the trust placed in you as a member of this commission.

At the May meeting I challenged your latest claim against the members of this commission. You claimed that the accused needed to prove your claims to be false. Mr. Freund, that is not how our system of government and system of laws works in the United States of America. Failing to provide legal basis for your claims I found you "out of order" within the meeting.

Mr. Freund, I must insist that you now produce for this commission:

- the legal complaint filed with the appropriate law enforcement department, the findings of that investigation and the ruling by the appropriate judicial body illustrating the validity of your complaint.
- your formal withdrawal of your accusations against members of this body accompanied by your formal apology to the members of this body, the residents of the sanitary district and the members of the Town Board.
- and/or your immediate resignation from this commission.

Not receiving any of the aforementioned items, I will find you "in contempt" of this commission. Nothing give you the right to come to these meetings and make false claims against your fellow commissioners or any town resident.



The St. Peter Sanitary District Commission met on Wednesday, July 20<sup>th</sup>, 2005, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of conducting the July monthly meeting. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert and Recording Secretary Brenda Schneider. Also present were Dennis Steigenberger of Foth & Van Dyke, Kathy Diederich of Schenck Business Solutions, Rick Schneider of Town & Country and Bud Sabel, District Maintenance Personnel. The meeting was tape recorded.

Call to order. President Gius called the meeting to order.

Pledge of Allegiance.

Comment from the President. Present Gius commented on the past actions of Commissioner Freund pertaining to his claims of alleged impropriety by the other commissioners, certain Town Board members and some of the District's professional staff. President Gius insisted Mr. Freund produce his written complaint, the findings of any investigation and any ruling on the complaint. President Gius also insisted on Mr. Freund's formal withdrawal of the accusations against the Commissioners and a formal apology to the Commissioners, the District residents and the Town Board and/or his immediate resignation from the commission. Upon not receiving any of the requested items/actions; President Gius found Mr. Freund in contempt.

Approval of minutes. John Rickert motioned to approve the minutes of the 6/29/05 monthly meeting, seconded by Bill Gius. Motion carried (2-0-1). Mike Freund abstained.

Mike Freund objects to the March minutes as amended. Mr. Freund requested a copy of the tape of the April meeting.

#### Unfinished Business

1. Status report of the 2005 audit. Kathy Diederich will disperse the draft financial reports at the workshop meeting to be held on July 21<sup>st</sup>. Attorney Gary Sharpe intends to submit his attorney letter to her in the near future. A representation letter has been submitted to the District.
2. Ordinance review and status of the evaluation of the special assessment schedule. A workshop meeting has been scheduled for Thursday, July 21<sup>st</sup> for the purpose of presenting the evaluation to the Commission.
3. Consideration and possible approval of Town & Country's blacktop claim. An opinion from Attorney Sharpe has not yet been received.

#### Project status report.

1. Consideration and possible action regarding Ken Groeschel's blacktop repair complaint. Mr. Groeschel was unable to attend the meeting. Bud Sabel and Rick Schneider did a site inspection. There is a slight dip, about one inch, near the west end of the driveway. The area was replaced after construction. Rick Schneider noted that the \$750.00 check he gave Mr. Groeschel stated *payment in full all restoration complete on Groeschel property, W3679 Hunters Lane* on the memo line. Action was postponed to the August meeting.
2. Consideration and possible action regarding Ken Groeschel's tree settlement issue. Action was postponed to the August meeting.
3. Review the Town & Country punchlist. The Commission reviewed the punchlist items. Items that may be remaining are Ken Groeschel's driveway and trees. Town & Country has submitted all final lien waivers.  
Town & Country requests the withdrawal of their final pay request and other closing documentation until his blacktop claim is resolved.
4. Consideration and possible approval of the Certificate of Substantial Completion for all restoration. The statement on page 1 *all remaining punchlist items* will be deleted and a statement regarding *punchlist items complete* will be added. Bill Gius motioned to accept the two recommended changes and to authorize signature at the time of receipt of the amended documents, seconded by John Rickert. Motion carried (3-0).
5. Review the Kruczek punchlist and discuss Silica Road restoration. Kruczek installed the lateral stub service for the property located at N8218 Cty. QQ into the side of a substantial tree-covered hill. Inspector Don Moore suggested tapping into the lateral and extending it parallel to the road. The consensus was to allow such connection in order to avoid excavating the hill. The contractor will need to inform the County Highway Dept. The lateral card and record drawings will have to be modified.

A resident enquired about the bid prices vs. actual costs. She commented that Town Chairman Jerry Guelig told her that everyone was overcharged and that the assessment should have been \$9,100.00. The District's debt management plan was explained to those in attendance.



The resident also questioned the user charge rate. She feels it is unfair for her to pay the same because she doesn't use much water. The alternative of meters was explained to those in attendance.

The resident also complained about have to pay the user charge when her home is not yet connected. She was advised to speak to her contractor about the issue.

The Commission discussed possible financial assistance with Representative John Townsend. Mr. Townsend will research it.

6. Review the Kruczek punchlist and discuss Silica Road restoration. Kruczek has yet to work on any of the outstanding restoration complaints or to complete the final lift of asphalt on Silica Road. Foth has contacted Kruczek regarding a meeting with the Commission. Kruczek will not be able to meet with the Commission until August. The Commission discussed their ability to terminate a portion of the contract.

Bill Gius motion to attempt to schedule a special meeting with Kruczek for August 3<sup>rd</sup> for the opportunity to obtain his response regarding the completion of the punchlist; if he is not responsive, the District will pursue legal actions, seconded by John Rickert. Motion carried (3-0).

7. Discuss grinder pump issues. Bud Sabel reported that the Endres and Butler systems are still in need of repairs to be made by Kruczek.
8. Discuss service to a vacant lot on Lakeview Road. A vacant lot at the north end of Lakeview is planned to be serviced via a future extension to Cty. Q and then south on Hwy. 151. It would not be cost-effective to service the lot by the planned extension. The lot may be serviceable with a grinder pump into the Lakeview Road sewer or possibly by gravity to Decorah Lane. An easement would be needed. The Commission consensus was to require the property owner request an engineer's analysis.

#### New Business

1. Consideration and possible approval of a special assessment refund and transfer to the amortization method requested by Al Sabel. The issue needs attorney review and comment.
2. Consideration and possible approval of a private interceptor to serve two future homes on the Hermanns' property. The property owner needs to request service.
3. Discuss possible extension to the Hermanns property and the applicable assessments. The owner needs to request the extension. The assessments will be known upon the completion of the evaluation of the assessment schedule.
4. Consideration and approval of a payment plan submitted by Sam Blanck for his deferred assessment. During the audit for year 2003, Kathy Diederich, Schenck Business Solutions, discovered a \$5,100.00 error. During the preparations for the 2004 audit, Ms. Diederich found the error in the records of the assessments applied to the Sam Blanck property. Due to an accounting error, his deferred assessment was noted as being paid when it wasn't paid. Mr. Blanck has now closed on the loan for his new home. Mr. Blanck has offered to pay his deferred assessment over the next five year period. Bill Gius motioned to accept the 5-year pay schedule offered by Mr. Blanck and to recoup interest at 6%, seconded by Mike Freund. Bill Gius amended the motion to establish the interest at 5% instead of 6%, seconded by Mike Freund. The amendment to the motion carried (3-0). The motioned carried (3-0).
5. Development of a newsletter. The Commissioners are to bring their recommendations to the August meeting.
6. Approval of bills. Bill Gius moved to approve the bills as presented (order nos. 93-101), seconded by Mike Freund. Motion carried (3-0).

Bill Gius made the following motion:

- authorize the transfer of \$19,250.00 from the G.O. Account to the regular checking account,
- authorize the transfer of \$269.13 from the Operations/Inspections Account to the regular checking account for the Inspectors' payroll,
- authorize the transfer of \$300.00 from the Operations/User Charge Account to the Inspection Account to correct a deposit error,
- authorize the transfer of \$92,250.00 from the Debt Service Account to the G.O. Account,
- authorize the transfer of \$419.45 from the Operations/User Charge Account to the Reserve for Replacement Account,

July 20<sup>th</sup>, 2005

St. Peter Sanitary District  
Monthly Meeting

3.

- authorize the transfer of \$11,972.93 from the Operations/User Charge Account to the Debt Service Account.

The motion was seconded by Mike Freund. Motion carried (3-0).

7. Public Comment. Tom Wehner questioned the status of his request to be removed from the District and Bud Sabel re-submitted information regarding special assessments on land in the farmland preservation program.
8. Adjournment. Bill Gius motioned to adjourn at 9:37 p.m., seconded by John Rickert. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary



The St. Peter Sanitary District Commission met on Wednesday, July 20<sup>th</sup>, 2005, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of conducting the July monthly meeting. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert and Recording Secretary Brenda Schneider. Also present were Dennis Steigenberger of Foth & Van Dyke, Kathy Diederich of Schenck Business Solutions, Rick Schneider of Town & Country and Bud Sabel, District Maintenance Personnel. The meeting was tape recorded.

Call to order. President Gius called the meeting to order.

Pledge of Allegiance.

Comment from the President. Present Gius commented on the past actions of Commissioner Freund pertaining to his claims of alleged impropriety by the other commissioners, certain Town Board members and some of the District's professional staff. President Gius insisted Mr. Freund produce his written complaint, the findings of any investigation and any ruling on the complaint. President Gius also insisted on Mr. Freund's formal withdrawal of the accusations against the Commissioners and a formal apology to the Commissioners, the District residents and the Town Board and/or his immediate resignation from the commission. Upon not receiving any of the requested items/actions; President Gius found Mr. Freund in contempt.

Approval of minutes. John Rickert motioned to approve the minutes of the 6/29/05 monthly meeting, seconded by Bill Gius. Motion carried (2-0-1). Mike Freund abstained.

Mike Freund, feels the March minutes, were not as inclusive as he requested. Mr. Freund requested a copy of the tape of the April meeting.

Deleted: objects to

Deleted: as

Deleted: amended

#### Unfinished Business

1. Status report of the 2005 audit. Kathy Diederich will disperse the draft financial reports at the workshop meeting to be held on July 21<sup>st</sup>. Attorney Gary Sharpe intends to submit his attorney letter to her in the near future. A representation letter has been submitted to the District.
2. Ordinance review and status of the evaluation of the special assessment schedule. A workshop meeting has been scheduled for Thursday, July 21<sup>st</sup> for the purpose of presenting the evaluation to the Commission.
3. Consideration and possible approval of Town & Country's blacktop claim. An opinion from Attorney Sharpe has not yet been received.

#### Project status report.

1. Consideration and possible action regarding Ken Groeschel's blacktop repair complaint. Mr. Groeschel was unable to attend the meeting. Bud Sabel and Rick Schneider did a site inspection. There is a slight dip, about one inch, near the west end of the driveway. The area was replaced after construction. Rick Schneider noted that the \$750.00 check he gave Mr. Groeschel stated *payment in full all restoration complete on Groeschel property, W3679 Hunters Lane* on the memo line. Action was postponed to the August meeting.
2. Consideration and possible action regarding Ken Groeschel's tree settlement issue. Action was postponed to the August meeting.
3. Review the Town & Country punchlist. The Commission reviewed the punchlist items. Items that may be remaining are Ken Groeschel's driveway and trees. Town & Country has submitted all final lien waivers. Town & Country requests the withdrawal of their final pay request and other closing documentation until his blacktop claim is resolved.
4. Consideration and possible approval of the Certificate of Substantial Completion for all restoration. The statement on page 1 *all remaining punchlist items* will be deleted and a statement regarding *punchlist items complete* will be added. Bill Gius motioned to accept the two recommended changes and to authorize signature at the time of receipt of the amended documents, seconded by John Rickert. Motion carried (3-0).
5. Review the Kruczek punchlist and discuss Silica Road restoration. Kruczek installed the lateral stub service for the property located at N8218 Cty. QQ into the side of a substantial tree-covered hill. Inspector Don Moore suggested tapping into the lateral and extending it parallel to the road. The consensus was to allow such connection in order to avoid excavating the hill. The contractor will need to inform the County Highway Dept. The lateral card and record drawings will have to be modified.

A resident enquired about the bid prices vs. actual costs. She commented that Town Chairman Jerry Guelig told her that everyone was overcharged and that the assessment should have been \$9,100.00. The District's debt management plan was explained to those in attendance.

The resident also questioned the user charge rate. She feels it is unfair for her to pay the same because she doesn't use much water. The alternative of meters was explained to those in attendance.

The resident also complained about have to pay the user charge when her home is not yet connected. She was advised to speak to her contractor about the issue.

The Commission discussed possible financial assistance with Representative John Townsend. Mr. Townsend will research it.

6. Consideration and possible action regarding Kruczek's project completion requirements. Kruczek has yet to work on any of the outstanding restoration complaints or to complete the final lift of asphalt on Silica Road. Foth has contacted Kruczek regarding a meeting with the Commission. Kruczek will not be able to the meet with the Commission until August. The Commission discussed their ability to terminate a portion of the contract.

Bill Gius motion to attempt to schedule a special meeting with Kruczek for August 3<sup>rd</sup> for the opportunity to obtain his response regarding the completion of the punchlist; if he is not responsive, the District will pursue legal actions, seconded by John Rickert. Motion carried (3-0).

7. Discuss grinder pump issues. Bud Sabel reported that the Endres and Butler systems are still in need of repairs to be made by Kruczek.
8. Discuss service to a vacant lot on Lakeview Road. A vacant lot at the north end of Lakeview is planned to be serviced via a future extension to Cty. Q and then south on Hwy. 151. It would not be cost-effective to service the lot by the planned extension. The lot may be serviceable with a grinder pump into the Lakeview Road sewer or possibly by gravity to Decorah Lane. An easement would be needed. The Commission consensus was to require the property owner request an engineer's analysis.

#### New Business

1. Consideration and possible approval of a special assessment refund and transfer to the amortization method requested by Al Sabel. The issue needs attorney review and comment.
2. Consideration and possible approval of a private interceptor to serve two future homes on the Hermanns' property. The property owner needs to request service.
3. Discuss possible extension to the Hermanns property and the applicable assessments. The owner needs to request the extension. The assessments will be known upon the completion of the evaluation of the assessment schedule.
4. Consideration and approval of a payment plan submitted by Sam Blanck for his deferred assessment. During the audit for year 2003, Kathy Diederich, Schenck Business Solutions, discovered a \$5,100.00 error. During the preparations for the 2004 audit, Ms. Diederich found the error in the records of the assessments applied to the Sam Blanck property. Due to an accounting error, his deferred assessment was noted as being paid when it wasn't paid. Mr. Blanck has now closed on the loan for his new home. Mr. Blanck has offered to pay his deferred assessment over the next five year period. Bill Gius motioned to accept the 5-year pay schedule offered by Mr. Blanck and to recoup interest at 6%, seconded by Mike Freund. Bill Gius amended the motion to establish the interest at 5% instead of 6%, seconded by Mike Freund. The amendment to the motion carried (3-0). The motioned carried (3-0).
5. Development of a newsletter. The Commissioners are to bring their recommendations to the August meeting.
6. Approval of bills. Bill Gius moved to approve the bills as presented (order nos. 93-101), seconded by Mike Freund. Motion carried (3-0).  
Bill Gius made the following motion:
  - authorize the transfer of \$19,250.00 from the G.O. Account to the regular checking account,
  - authorize the transfer of \$269.13 from the Operations/Inspections Account to the regular checking account for the Inspectors' payroll,
  - authorize the transfer of \$300.00 from the Operations/User Charge Account to the Inspection Account to correct a deposit error,
  - authorize the transfer of \$92,250.00 from the Debt Service Account to the G.O. Account,
  - authorize the transfer of \$419.45 from the Operations/User Charge Account to the Reserve for Replacement Account,



July 20<sup>th</sup>, 2005

St. Peter Sanitary District  
Monthly Meeting

3.

- authorize the transfer of \$11,972.93 from the Operations/User Charge Account to the Debt Service Account.

The motion was seconded by Mike Freund. Motion carried (3-0).

7. Public Comment. Tom Wehner questioned the status of his request to be removed from the District and Bud Sabel re-submitted information regarding special assessments on land in the farmland preservation program.
8. Adjournment. Bill Gius motioned to adjourn at 9:37 p.m., seconded by John Rickert. Motion carried (3-0).

Attest: \_\_\_\_\_

Brenda A. Schneider  
District Recording Secretary

The St. Peter Sanitary District Commission met on Thursday, July 21<sup>st</sup>, 2005, at 6:00 p.m.. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert. Also present were Attorneys Gary Sharpe and Jerry Edgar, Dennis Steigenberger of Foth & Van Dyke, Kathy Diederich of Schenck Business Solutions and Recording Secretary Brenda Schneider.

1. Call to order. President Gius called the meeting to order at 6:05 p.m..
2. Status report on the 2005 audit. Ms. Diederich dispersed the draft unqualified financial report. The report will be presented at the August meeting.
3. Ordinance review and status of the evaluation of the special assessment schedule. Attorneys Edgar and Sharpe presented their evaluation of the special assessment schedule.

Area F was treated as if it were a separate project, therefore the District is legally bound to keep it separate. The number of potential lots had to be re-evaluated. Based upon the feasibility study, the District has a potential of 850 homes over 30 years. Of the 850 potential homes, 173 are in Area F; with 133 of them in Hawk's Landing.

Area F does not utilize any of the infrastructures needed to service the other areas of the District.

The preliminary special assessment, deferred assessment and stand-by assessment amounts were reviewed and discussed. The intention was to create uniformity, equality and to not hinder development. The current deferred assessment escalator was discussed at considerable length.

The amended report of the district engineer for special assessments will be revised and ready for the August 17<sup>th</sup> meeting. Kathy, Brenda and the Commissioners will review and revised the schedule of special assessments prior to the meeting.

Attorney Edgar advises amending the ordinance to require the developer construct the sewer to their development with all special assessments along the intervening land be paid to the developer with interest. He also advises the ordinance be amended to require developers to extend sewer through to the next property line.

Another workshop meeting will be held on August 3<sup>rd</sup> for review of the special assessment schedule and possibly a special meeting with Kruczek.

4. Adjournment. Bill Gius motioned to adjourn at 8:43 p.m., seconded by John Rickert. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary



August 3<sup>rd</sup>, 2005

St. Peter Sanitary District  
Special Meeting

1.

The St. Peter Sanitary District Commission met on Wednesday, August 3<sup>rd</sup>, 2005, at 6:00 p.m.. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert. Also present were Attorney Gary Sharpe, Dennis Steigenberger of Foth & Van Dyke, and Recording Secretary Brenda Schneider. Also in attendance were Franz Schmitz, President of Johnsburg Sanitary District and Mike Wirtz, Taycheedah Town Board Supervisor.

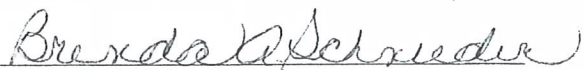
1. Call to order. President Gius called the meeting to order at 6:06 p.m.
2. Review the Kruczek punchlist and discuss Silica Road restoration. There has been no activity this year by Kruczek to address the remaining punchlist items. The punchlist was reviewed. Road restoration in the contract calls for 3 inches of asphalt. After construction there was major settling of Silica Road. A binder course was laid on Silica Road (east of Lakeview Road) in 2004. Kruczek was to lay the final coat and shoulder after the 2004-05 winter. Silica Road west of Lakeview Road has settling of the trench along the south side of the road. The area in the intersection of Silica Road and Lakeview Road was patched by Ronet, Kruczek's subcontractor. There is some lateral trench settling. The Town has decided to fill/patch the worse areas and allow more time for additional settling (west of Lakeview Road). The District is retaining \$50,000.00.
3. Consideration and possible action regarding Kruczek's project completion requirements. Attorney Sharpe has reviewed the contract between the District and Kruczek Construction, Inc. Attorney Sharpe believes Kruczek is responsible for the restoration of Silica Road under the contract language. The Section 13.09 of the contract provides the authority for the District to correct and remedy any defective work; after a seven day written notice to the contractor. The contract also gives the District the authority to take corrective action in the event of emergency repairs. Bill Gius moved to authorize Foth & Van Dyke to submit a letter to Kruczek Construction, Inc., indicating the need for a variety of emergency repairs which the District will direct the Town of Taycheedah to do such repairs based upon Section 13 of the contract, contractor will reimburse the Town for such repairs, seconded by Mike Freund. Motion carried (3-0). John Kruczek wants to address the Commission at their meeting on August 10<sup>th</sup> or 17<sup>th</sup>.
4. Consideration and possible action regarding an Operation & Maintenance Agreement with Taycheedah Sanitary District #1. Calumet Sanitary District has approved a draft agreement that they intend to submit to TSD #1 in the near future. Calumet's draft is a new contract; not an amendment to the current contract. Johnsburg intends to support the draft and submit an agreement to TSD #1 that is uniform in language; which will be a new contract. Taycheedah Sanitary District No. 3 intends to consider an amendment to their existing agreement at the August 17<sup>th</sup> meeting.

Commission members Bill Gius and John Rickert along with Dennis Steigenberger left for a site visit to Silica Road at 7:40 p.m. No formal action was taken.

5. Adjournment. The meeting adjourned at the conclusion of the site visit.

The Workshop Meeting that was officially posted was postponed to August 10<sup>th</sup>, at 6:00 p.m.

Attest:



Brenda A. Schneider  
District Recording Secretary

August 10<sup>th</sup>, 2005

St. Peter Sanitary District  
Special Meeting

1.

The St. Peter Sanitary District Commission met on Wednesday, August 10<sup>th</sup>, 2005, at 6:00 p.m. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert. Also present were Attorneys Gary Sharpe and Jerry Edgar and Kathy Diederich, Schenck Business Solutions.

1. Call to order. President Gius called the meeting to order at 6:13 p.m.
2. Status report on the 2005 audit. The audit for year ending December 31<sup>st</sup>, 2004 is now complete. It will be presented at the August 17<sup>th</sup> meeting.
3. Ordinance review and status of the evaluation of the special assessment schedule. The group reviewed the special assessment roll. Some modifications will need to be made based upon the review.

Interest will no longer be charged against deferred assessments, based upon the Egg Harbor case.

Area F must be treated as a separate project.

The group reviewed and discussed the residential unit equivalents applied as the basis for the user charge.

The group reviewed and discussed secondary sewer use in detached structures. Secondary uses for residential purposes, in conjunction with the primary structure, will be assessed one unit. However, if the secondary structure is used for business activity or is determined to be a separate inhabitable structure, the assessment will be 1.5 units after reduction for the lateral charge  $[(\$11,000 - \$2200) \times 1.5 + \$2200]$ .

4. Adjournment. Mike Freund motioned to adjourn at 9:02 p.m., seconded by John Rickert. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary



The St. Peter Sanitary District Commission met on Wednesday, August 17<sup>th</sup>, 2005, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of conducting the August monthly meeting. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert and Recording Secretary Brenda Schneider. Also present were Dennis Steigenberger of Foth & Van Dyke, Kathy Diederich of Schenck Business Solutions, Rick Schneider of Town & Country, John Kruczek and Sean McNamara of Kruczek Construction and Ken Tenor of Ronet Construction. The meeting was tape recorded.

Call to order. President Gius called the meeting to order at 7:05 p.m..

Pledge of Allegiance.

Comment from the President. Present Gius acknowledged receipt of a copy of the complaint filed by Ann Simon with the Attorney General's Office. Attorney John St. Peter will respond on behalf of the Taycheedah Town Board and Attorney Gary Sharpe will respond on behalf of the sanitary district; if a response is needed.

Mr. Freund offered to release his complaint against the Town Board filed with the Fond du Lac County Sheriff's Department. President Gius responded that it was not needed at this time; however, the District Attorney's determination as to whether or not he will proceed is needed. Mr. Freund informed the Commission that he would need to file his complaint with the Attorney General and that he does not feel it would be in the best interest of the District for him to pursue his complaint with the Attorney General.

Approval of minutes. Mike Freund motioned to amend the minutes of the July 20<sup>th</sup> meeting by revising *Mike Freund objects to the March minutes as amended to state Mike Freund feels the March minutes were not as inclusive as he had requested.* Bill Gius seconded the motion. Motion carried (3-0). There was further discussion regarding the amended minutes of the March 16<sup>th</sup>, 2005 meeting. Bill Gius motioned to accept the minutes as amended, seconded by John Rickert. Motion carried (3-0).

#### Unfinished Business

1. Status report of the 2005 audit. The Commission acknowledged the receipt of the completed, audited financial statements. Ms. Diederich presented an overview of the statements and responded to questions from the Commissioners.
2. Ordinance review and status of the evaluation of the special assessment schedule. Further review was postponed to a future workshop meeting. Kathy Diederich hopes to finalize the special assessment schedule in the near future.
3. Consideration and possible approval of the draft Operation & Maintenance Agreement with Taycheedah Sanitary District No. 1 Consideration was postponed to a future workshop meeting. It was noted that Calumet Sanitary District and Johnsburg Sanitary District have submitted their agreements to TSD #1.

#### Project status report.

1. Representative(s) of Kruczek Construction, Inc. to discuss the status of restoration. The punchlist for Contract A-02 was reviewed with Kruczek Construction, Inc. The punchlist items were as follows:
  - (1) *Provide final lift of bituminous pavement on Silica Road and restore shoulder.* Kruczek commented that the rock and the gas line location caused the shift of the sewer main from the ditch to the roadway. The contract required the use of crushed stone instead of granular backfill. The contract also requires two layers of asphalt. There was severe settling. Two more layers of asphalt were needed. The District agreed to release a portion of the retainer when the first repair layer was laid. Kruczek expects to be paid \$30,000 for the first repair layer and the quoted \$15,000 for the second layer; yet to be done. Kruczek commented that compaction was done per the plans & specs. Mr. Kruczek commented that a judge will have to decide who is responsible for the asphalt work. Mr. Kruczek stated that all of the other punchlist items will be taken care of.
  - (2) *Install pipe bollards at flow meter station on Deadwood Point Road.* Completed.
  - (3) *Landscape restoration at N8228 Cty. QQ-ditch not to grade, not mowable.* Kruczek believes the ditch appears to be restored to pre-construction status. Impossible to slope ditch to a mowable condition. The Commission will re-evaluate.
  - (4) *Landscape restoration at N8224 Edgewood Lane-check culvert.* Completed.
  - (5) *Resolve Miller simplex grinder pump issue (N8670 Decorah Lane)-charges for District to be submitted.* Kruczek was not aware of the issue. Bud Sabel has been doing the warranty work. Kruczek will contact Bud and L.W. Allen.



- (6) *Payment for driveway restoration at W3812 Evergreen Cty.-Jerry Kraus (Ronet).* Completed.
- (7) *Landscape restoration at N8628 Decorah Land-repair conduit at grinder pump wet well.* Kruczek blames the plumber for the settlement that eventually broke the conduit. Foth responded that Kruczek refused to extend the lateral 10 feet. They claimed it was not in the contract or on the plans and was not staked. The Endres and Miller grinder pump wet wells also need conduit repair. The Commission will research. Mr. Butler recently contacted Foth & Van Dyke regarding the replacement of his shrubs. The Commission will address the shrubs at the next meeting.
- (8) *Pay Fond du Lac County Highway Dept. for project portion of guardrail installation at Cty. QQ lift station.* Kruczek's sub-contractor had ordered the materials. They were stopped by the County when they went to erect it. Kruczek received a \$1,600.00 back-charge from the sub-contractor. Kruczek believes the back-charge met their obligation for the guardrail. There were many discussions between Foth, Kruczek and the County trying to determine what the County wanted. Foth will research the issue.
- (9) *Reimburse Town for damaged pavement on Ashberry Avenue.* Kruczek claimed to never have received a bill. Kruczek agreed to pay the bill.
- (10) *Reimburse Town for the use of parking lot for field office.* Kruczek claims to have no agreement for the rent; only asked to share the cost of electric if they used the Town's service. Foth commented that the contract states the contractor must furnish a field office.
- (11) *Furnish final lien waivers from sub-contractors and suppliers.* Kruczek stated "no problem".
- (12) *Furnish affidavit of wage rate compliance.* Kruczek stated "no problem".
- (13) *Settle issue for crop damage to Dick Bertram (W3847 Silica Road-settlement in writing.* Kruczek claims to not have received a bill. Kruczek also claimed vehicle traffic drove around the barricades and through the field during a weekend. The Commission will follow-up on the issue.
- (14) *Responsibility for costs due to not installing the 4" lateral from the grinder pump to the easement line. Settle with the District. See Item #(7).*
- (15) *Lateral trench settlement (pavement) at N8650 Decorah Lane.* Completed.
- (16) *Pavement settlement at Lakeview Rd./Silica Rd. intersection.* Completed.
- (17) *Pavement settlement at manhole on Silica Rd, west of Lakeview Rd.* It will be patched shortly.
- (18) *Landscape restoration back-slope on ditch at N8552 Cty. QQ.* Kruczek visited and didn't see an issue; appears natural.
- (19) *Settlement at manhole at N8348 Edgewood Lane.* Completed.
- (20) *Settlement on easement between Sunset Dr. and Evergreen Ct.* Completed.
- (21) *Pavement settlement o lateral trench at hill on Silica Rd.* It will be taken care of.
- (22) *Remove all unnecessary erosion control.* Kruczek removed the bales today.
- (23) *Blasting claims with Barbarossa Blasting-N8298 and N8237 Edgewood Lane.* Kruczek claimed to not know about the claim. Kruczek will contact the homeowners.
- (24) *N8296 Sunset Lane-repair ditch settlement.* Kruczek couldn't find it. They will contact the owner.
- (25) *Vacant lot (behind N8296 Sunset Lane) on Edgewood Lane needs restoration with the approach..* Kruczek couldn't find it. They will contact the owner.
- (26) *N8456 Cty. QQ-need fill in ditch by mail box.* Kruczek couldn't find it. They will contact the owner.
- (27) *N8563 Cty. QQ-need fill in ditch by mail box.* Kruczek couldn't find it. They will contact the owner.
- (28) *Reimbursement to Fond du County Highway Dept. for damage to bituminous road on Cty. QQ.* Kruczek couldn't find it. The County recently repaved and re-shouldered the road. The County requests compensation for scrapes in the asphalt. The road was recently repaved. Commissioner Rickert will contact the County Highway Dept.

Mr. Kruczek was informed that costs incurred by the Town or the District for emergency response to asphalt settling will be billed to Kruczek Construction. The costs will include, but not be limited to, gravel, time, etc.

- 2. Consideration and possible action regarding Kruczek's project completion requirements. See Item #1 (1) thru (28).

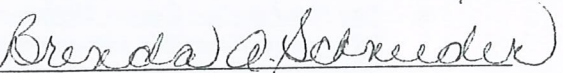


3. Consideration and possible action regarding Ken Groeschel's blacktop repair complaint. No action was taken.
4. Consideration and possible action regarding Ken Groeschel's tree settlement issue. The tree and shrubs were located in the easement area. Mr. Groeschel is requesting \$490.00; \$250.00 for the ash tree and \$240.00 for six dogwood bushes. After extensive discussion, John Rickert motioned to pay Mr. Groeschel \$245.00 for the tree and shrubs. Motion died for lack of a second. After further discussion, John Rickert motioned to pay Mr. Groeschel \$490.00 for the tree and shrubs, seconded by Mike Freund. Motion carried (3-0).

New Business

1. Consideration and possible action to commence the process of the Town Board's consideration of removing properties owned by Tom Wehner and Joe Dixon. Mr. Clarence Schaefer also submitted a letter of request to be removed from the District. Mike Freund felt he needed to recuse himself. No official action was taken; however, the majority consensus was to recommend the three property owners follow Wis. Stats. 60.785(1m)(b) by submitting a formal petition to the Town Board.
2. Development of a newsletter. No action taken.
3. Approval of bills. Bill Gius moved to approve the bills as presented (order nos. 102-116), including \$490.00 to Ken Groeschel, seconded by John Rickert. Motion carried (3-0).  
Bill Gius made the following motion:
  - authorize the transfer of \$21,500.00 from the G.O. Account to the regular checking account,
  - authorize the transfer of \$2,018.44 from the Operations/Inspections Account to the regular checking account for the Inspectors' payroll,
  - authorize the transfer of \$490.19 from the Operations/User Charge Account to the Reserve for Replacement Account,
  - authorize the transfer of \$12,500.61 from the Operations/User Charge Account to the Debt Service Account.The motion was seconded by Mike Freund. Motion carried (3-0).
4. Public Comment. The Commission is awaiting legal counsel opinion on the Town & Country blacktop claim.
5. Adjournment. Mike Freund motioned to adjourn at 9:44 p.m., seconded by John Rickert. Motion carried (3-0).

Attest:

Brenda A. Schneider  
District Recording Secretary

The St. Peter Sanitary District Commission met on Wednesday, September 21<sup>st</sup>, 2005, at 7:00 p.m., at the Taycheedah Town Hall, for the purpose of conducting the September monthly meeting. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert and Recording Secretary Brenda Schneider. Also present were Dennis Steigenberger of Foth & Van Dyke, and Bud Sabel, Maintenance Personnel. The meeting was tape recorded.

Call to order. President Gius called the meeting to order at 7:05 p.m..

Pledge of Allegiance.

Comment from the President. President Gius acknowledged receipt of a copy of the complaint filed by Mike Freund with the Fond du Lac County Sheriff's Department. A copy of the District Attorney's resolution on the matter was routed to the Town Board and the District Commission. It was noted that the District Attorney released his decision in May. President Gius expressed disappointment that the decision was not shared by the complainant.

Approval of minutes. John Rickert motioned to approve the minutes of the 8/17/05 and 9/14/05 meetings, seconded by Bill Gius. Motion carried (3-0).

#### Unfinished Business

1. Ordinance review and status of the evaluation of the special assessment schedule. The Commission and professional staff have met for a workshop meeting. The amended special assessment schedule is progressing toward a public hearing on October 5<sup>th</sup>, at 7:00 p.m.

#### Project status report.

1. Discuss the status of punchlist items (Kruczek Construction, Inc.). The punchlist for Contract A-02 were as follows:
  - a. Provide final lift of bituminous pavement on Silica Road and restore shoulder. The District has had no further contact from Kruczek.
  - b. Landscape restoration at N8228 Cty. QQ-ditch not to grade, not mowable. Bud Sabel will perform a site inspection.
  - c. Resolve Miller simplex grinder pump issue (N8670 Decorah Lane)-charges for District to be submitted. The Miller and Endres grinder pumps kicked-out again on 9/13/05. Bud Sabel will supply his labor documentation for reimbursement from Kruczek. Kruczek has yet to contact Bud regarding the problems.
  - d. Landscape restoration at N8628 Decorah Lane-repair conduit at grinder pump wet well. Laudolff Excavating repaired the conduit on the Butler grinder pump on 9/14/05.
  - e. Pay Fond du Lac County Highway Dept. for project portion of guardrail installation at Cty. QQ lift station. Kruczek's sub-contractor had ordered the materials. Kruczek claimed that his sub-contractor was stopped by the County when they went to erect the guardrail. Kruczek received a \$1,600.00 back-charge from the sub-contractor. Kruczek believes the back-charge met their obligation for the guardrail. Foth has reviewed the project daily logs. The log indicates the sub-contractor left the job due to lack of proper materials.

The Fond du Lac County Highway Commissioner intends to meet with Mr. & Mrs. Schneider to attempt an agreement regarding the length of the guardrail. The Commission will follow-up on the issue.
  - f. Reimburse Town for damaged pavement on Ashberry Avenue. The Town re-submitted the bill to Kruczek. The Town has not received payment.
  - g. Reimburse Town for the use of parking lot for field office. The Town re-submitted the bill to Kruczek. The Town has not received payment. The Town Board will be asked if they are willing to waive the bill.
  - h. Furnish affidavit of wage rate compliance. Kruczek has not submitted the affidavit.
  - i. Settle issue for crop damage to Dick Bertram (W3847 Silica Road-settlement in writing. Mr. Bertram has been contacted. Mr. Bertram disagrees with the statement that vehicle traffic drove around the barricades and through the field. He stated the damage was caused by sewer construction equipment. Mr. Bertram will re-submit a bill for damages.
  - j. Pavement settlement at manhole on Silica Rd, west of Lakeview Rd. Kruczek was contacted prior to Labor Day. Kruczek claimed his crew would take care of it on 9/6/05. In the interest of public



safety, the Town instructed Northeast Asphalt to make the necessary repair. Kruczek indicated they will not reimburse the Town for the repair. The District will pursue Kruczek for reimbursement.

- k. Landscape restoration back-slope on ditch at N8552 Cty. QQ. Bud Sabel will perform a site visit.
  - l. Pavement settlement of lateral trench at hill on Silica Rd. See Item (j).
  - m. Blasting claims with Barbarossa Blasting-N8298 and N8237 Edgewood Lane. Barbarossa's insurance carrier contacted the District for information regarding the claims. Kruczek stated previously that they will contact the homeowners. No additional information was provided regarding this issue.
  - n. N8296 Sunset Drive-repair ditch settlement. Bud Sabel will perform a site visit.
  - o. Vacant lot (behind N8296 Sunset Drive) on Edgewood Lane needs restoration with the approach. Bud Sabel will perform a site visit.
  - p. N8456 Cty. QQ-need fill in ditch by mail box. Bud Sabel will perform a site visit.
  - q. N8563 Cty. QQ-need fill in ditch by mail box. Bud Sabel will perform a site visit.
  - r. Reimbursement to Fond du County Highway Dept. for damage to bituminous road on Cty. QQ. The Fond du Lac County Highway Dept. plans to request reimbursement of \$3,000-4,000.00 from Kruczek for 270 square yards of damaged pavement. The County resurfaced the area in the summer of 2005. The Hwy. Dept. stated the damaged area required additional preparation work. The Commission consensus was to not require Kruczek to reimburse the County for the damage.
2. Consideration and possible action regarding Kruczek's project completion requirements. The Commission will wait for resolution of the punchlist items listed as Items 1(a) thru (r).
  3. Discuss grinder pump issues. Bud Sabel met with Mark Mand. The top of the Endres' grinder pump is 8'8" higher than the floor of the Endres' house. The wet-well is 20' from cover to bottom. A location to the south of the home would be approximately 34" below the floor level. The property owners were involved in the location of the pump station. Mark Mand quoted \$13,000 to relocate the station. Town & Country would do the work on time & materials.
  4. Consideration and possible action regarding shrubs removed in the easement area of the Butler grinder pump. The recorded easement obligates the District to replace any trees and/or shrubs or to compensate the owner for the trees and/or shrubs. Mr. Butler contacted Foth & Van Dyke requesting compensation. Mrs. Butler indicated to Bud Sabel that everything was fine. Bud Sabel will contact the Butler's.
  5. Discuss any other outstanding restoration issues. The County buried two man-holes along Cty. QQ when they re-shouldered. Bud Sabel will investigate.

#### New Business

1. Acknowledge receipt of correspondence from Bud Sabel regarding special assessments against lands zoned for exclusive agricultural use. Mr. Sabel's correspondence was submitted to Attorney Gary Sharpe for a legal opinion. He will respond on behalf of the District in the near future.
2. Consideration and possible acceptance of a Notice and Release and Settlement of Claim received from Wausau Insurance on behalf of Hoffman Construction Co. for damage incurred during the reconstruction of Hwy. 149. The District submitted a claim for \$10,920.74 to Hoffman for the televising, cleaning and engineering of the Hwy. 149 sewer. John Rickert motioned to accept the release as submitted, seconded by Mike Freund. Motion carried (3-0).
3. Consideration and possible approval of ordinance changes pertaining to special assessments, deferred assessments, stand-by assessments and sewer extensions. The Commission tabled action until the draft resolution is received.
4. Consideration and possible approval of agreements with Signature Homes and Nett Construction regarding the impact of the amended ordinance and special assessment schedule. The Commission tabled action until the draft agreement is received.
5. Approval of bills. Bill Gius moved to approve the bills as presented (order nos. 117-128), with the exception of paying Taycheedah Sanitary District #1 \$380.43 for the Ledge Road interim flows and \$155.20 for Fond du Lac Sanitary District #2 cost-share of operations and maintenance expenses, seconded by John Rickert. Motion carried (3-0).  
Bill Gius made the following motion:

- authorize the transfer of \$8,400.00 from the G.O. Account to the regular checking account,
- authorize the transfer of \$2,287.56 from the Operations/Inspections Account to the regular checking account for the Inspectors' payroll,
- authorize the transfer of \$811.15 from the Operations/User Charge Account to the Reserve for Replacement Account,
- authorize the transfer of \$18,572.36 from the Operations/User Charge Account to the Debt Service Account,
- authorize the wire transfer of \$53,625.00 for the Bond Anticipation Note semi-annual payment.

The motion was seconded by Mike Freund. Motion carried (3-0).

6. Public Comment. Ken Groeschel addressed the Commission regarding the settling of his driveway. He commented that his grass claim and tree claims were settled; but not his blacktop claim. Mr. Groeschel was instructed that he needs to address the issue with Town & Country.
7. Adjournment. Bill Gius motioned to adjourn at 8:21 p.m., seconded by John Rickert. Motion carried (3-0).

The next meeting of the Commission will take place on Wednesday, October 19<sup>th</sup>, at 6:00 p.m.

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary



October 5<sup>th</sup>, 2005

St. Peter Sanitary District  
Workshop Meeting

1.

The St. Peter Sanitary District Commission met on Wednesday, October 5<sup>th</sup>, 2005, at 6:30 p.m.. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert. Also present were Attorneys Gary Sharpe and Jerry Edgar, Kathy Diederich of Schenck Business Solutions and Recording Secretary Brenda Schneider.

1. Call to order. President Gius called the workshop meeting to order at 6:39 p.m.
2. The Commission will prepare for the public hearing to begin at 7:00 p.m. The Commission and professional staff discussed the purpose of public hearing and the format to be used for the public hearing.
3. Adjournment. Bill Gius motioned to adjourn the workshop meeting at 6:49 p.m., seconded by John Rickert. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary

The St. Peter Sanitary District Commission met on Wednesday, October 5<sup>th</sup>, 2005, at 7:00 p.m. for the purpose of conducting a public hearing regarding the amended special assessments proposed to be levied for payment of a portion of the cost of the District sanitary sewer project. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert. Also present were Attorneys Gary Sharpe and Jerry Edgar, Kathy Diederich of Schenck Business Solutions, Dennis Steigenberger of Foth & Van Dyke and Recording Secretary Brenda Schneider.

**President Gius called the public hearing to order at 7:00 p.m.**

**President Gius introduced the Commission and their professional staff.**

**The District's legal counsels provided the following overview:**

- The initial special assessments were levied in 2002.
- There will be no change in the special assessment for a vast majority of the property owners.
- The need for the amendments was driven primarily by a need to address consistency for sewer extensions.
- The Commission needed to determine a fair apportionment for new development.
- The interest rate imposed on deferred and stand-by assessments is 4.5% and is capitalized over 10 years.
- The Ledge Road Basin is a separate area; and must be treated as such. The total build-out of the Ledge Road Basin was estimated to be 30 years. The original calculations estimated 100 years. The stand-by assessment increased from \$1,440.00 to \$1,735.00. The increase in the assessment will be due.
- The stand-by assessments were based upon the number of properties developable in the future. The stand-by assessment for areas other than the Ledge Road Basin were calculated as follows:
  - \$11,000 assessment on improved lots and buildable vacant lots as of 2002
  - \$4,500 developer's average cost per lot for sewer construction
  - \$2,530 developer's average cost per lot for road construction
  - \$3,970.00 stand-by assessment per buildable lot
- An 'unknown future assessment' was identified on lands with the potential of connection in the future.

**Public comments and questions were as follows:**

- Rose Smiljanic, N7602 Cty. UU, owns 25 acres along Ledge Road. Her parcel was split into two parcels by the formation of the District. She paid the vacant lot assessment of \$5,900.00 under protest. Ms. Smiljanic questioned if she is expected to pay an additional \$8,435.00 per the notice of amended assessment that she received. *The response was no; the difference of \$2,535.00 (\$8,435.00-\$5,900.00) is due if and when a house is built on the parcel.*
- Duane Stibbs, N8296 Sunset Drive, paid the full \$11,000.00 assessment on each of two vacant lots. Mr. Stibbs questioned if there will be any additional assessment fees when he sells the lots. *The response was no; the lots are paid in full.*
- James Karls, N7789 Ledgeview Springs Drive, had several questions. Mr. Karls enquired if all bids have been paid. *The response was no; neither contractor has been paid in full yet.* Mr. Karls asked what the final project costs were. *The response was that the final costs are not yet determined.*

Attorney Sharpe explained that the project is funded by special assessments, mil tax and a portion of the user charge. He also commented that the project costs include not only construction but engineering cost, legal expenses, shared sewer main and treatment capacity, etc.

- Mr. Karls asked about the cost of having GM Hietpas, CPA, LLC, do the invoicing for the quarterly billing. *President Gius could not answer the question without researching it. Mr. Karls was advised to request a copy of Hietpas' invoices.* Mr. Karls asked if property owners have a choice to connect to the sewer because there are a lot of people who haven't connected yet. *The response was no; they do not have a choice. Approximately 60 homes have yet to connect due to delays with their contractor. However, all properties are being charged the full monthly user charge.* Mr. Karls asked if the



- \$11,000.00 assessment was recorded as a lien against his property, and if so, how can he get a lien waiver from the District. *Attorney Sharpe responded that the assessment is recorded only with the District and that the District does not issue lien waivers. Therefore, payment of the special assessment is not documented with the Fond du Lac County Register of Deeds. Attorney Sharpe suggested he keep his records in case there is a discrepancy.*
- Dave Braun, N7670 Fine View Road, owns property across from Hawk's Landing. His property is shaded on the map; other properties to the north are not shaded. *Attorney Sharpe explained that the unshaded areas will flow to the north and that the shaded areas will flow south to Ledge Road. The shaded area received the notice of amended assessments. The intent of the notice was to make the affected property owners aware that when their area is sewered; their stand-by assessment will be \$1,735.00, plus interest, plus the cost of constructing the sewer main. There is also an unknown future potential of lots. Attorney Sharpe was asked if they could construct the sewer main west of the road. The response was yes-with the suggestion they contact the District when they are ready to proceed.*
  - Glen Elmer, representing Signature Homes, acknowledged receipt of the letters of assessment for the lots in the Sand Hill Ridge subdivision. The stand-by assessment on Lot 1 contained a \$3,700.00 credit (\$5,900.00 less \$2,200.00 for the lateral). A 4" lateral was installed by the District on Cty. QQ to provide one service to the 28 acres parcel. The lateral is located in the area of the retention pond and will never be used. Signature Homes requests the credit be transferred to Lot 9. *Mr. Elmer was advised to submit a letter of request. Mr. Elmer also enquired about the stand-by assessment for Lots 1-6; which are zoned for condominium development. The letters Signature Homes received state a stand-by assessment of \$3,970.00 on each lot. The six lots have one lateral to service two-unit structures on each lot. Attorney Sharpe suggested he request to be placed on the agenda of the next Commission meeting to address the issue. Mr. Elmer asked to be placed on the next agenda.*
  - Allen Sabel, W3727 Hwy. 149, owner of Steffes' Tavern, commented that his assessment was \$15,400 and yet he is being charged for two units on the user charge. *Attorney Sharpe responded that the user charge for businesses is determined by federally-established governmental guidelines. The number of units is based upon seating capacity.*
  - Jim Rosenthal II, N8177 Cty. QQ, intends to asphalt Rosenthal Court soon. Mr. Rosenthal questioned who addresses manhole height. *Commissioner John Rickert and Bud Sabel, Maintenance Personnel, take care of the issue.*
  - Jerry Guelig, N8071 W. Ann Randall Drive, Taycheedah Town Chairman, also questioned the cost of paying Hietpas for the billing. Mr. Guelig thought the three sanitary districts in the Town could hire one person for \$20,000-25,000 per year. *Mr. Guelig was advised to request and review Hietpas' billings. Mr. Guelig also commented that a duplex with two owners should pay two assessments. Attorney Sharpe responded that the Commission will review Schedule G.*
  - Joe Lemke, N7680 Fine View Road, asked if the District owns the Ledge Road sewer. *Attorney Sharpe responded that the District will in the near future. Attorney Edgar added that the developer needs to dedicate the sewer to the District. Mr. Lemke questioned if the \$1,735.00 stand-by assessment is a fixed price. Attorney Sharpe responded yes.*
  - Ken Groeschel, W3579 Hunters Lane, commented that it would have been cheaper to buy a lot than to pay for his existing house. He feels he is subsidizing the other areas. *The response was that the developer must build the sewer in the subdivision. The associated costs are transferred to the buyer via the lot price. The lot price escalates for the cost of sewer construction and road construction. Attorney Sharpe added that the Ledge Road Basin is different because the assessments are based upon the construction cost of a shorter line, the area's share of capacity, legal expenses and engineering costs, etc. Attorney Edgar further added that the assessment is based on the benefit to the properties and that an \$11,000.00 assessment is unfair to those that have to pay to build the sewer and roads. President Gius explained that the Ledge Road Basin is subsidizing the other areas via mil tax and the debt reduction portion of the user charge.*
  - Jerry Guelig commented that we should forget about the cost of the road, that a developer could develop 1.5 acre lots and that the developer has to build the road regardless of the lot size. Mr. Guelig further claimed that the cost of the meter station for Ledge Road was double; that the bid was half the



amount. He further commented that there are two rookies on the Commission who don't know what they are doing. *President Gius asked Mr. Guelig to discontinue making false accusations and to provide documentation supporting his claims. Mr. Guelig was unable to do so but claimed his information came from a commissioner.* Mr. Guelig demanded to know what the original cost was. *Mr. Guelig was asked to attend the next meeting of the commission.* Mr. Guelig demanded to know how much the District is going to pay the Nett's. *President Gius referred the question to Kathy Diederich, the District's auditor.* Ms. Diederich asked Mr. Guelig to clearly state his question and added that she may or may not address his question due to the fact that the public hearing may or may not be the proper forum for the discussion. Mr. Guelig demanded to know the original price from the meter station to Hawk's Landing; the engineering fees, construction fees, the 10" pipe vs. the 8" pipe that was put in. *President Gius declared Mr. Guelig out of order.* Mr. Guelig responded to President Gius that the biggest mistake he made was when he appointed you. *Mr. Guelig then left.* *President Gius informed the attendees that Mr. Guelig's statements were inaccurate and that he indicated he has been misinformed by a current commissioner.*

- Tom Wehner, W4091 McCabe Road, questioned how grant eligibility is determined and how Johnsburg was able to qualify for grants. *Dennis Steigenberger, a representative of the District's engineering firm, responded that the median household income is determined on a town-wide basis. In the case of Johnsburg Sanitary District, the median household income was determined by the boundaries of the District.*
- Commissioner Freund stated that he was prepared to address President Gius' accusations. *President Gius declared Mr. Freund out of order. Kathy Diederich commented that we can't go back and redo what has been done. The Commission is now trying to bring consistency to all property owners in the District. Kathy further commented that there is a great deal of misinformation circulating amongst the district. President Gius requested that property owners attend the monthly meetings in order to obtain accurate information. He further commented that the District is carrying a substantial debt. The District needs to reduce the debt in order to make extensions manageable.*
- John Buechel, W3963 Hwy. 149, questioned if the sewer made his home is more valuable. *The response was yes; that he will not face the possibility of replacing an on-site system and destroying his landscaping.*
- Carla Hafermann, N7762 Fine View Road, just moved into the District. Ms. Hafermann requested an explanation of the stand-by assessment. *The response was that the \$1,735 assessment would be paid if and when her home is connected to the sewer system. The area would also have the unknown cost of constructing the sewer main.*
- Jim Karls, N7789 Ledgeview Springs Drive, questioned to lot density of new subdivision reducing the assessments and creating more revenue. *The response was that the buyer will pay the stand-by assessment in addition to the increased cost of the lot due to the sewer construction and road construction costs. Glen Elmer, Signature Homes, added that new subdivisions will increase the number of properties; which will help pay off the debt through mil tax and user charges.*
- Dennis Osterholt, N8650 Decorah Lane, questioned the tolerance of the continued use of failing systems because the contractor has not connected the homes yet. *The response was that the delays have been caused by the weather. It was added that all properties are paying the full user charge. Mr. Osterholt is concerned about contamination. Attorney Sharpe responded that the District could bring a suit to force connections, but the Commission has not authorized him to take such action. President Gius suggested he speak with the home-owner.*
- Dennis Lefebvre, W3896 McCabe Road, asked about the unknown timing of additional phases and why he should be charged a mil tax. *President Gius responded that the Commission will be addressing the issue in the near future. Kathy Diederich commented that a portion of the project benefits the unsewered areas; that is the justification for the tax. Attorney Edgar added that the mil tax was necessary for the funding. The mil tax also spreads the cost of the project as equitably as possible.*
- Duane Stibb, N8296 Sunset Drive, recently purchased a 7 acre vacant lot in the District. The lot has one 4" lateral. He plans to build two homes. Mr. Stibb asked if two homes can connect into one lateral. *The response was no.* Mr. Stibb also questioned if he builds an 8" sewer main; would he get a



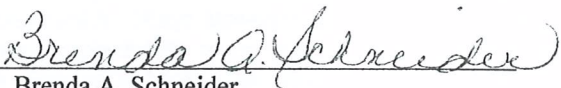
credit. *The response was yes; \$3,700.00 (the \$5,900.00 vacant lot assessment less \$2,200 for the cost of the lateral and riser). Mr. Stibb was reminded to obtain Commission approval before starting a sewer extension.*

- Trevor Peterson, W4090 Redtail Court, commented that he paid a stand-by assessment of \$1,520.00. The notice he received states the stand-by assessment is \$1735.00. He questions if he will have to pay the difference. *The response was yes.*
- Ken Rieder, N8573 Cty. QQ, received an amended assessment notice for a sliver of property that used to be part of an old cheese factory. *Kathy Diederich responded that the sliver of property was not assessed.*

Commissioner Rickert addressed the attendees regarding the misinformation being distributed amongst the residents by Town Chairman Jerry Guelig. Mr. Guelig rarely attends the meetings. The misinformation he is distributing is having a negative impact on the Commission. Mr. Rickert expressed the need for more people to attend the meetings.

President Gius motioned to adjourn the public hearing at 8:36 p.m., seconded by John Rickert. Motion carried (3-0).

Attest:



Brenda A. Schneider  
District Recording Secretary

The St. Peter Sanitary District Commission met on Wednesday, October 5<sup>th</sup>, 2005, 7:30 p.m., or immediately following the 7:00 p.m. public hearing, for the purpose of discussing and possibly adopting the Final Resolution Amending the Special Assessments. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert. Also present were Attorneys Gary Sharpe and Jerry Edgar, Kathy Diederich of Schenck Business Solutions Dennis Steigenberger and Recording Secretary Brenda Schneider.

1. Call to order. President Gius called the special meeting to order at 9:00 p.m.
2. Discussion and possible adoption of the Final Resolution Amending the Special Assessments. The Commission discussed the following issues that were raised during the public hearing:
  - a. Glen Elmer, representing Signature Homes, requested the transfer of the credit from Lot 1 of Sand Hill Ridge to Lot 9. Bill Gius motioned to authorize the amendment of the Special Assessment Roll to transfer the credit from Lot 1 to Lot 9, seconded by John Rickert. Motion carried (3-0).
  - b. Glen Elmer, representing Signature Homes, questioned the stand-by assessment for two-family condominium structures in Sand Hill Ridge. It was previously discussed, at a workshop session, to establish the stand-by assessment at 1.5 times the assessment for two-unit structures in order to remain consistent with past practice. The single stand-by assessments on the Special Assessment Roll for Lots 1-6 was an oversight. Condominium agreements could address service and repair issues. Bill Gius motioned to authorized the amendment of Schedule G to specify that a 2-unit condominium, serviced by one lateral, will be treated like a duplex with 1.5 special assessments and that a multi-unit condominium will be treated like an apartment building pursuant to Schedule G, seconded by John Rickert. Motion carried (3-0).

Attorneys Sharpe and Edgar recommended the Commission not adopt the Final Resolution due to lack of resolution regarding the Ledge Road project. The Commission will meet with their attorneys on October 12<sup>th</sup> to further discuss a settlement. The Commission will plan to consider and possibly adopt the Final Resolution at their October 19<sup>th</sup> meeting.
3. Adjournment of the special meeting. Mike Freund motioned to adjourn the special meeting at 9:15 p.m., seconded by John Rickert. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary



The St. Peter Sanitary District Commission met on Wednesday, October 12<sup>th</sup>, 2005, at 6:00 p.m.. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert. Also present were Attorneys Gary Sharpe and Jerry Edgar and Recording Secretary Brenda Schneider.

1. Call to order. President Gius called the meeting to order at 6:02 p.m..
2. Closed session pursuant of Wis. Stats. 19.85(1)(g) 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. John Rickert motioned to enter into closed session pursuant to Wis. Stats. 19.85(1)(g) to confer with legal counsel, seconded by Mike Freund. Roll call vote: Mike Freund, aye; John Rickert, aye; Bill Gius, aye. Motion carried (3-0).
3. Adjournment of the closed session meeting. The Commission will meet in open session for a workshop meeting to immediately follow the closed session. Mike Freund motioned to adjourn the closed session meeting at 6:39 p.m. and enter into open session, seconded by John Rickert. Motion carried (3-0).

## Special Meeting

1. Call to order. The Commission re-entered into open session at 6:39 p.m.
2. Discussion and possible adoption of the Final Resolution Amending the Special Assessments. The Resolution remains in draft version. No action was taken.
3. Adjournment. Mike Freund motioned to adjourn at 6:40 p.m., seconded by Bill Gius. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary

The St. Peter Sanitary District Commission met on Wednesday, October 19<sup>th</sup>, 2005, at 6:00 p.m., or immediately following the closed session, at the Taycheedah Town Hall, for the purpose of conducting the October monthly meeting. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert and Recording Secretary Brenda Schneider. Also present were Attorney Gary Sharpe, Dennis Steigenberger of Foth & Van Dyke, Kathy Diederich of Schenck Business Solutions and Bud Sabel, Maintenance Personnel. The meeting was tape recorded.

Call to order. Mike Freund motioned to adjourn the closed session meeting at 6:24 p.m. and convene into open session, seconded by Bill Gius. Motion carried (3-0).

Pledge of Allegiance.

Approval of minutes. The Commission asked Attorney Sharpe to clarify the following response he made at the 10/5/05 public hearing: Dave Braun, N7670 Fine View Road, owns property across from Hawk's Landing. His property is shaded on the map; other properties to the north are not shaded. *Attorney Sharpe explained that the unshaded areas will flow to the north and that the shaded areas will flow south to Ledge Road. The shaded area received the notice of amended assessments. The intent of the notice was to make the affected property owners aware that when their area is sewered, their stand-by assessment will be \$1,735.00, plus interest, plus the cost of constructing the sewer main. There is also an unknown future potential of lots.* Attorney Sharpe was asked if they could construct the sewer main west of the road. *The response was yes-with the suggestion they contact the District when they are ready to proceed.* Attorney Sharpe acknowledged his lack of knowledge of the specifics of the area and lacked the authority to delineate the location of a sewer extension on Fine View Road. He further acknowledged that the Commission will ultimately decide the location of the sewer. Mike Freund moved to approve the minutes of the 9/21/05, 10/5/05 and 10/12/05 meetings as presented and clarified, seconded by Bill Gius. Motion carried (3-0).

Unfinished Business

1. Discussion and possible adoption of the amended Schedule G, Residential Equivalency Schedule. Bill Gius motioned to table consideration of the amended Schedule G until the final resolution can be completed by the attorney, seconded by John Rickert. Motion carried (3-0).
2. Consideration and possible approval of a developer's agreement with Nett Construction regarding the Ledge Road sewer. Bill Gius motioned to table consideration of the developer's agreement until the final resolution can be completed by the attorney, seconded by John Rickert. Motion carried (3-0).
3. Discussion and possible adoption of the Final Resolution Amending the Special Assessments. Bill Gius motioned to table consideration of the final resolution until it can be completed by the attorney, seconded by John Rickert. Motion carried (3-0).

Project status report.

1. Discuss the status of punchlist items (Kruczek Construction, Inc.). The punchlist for Contract A-02 was as follows:
  - a. Provide final lift of bituminous pavement on Silica Road and restore shoulder. The District has had no further contact from Kruczek. The asphalt work has not been completed.
  - b. Landscape restoration at N8228 Cty. QQ-ditch not to grade, not mowable. Bud Sabel performed a site inspection. He deemed the area mowable. It is believed that any problem the owner may have had would have been caused by the County resurfacing project.
  - c. Resolve Miller simplex grinder pump issue (N8670 Decorah Lane)-charges for District to be submitted. Kruczek has yet to contact Bud regarding the problems. Bud recently installed a new circuit board.
  - d. Pay Fond du Lac County Highway Dept. for project portion of guardrail installation at Cty. QQ lift station. The County has met with the neighboring property owners. The County has arrived at an agreement with the owners to install shrubs along the guardrail. The County expects the District to cost-share in the purchase and installation of the shrubs.

The bid from Kruczek stated a specific cost for the District's portion of the guardrail which was included the total cost of the lift station. The District's position has been that Kruczek needs to pay the District the equivalent amount for the District's portion of the guardrail. The District will then reimburse the County.



Kruczek's sub-contractor had ordered the materials. Kruczek claimed that his sub-contractor was stopped by the County when they went to erect the guardrail. Kruczek also claimed he received a \$1,600.00 back-charge from the sub-contractor. Kruczek believes the back-charge meets their obligation for the guardrail. Foth has reviewed the project daily logs. The log indicates the sub-contractor left the job due to lack of proper materials.

Commission will follow-up on the issue.

- e. Reimburse Town for damaged pavement on Ashberry Avenue. The Town re-submitted the bill to Kruczek. The Town has not received payment.
  - f. Reimburse Town for the use of parking lot for field office. The Town re-submitted the bill to Kruczek. The Town has not received payment. The Town Board discussed the issue. The Town Board resolved to not waive the fees.
  - g. Furnish affidavit of wage rate compliance. Kruczek has not submitted the affidavit.
  - h. Settle issue for crop damage to Dick Bertram (W3847 Silica Road-settlement in writing. Mr. Bertram has yet to re-submit a bill for damages.
  - i. Pavement settlement at manhole on Silica Rd, west of Lakeview Rd. In the interest of public safety, the Town instructed Northeast Asphalt to make the necessary repair. Kruczek indicated they will not reimburse the Town for the repair. The District will pursue Kruczek for reimbursement.
  - j. Landscape restoration back-slope on ditch at N8552 Cty. QQ. Bud Sabel obtained a quote of \$876.00 from Mark Mand Excavating to create a functional ditch. Bud will speak to Cyril Simon and Dick Bertram about the pre-construction status of the ditch. Foth will review the pre-construction video of the site.
  - k. Pavement settlement of lateral trench at hill on Silica Rd. See Item (i).
  - l. Blasting claims with Barbarossa Blasting-N8298 and N8237 Edgewood Lane. Barbarossa's insurance carrier contacted the District for information regarding the claims. Kruczek stated previously that they will contact the homeowners. No additional information was provided regarding this issue.
  - m. N8296 Sunset Drive-repair ditch settlement. Bud Sabel performed a site visit. The work was completed by the owner.
  - n. Vacant lot (behind N8296 Sunset Drive) on Edgewood Lane needs restoration with the approach. Bud Sabel performed a site visit. The owner is willing to do the work but asks that the District provide 1.5 yards of dirt. Bud will contract for the dirt.
  - o. N8456 Cty. QQ-need fill in ditch by mail box. Bud Sabel performed site visit. The work was completed by the owner. The owner asks for 1 yard of dirt to fill several small settled areas. The owner may postpone the work until spring. Bud will evaluate the matter.
  - p. N8563 Cty. QQ-need fill in ditch by mail box. Bud Sabel performed a site visit. The work was completed by the owner.
2. Consideration and possible action regarding Kruczek's project completion requirements. The Commission will wait for resolution of the remaining punchlist items. The Commission will also ask the attorney to address the matter.
  3. Discuss grinder pump issues. Bud Sabel reported that the Butler grinder pump is functioning correctly. As far as the Endres grinder pump, Attorney Sharpe contacted Attorney Wilson regarding the presentation of better itemization and a narrative of the claim.
  4. Consideration and possible action regarding shrubs removed in the easement area of the Butler grinder pump. Bud Sabel contacted the Butlers. The Butlers would be happy with one 8 ft. evergreen tree. Preston Tree Moving quoted \$250.00 for the tree and installation. Foth & Van Dyke will review the pre-construction tapes.
  5. Discuss any other outstanding restoration issues. The Town has been addressing a constant settling problem on Bittersweet Lane. Town & Country had filled the area approximately three months ago. Foth & Van Dyke will contact Town & Country about the matter.

#### New Business

1. Review and discuss the conceptual plan for the proposed development of 40 acres abutting Lakeview Road. Ron Cunzenheim, REC Engineering, representing Roberts Homes, submitted a conceptual plan for a 54 lot

residential development. The Town Board is scheduled to review and act on the rezoning of the property at their November 14<sup>th</sup> meeting. Mr. Cunzenheim will be notified that a workshop meeting with the Commission will be scheduled if the Town Board rezones the property. Foth & Van Dyke will then be authorized by the Commission to review the feasibility of sewer service.

2. Discuss compiling a newsletter. A newsletter will be discussed at the next meeting.
3. Approval of bills. John Rickert moved to approve the bills as presented (order nos. 129-139), seconded by Bill Gius. Motion carried (3-0). Bill Gius motion to appropriate \$30.00 to Bud Sabel for dirt and seed used at the Butler grinder pump, seconded by Mike Freund. Motion carried (3-0).

Bill Gius made the following motion:

- authorize the transfer of \$11,750.00 from the G.O. Account to the regular checking account,
- authorize the transfer of \$1,345.63 from the Operations/Inspections Account to the regular checking account for the Inspectors' payroll.

The motion was seconded by John Rickert carried (3-0).

4. Public Comment. The Commission responded to numerous questions regarding the construction of the Ledge Road sewer. Upon request by Jerry Guelig, Mike Freund gave a detailed explanation of his understanding of the history of the Ledge Road project and the reasoning of the Commission's approach to the project. It was suggested that all property owners should be informed of the history of the Ledge Road project. The Commission commended the attendees for coming to the meeting. The Commission feels strongly that more property owners should attend the meetings in order to gain accurate information.
5. Adjournment. Bill Gius motioned to adjourn at 8:21 p.m., seconded by John Rickert. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary



November 9<sup>th</sup>, 2005

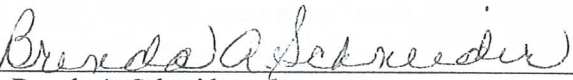
St. Peter Sanitary District  
Special Meeting

1.

The St. Peter Sanitary District Commission met on Wednesday, November 9<sup>th</sup>, 2005, at 5:00 p.m. for a closed session meeting. An open session was scheduled to occur at 5:30, or immediately following the closed session, at the Taycheedah Town Hall, for the purpose of conducting a special meeting. Members present were President Bill Gius and Commissioner John Rickert. Also present were Attorneys Gary Sharpe and Jerry Edgar and Kathy Diederich of Schenck Business Solutions and Recording Secretary Brenda Schneider. Commissioner Mike Freund was absent.

1. Call to order. Bill Gius motioned to adjourn the closed session meeting at 5:20 p.m. and convene into open session, seconded by John Rickert. Motion carried (2-0-1 absent). The public notice stated the open session would begin at 5:30 p.m., or immediately following the closed session, whichever is later. The Commission recessed. Bill Gius motioned to reconvene the open session meeting at 5:30 p.m., seconded by John Rickert. Motion carried (2-0-1 absent).
2. Consideration and possible approval of a Developer's Agreement with Nett Construction. Bill Gius motioned to approve the Developer's Agreement and to make the payment as provided within the Agreement, seconded by John Rickert. Motion carried (2-0-1 absent).
3. Discussion and possible adoption of the Final Resolution Amending the Special Assessments. John Rickert motioned to approve the Final Resolution Amending the Special Assessments, seconded by Bill Gius. Motion carried (2-0-1 absent).
4. Adjournment. John Rickert motioned to adjourn at 5:47 p.m., seconded by Bill Gius. Motion carried (2-0-1 absent).

Attest:



Brenda A. Schneider  
District Recording Secretary

The St. Peter Sanitary District Commission met on Wednesday, November 16<sup>th</sup>, 2005, at 6:00 p.m., at the Taycheedah Town Hall, for the purpose of conducting the November monthly meeting. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert (tardy) and Recording Secretary Brenda Schneider. Also present were Attorney Gary Sharpe, Dennis Steigenberger of Foth & Van Dyke, Kathy Diederich of Schenck Business Solutions and Bud Sabel, Maintenance Personnel. The meeting was tape recorded.

Call to order. President Gius called the meeting to order at 6:22 p.m.

Pledge of Allegiance.

Approval of minutes. Bill Gius motioned to approve the minutes of the October 18<sup>th</sup> and November 9<sup>th</sup> meetings as presented. Mike Freund could not second the motion to approve the minutes of the November 9<sup>th</sup> meeting due to his absence at the meeting. Bill Gius motioned to approve the minutes of the October 19<sup>th</sup> meeting, seconded by Mike Freund. Motion carried (2-0-1 absent).

#### Unfinished Business

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#### Project status report.

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1. Discuss the status of punchlist items (Kruczek Construction, Inc.). The punchlist for Contract A-02 was as follows:

- a. Provide final lift of bituminous pavement on Silica Road and restore shoulder. The District has had no further contact from Kruczek. The asphalt work has not been completed.
- b. Resolve Miller simplex grinder pump issue (N8670 Decorah Lane)-charges for District to be submitted. Bud installed a new circuit board. The system has not had any problems since the circuit board replacement.
- c. Pay Fond du Lac County Highway Dept. for project portion of guardrail installation at Cty. QQ lift station. The County has met with the neighboring property owners. The County has arrived at an agreement with the owners to install shrubs along the guardrail. The County expects the District to cost-share in the purchase and installation of the shrubs.

The bid from Kruczek stated a specific cost for the District's portion of the guardrail which was included the total cost of the lift station. The District's position has been that Kruczek needs to pay the District the equivalent amount for the District's portion of the guardrail. The District will then reimburse the County.

Kruczek's sub-contractor had ordered the materials. Kruczek claimed that his sub-contractor was stopped by the County when they went to erect the guardrail. Kruczek also claimed he received a \$1,600.00 back-charge from the sub-contractor. Kruczek believes the back-charge meets their obligation for the guardrail. Foth has reviewed the project daily logs. The log indicates the sub-contractor left the job due to lack of proper materials.

No further response has been received.

- d. Reimburse Town for damaged pavement on Ashberry Avenue. The Town re-submitted the bill to Kruczek. The Town has not received payment.
- e. Reimburse Town for the use of parking lot for field office. The Town re-submitted the bill to Kruczek. The Town has not received payment.
- f. Furnish affidavit of wage rate compliance. Kruczek has not submitted the affidavit.
- g. Settle issue for crop damage to Dick Bertram (W3847 Silica Road-settlement in writing. Mr. Bertram has yet to re-submit a bill for damages.
- h. Pavement settlement at manhole on Silica Rd, west of Lakeview Rd. In the interest of public safety, the Town instructed Northeast Asphalt to make the necessary repair. The Town will invoice Kruczek for the repair work.
- i. Landscape restoration back-slope on ditch at N8552 Cty. QQ. Bud Sabel obtained a quote of \$876.00 from Mark Mand Excavating to create a functional ditch. Research done by Bud Sabel indicates that the ditch has always been low in the back and drivable. The current owner had the site graded with large equipment that may have reduced what little berm existed. Foth has reviewed the pre-construction videos due to tall grasses. They were unable to see a distinct ditch. Bud will speak to the owners.
- j. Pavement settlement of lateral trench at hill on Silica Rd. See Item (h).



- k. Blasting claims with Barbarossa Blasting-N8298 and N8237 Edgewood Lane. Barbarossa's insurance carrier contacted the District for information regarding the claims. Kruczek stated previously that they will contact the homeowners. No additional information was provided regarding this issue.
  - l. Vacant lot (behind N8296 Sunset Drive) on Edgewood Lane needs restoration with the approach. Bud Sabel performed a site visit. The owner is willing to do the work but asks that the District provide 1.5 yards of dirt. Bud has delivered the dirt. Kruczek will be invoiced.
  - m. N8456 Cty. QQ-need fill in ditch by mail box. Bud Sabel performed site visit. The work was completed by the owner. The owner asks for 1 yard of dirt to fill several small settled areas. Bud has delivered the dirt. Kruczek will be invoiced.
2. Consideration and possible action regarding Kruczek's project completion requirements. Attorney Sharpe referred to Kruczek's demand for arbitration; however, the contract requires mediation. Attorney Sharpe will respond accordingly.
- Foth submitted a letter to Kruczek regarding the need to repair three lateral trench crossings on Decorah Lane. The Town had Northeast Asphalt contracted for road repair. In the interest of public safety, Northeast Asphalt was directed by the Town to repair the trench crossings. The letter informs Kruczek that the work has been completed and that the Town expects reimbursement.
- 3. Discuss grinder pump issues. Bud Sabel reported that there are no new problems.
  - 4. Consideration and possible action regarding shrubs removed in the easement area of the Butler grinder pump. The area was natural underbrush prior to construction. The Commission consensus was to leave the area as natural as possible. Small brush growth exists. No further action was taken by the Commission.
  - 5. Discuss any other outstanding restoration issues. The issue with the Rosenthal corner stakes appears to be resolved. The contractor was responsible to dispose of excess fill. A great deal of fill was delivered to the lot by the sewer contractor at no cost to the owner. The sewer along Rosenthal Court was built in the middle of the road. Mr. Rosenthal agreed that it was unlikely that the stakes were removed during the sewer installation due to the proximity of the sewer to the stakes at the right-of-way lines of the property.

#### New Business

- 1. Consideration and possible recommendation to the Taycheedah Town Board regarding the detachment petition received from property owners in the McCabe Road/Fine View Road area. Twelve property owners in the McCabe Road/Fine View Road area have filed a detachment petition with the Town Board. The main issue appears to be the District-wide mil tax. It was noted that areas currently not served by sanitary sewer will reap the benefits of planning for future use. The District's professional staff is in the process of evaluating the cost of the project applicable to the unsewered area.
- Attorney Sharpe advised the Commission to recommend opposition of the detachment to the Town Board. He cited the following technical reasons for his opinion: case law has established that not receiving service does not constitute non-benefit, the proposed detachment is not at an outer edge of the District, and the basis for the formation of the District still exist, for example, water contamination concerns and high bedrock. Attorney Sharpe contends there is no legal basis for the Town Board to approve the detachment petition. Commissioner Rickert arrived. Several of the petitioners disagreed with Attorney Sharpe stating the following reasons: they believe they are at the end of a line, they believe they may never get sewer service and they believe precedence has been established.
- The Town Board will conduct a public hearing to consider the detachment on December 7<sup>th</sup>. The Commission hopes to have the evaluation of the costs by the December 21<sup>st</sup> meeting.
- Bill Gius moved to recommend the Town Board deny the detachment petition for withdrawal based upon further Commission action to respond to the petitioners, seconded by John Rickert. Motion carried (3-0).
- 2. Consideration and possible approval of revisions to the ordinance regarding sewer extensions, new connections and the applicable assessments. The amendments to the ordinance reflect the changes needed due to the re-evaluation of the special assessment schedule. Bill Gius motioned to adopt the Resolution Amending the Ordinance, seconded by John Rickert. Motion carried (2-0-1 abstention). Mike Freund abstained.
  - 3. Consideration and possible action to establish the tax levy for 2005 to be collected in 2006. Bill Gius motioned to establish the 2005-2006 mil tax at \$1.425 per \$1,000.00 based upon the District's financial analysis, seconded by John Rickert. Motion carried (2-1). Mike Freund voted nay.



4. Consideration and possible action to adjust the user charge. Bill Gius motioned to table the adjustment of the user charge for further review, seconded by Mike Freund. Motion carried (3-0).
5. Schedule a meeting to review and discuss the conceptual plan of the proposed development of 40 acres abutting Lakeview Road. The date of the meeting is to be determined pending further notification from the developer.
6. Discuss treatment plant capacity. In 1999, the Town of Taycheedah purchased treatment plant capacity on behalf of Johnsbury Sanitary District and Taycheedah Sanitary District No. 3. Johnsbury and TSD#3 has since purchased some of the capacity from the Town. The Town continues to retain the additional capacity. Taycheedah Sanitary District #3 currently owns plant capacity for 700 residential units. Also in 1999, Taycheedah Sanitary District No. 1 sold back to the City of Fond du Lac what they deemed to be excess capacity.

Recently, Taycheedah Sanitary District No. 1 contacted Town Chairman Jerry Guelig to request the Town sell to TSD#1 the additional capacity owned by the Town. The Commission's recollection was that the additional capacity was intended for future extensions of Taycheedah Sanitary District #3. The Town Board will investigate the possibility of having TSD#1 purchase capacity from the City of Fond du Lac. The District will monitor the issue.

7. Consideration and possible action regarding Bud Sabel's request to refund the special assessment placed on agriculturally zoned lands. Attorney Sharpe has reviewed the correspondence received from Bud Sabel. The correspondence includes a memo from Wisconsin Legislative Council Senior Staff Attorney Mark C. Patrosky. The memo refers to Wis. Stats. 281.45 and 91.15. Wis. Stats. 281.45 addresses the District's authority to force sewer connection of structures and Wis. Stats. 91.15 refers to the District's inability to levy assessments on land zoned for exclusive agricultural use. Attorney Sharpe also referenced Wis. Stats. 66.0721(3), which authorizes the District to levy an assessment on farmland that contains a structure. Attorney Sharpe does not see a conflict of the statutes because the District is authorized to force connections of a structure and the assessment for the structure does not violate Farmland Preservation. Bill Gius moved to table the issue until further information is provided by Bud, seconded by John Rickert. Motion carried (3-0).
8. Consideration and possible action regarding a refund of a portion of the user charge requested by Nett Construction. The user charge was made according to the ordinance. The Commission has no control over the use of the system after connection is made. It was noted that the issue was addressed twice in the past. Bill Gius motioned to again deny the request, seconded by John Rickert. Motion carried (3-0).
9. Discuss compiling a newsletter. A newsletter will be discussed at a future meeting.
10. Approval of bills. Bill Gius moved to approve the bills as presented (order nos. 140-152), seconded by John Rickert. Motion carried (3-0).
11. Bill Gius made the following motion:
  - authorize the transfer of \$21,300.00 from the G.O. Account to the regular checking account,
  - authorize the transfer of \$807.38 from the Operations/Inspections Account to the regular checking account for the Inspectors' payroll,
  - authorize the transfer of \$3,181.27 from the User Charge Account to the Debt Service Account,
  - authorize the transfer of \$121.61 from the User Charge Account to the Reserve for Replacement Account,
  - authorize the wire transfer of \$247,250.00 from the Debt Service Account for the General Obligation Note payment.

The motion was seconded by Mike Freund carried (3-0).

12. Public Comment. The Commission heard public comment regarding the detachment petition and the prudent business decision to levy a tax for 2005.
13. Adjournment. Bill Gius motioned to adjourn at 8:57 p.m., seconded by John Rickert. Motion carried (3-0).

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary



The Taycheedah Sanitary District No. 3-St. Peter Area Commission met on Wednesday, December 21<sup>st</sup>, 2005, at 6:00 p.m., at the Taycheedah Town Hall, for the purpose of conducting the December monthly meeting. Members present were President Bill Gius, Commissioners Mike Freund and John Rickert and Recording Secretary Brenda Schneider. Also present were Dennis Steigenberger of Foth & Van Dyke, Kathy Diederich of Schenck Business Solutions and Bud Sabel, Maintenance Personnel. The meeting was tape recorded.

Call to order. President Gius called the meeting to order at 6:04 p.m.

Pledge of Allegiance.

Approval of minutes. John Rickert motioned to approve the minutes of the November 16<sup>th</sup> meeting as presented, seconded by Bill Gius. Motion carried (3-0).

#### Sewer System Maintenance Report.

Bud Sabel reported that the lift station at Hwy. 149/Kiekhaefer Parkway needed to be reprogrammed. The phone line was also out but is now operating.

The Town hit a buried manhole on Abler Road while cleaning the ditch. Bud will install a riser ring on the manhole in spring in order to bring it up to grade.

#### Unfinished Business

1. Review and discuss the allocation of project costs to the sewer and unsewered areas. Kathy Diederich and Dennis Steigenberger have been analyzing the cost allocations between the sewer and unsewered areas. Foth has compiled the costs for construction, design, inspection and administration; including the costs of the Hwy. 149/Kiekhaefer Pkwy. temporary lift station. Kathy needs to review the costs of financing, legal expenses and accounting expenses. The County has supplied Kathy with the District's tax information. Preliminary calculations indicated that approximately \$177,000.00 has been contributed by the unsewered properties. Ms. Diederich added that she calculated the impact to the user charge if the mil tax were eliminated. The user charge would have to increase \$331.00 per household/per year. The increase would be harmful to the low value/low income households.

The Commission suggested adding an allocation for the cost of maintaining the system.

The Commission will also research the possibility of purchasing the remaining capacity currently held by the Town.

Ms. Diederich and Mr. Steigenberger will refine their calculations.

A workshop meeting was scheduled for Tuesday, January 3<sup>rd</sup>, at 6:00 p.m.

2. Consideration and possible action to adjust the user charge. Additional fees will be charged by the City of Fond du Lac for the plant upgrade. The Outlying Sewer Group's professional staff needs to re-allocate the estimated costs to each entity. The issue was tabled for further information.
3. Discuss treatment plant capacity issues. Ron Cunzenheim, engineer representing the Outlying Sewer Group, is in the process of verifying each district's plant capacity. Mr. Cunzenheim will also ask the City about purchasing additional capacity.
4. Discuss compiling a newsletter. A newsletter will be discussed at a future meeting.

#### New Business

1. Consideration and possible action to initiate debt refinancing. Dave Wagner, Ehlers & Associates, will be asked to attend the January 3<sup>rd</sup> workshop meeting to further discuss the issue.
2. Discuss compliance maintenance annual reporting (CMAR) as required by the Dept. of Natural Resources. Bill Gius recently attended the OSG Executive Board meeting. Ron Cunzenheim discussed the CMAR reporting requirements. Bill researched the websites Mr. Cunzenheim provided. Bill was unsure if the District needs to complete the CMAR or CMOM and which submittal deadline is applicable. Foth & Van Dyke's staff has experience with the CMAR and CMOM requirements. They will verify submittal issues and requirements for the District. Mr. Steigenberger will report to Brenda Schneider to disperse to the Commission.
3. Consideration and possible adoption of an Agreement for the Allocation of Capital Costs Between Town of Taycheedah Sanitary District No. 3, Sanitary District No. 1 of the Town of Taycheedah and Sanitary District No. 2 of the Town of Fond du Lac. Fond du Lac Sanitary District No. 2 was underpaid in the original agreement. The underpayment was the equivalent owed to Taycheedah Sanitary District No. 1 and Calumet

Sanitary District. The allocation to Taycheedah No. 1 has been reduced by \$3,541.36; the amount owed to Taycheedah Sanitary District No. 3 for Taycheedah No. 1's allocated portion of the Deadwood Point Road pipe. Bill Gius moved to forward the Agreement, with documentation, to Attorney Gary Sharpe for his review and response by the next meeting, seconded by John Rickert. Motion carried (2-1). Nay-Mike Freund. John Rickert motioned to reconsider the motion to obtain Attorney Sharpe's review and response, seconded by Mike Freund. Motion carried (3-0). Mike Freund motioned to accept the Agreement as presented, seconded by John Rickert. Motion carried (2-1). Nay-Bill Gius.

4. Approval of bills. Bill Gius moved to approve the bills as presented (order nos. 153-168), seconded by John Rickert. Motion carried (3-0).

Bill Gius made the following motion:

- authorize the transfer of \$45,000.00 from the G.O. Account to the regular checking account,
- authorize the transfer of \$134.57 from the Operations/Inspections Account to the regular checking account for the Inspectors' payroll,

The motion was seconded by Mike Freund. Motion carried (3-0).

5. Public Comment. No public comment was given.

6. Adjournment. Bill Gius motioned to adjourn at 8:12 p.m., seconded by John Rickert. Motion carried (3-0).

The next meeting will be January 18<sup>th</sup>, 2006, at 6:00 p.m.

Attest: Brenda A. Schneider  
Brenda A. Schneider  
District Recording Secretary