**Moose Lake Windemere Area Sanitary Sewer District**

**Approved Regular Meeting Minutes**

**December 15, 2021**

**@ MLWSSD Office**

1. Chairman Kuster called the meeting to order at 5:30p.m. Those members in attendance included: Chairman Byron Kuster, Vice Chairman Clair Strandlie, Treasurer Eric Nielsen, and Bruce Lourey. Also in attendance were: Executive Director Darla Hall, Superintendent Keith Newman and Mark Lambert. Henry Gretsfeld was absent from the meeting.

2. Approval of the Agenda: Mark Lambert was present at the meeting to discuss the Sand Lake Resort project and was added under guests. Motion was then made by Strandlie second by Lourey to approve the agenda as amended. Motion carried 4/0

3. Guests: Mark Lambert: Director Hall informed the Board and Mark Lambert that since the last meeting she received a call back from Attorney Mia Thibodeau regarding some of the options the District was considering regarding the connection fees for the Sand Lake Resort project. Mia indicated that the Board needs to determine whether the project is a resort or considered a condo/ apartment complex. Thibodeau indicated that just because Windemere Zoning is labeling it as a resort does not mean the District is required to view it in the same manner when looking at sewer useage. Her thoughts were that since it is not individual cabins but rather a large building being rented on longer term basis it should be considered apartments. Mia indicated that the District should not considering lowering the connection fee because if you lower it you would be required to lower it for everybody. In accordance with the District Ordinance a connection fee is based per ERU user and each apartment could be considered at least 1 ERU. Mia suggested the District have the engineer look at it as well. Hall suggested contacting MN Rural Water to see if they have any information on these types of situations. Hall noted she discussed the concept of the District entering into a three way agreement with Lambert, the District and the City of Moose Lake regarding capacity and the attorney highly advised against it. Mia indicated that capacity is a moot point until the City of Moose Lake gets approval from the MPCA that there is capacity available and the City determines if they have any available for the project.

Kuster explained to Mark Lambert he felt the District was close to working something out after the last meeting. However, Director Hall had contacted Kuster earlier this week and informed him of the discussion with the attorney and suggested perhaps he contact the attorney direct to discuss. Kuster and Lourey had a conference call with the attorney to discuss and felt that the District needs to follow the attorney’s advice. Kuster indicated the attorney wants to know the occupancy limits of the building as well. Lambert referred to the project as a multiple development unit and noted that the District’s costs are on the high side for what he is trying to accomplish. He explained the resort to be an extended stay resort renting yearly, monthly and daily. Lambert suggested perhaps having a cost share with the moving of the sewer main into the right of way.

Hall discussed the letter that Mark Lambert submitted to the City of Moose Lake and the District in June of 2021 indicating it was his formal request for capacity. Hall suggested either the District should act on the letter and formally request capacity from the City or have Lambert send something to the District to rescind his request for now. Lambert indicated he would send something to rescind his request.

Hall was directed to contact the District’s engineer to find out more information on multiple dwelling units and if there is a lesser connection fee for that type of description and perhaps see if a conference call can be set up for the next meeting with Kelly to discuss some of these options. In addition Hall to check with MN Rural Water or other Sewer District’s to see if they have any information on discounts on connection fees for multi dwelling units.

4. Approval of Minutes Regular Meeting Minutes November 17, 2021: Board reviewed the minutes from the November meeting. A motion was then made by Strandlie second by Lourey to approve the November 17, 2021 meeting minutes of the Moose Lake Windemere Area Sanitary Sewer District as written. Motion carried 4/0.

5. Executive Directors Report

 a. Capacity Request – Sand Lake Resort: See discussion under Guests.

 b. Superintendents Contract Expiring 12/31/2021: Board discussed Keith Newman’s contract which is set to expire December 31st. Hall noted it is again a three year contract running from January 1, 2022 to December 31, 2024. Newman is requesting a 3% yearly increase which is the same as has been awarded in previous years. Hall noted the contract is the same however she did include language to reflecting the enforcement of the Point of Sale/Reconnect and Disconnect Ordinance #3 which requires a considerable amount of time in issuing the certificates of compliance. Hall suggested some sort of compensation be included with his contract for those completed certificates. Hall also noted that 15 certificates were issued in 2021 with no compensation to date.

Motion was then made by Nielsen second by Strandlie to approve Keith Newman’s Superintendents Contract for the term of January 1, 2022 to December 31, 2024 providing a 3% yearly increase as well as a payment of $150 per completed Certificate of Compliance for enforcement of District Ordinance #3, the motion also includes back pay for 2021 issued Certificate of Compliance at the rate of $75 each. Compensation for enforcement of Ordinance #3 will be inserted into the contract language and brought to the next meeting for signing. Motion carried 4/0.

c. Set Organizational Meeting for January 2022: The Board set the Organizational Meeting for January 19th, 2022 at 5:30 p.m. at the District Offices. The regular meeting of the MLWSSD will immediately follow the closing of the Organizational Meeting. Hall to post and publish notice.

Board then asked Director Hall to leave the room so they could discuss her performance review. Motion was then made by Treasurer Nielsen second by Lourey to provide Hall with a 3% salary increase starting January 1, 2022. Motion carried 4/0.

Hall returned to the meeting and informed the Board that member Gretsfeld has been advised by his attorney to not attend any meetings in which discussion takes place regarding the Sand Lake Resort project as it could be constituted as a conflict of interest. Gretsfeld has been absent the last several meeting due to health issues but he would like to remain on the Board at this time.

6. Superintendents Report: See written report as provided by Superintendent Keith Newman. Keith received a call from a property owner located at 33.0207.000 which is located on West County Line Road. The district main is located on the opposite side of West County Line Road and Sunset Lane and would require crossing a township road. Keith looked into the other option which would require easements from neighbors however in doing a distance check it was determined to be too far. Strandlie suggested perhaps directional boring under road as a possible option for the connection. Property Owner will need to get approval from Moose Lake Township to go under the road. If property owner is unable to get approval they may need to seek a variance from the District. Newman will keep the board posted on the outcome.

Keith received a call from the company that plows Pine Crest and Pine Grove lane for the District. A homeowner in that area has concerns with the road being plowed as he owns the road. District needs to have access to the lift station for emergency cases and will continue to have the road plowed.

Keith provided an update on Coffee Lake Park (Pine Tree Mobile Home Park). Earl Tyson will be removing the skirting from the unit that had the issue with the dislodged pipe and leaking of sewage on the ground so Keith can review the pipe and clean up efforts.

Permits Issued –

#2021-007 to Johnson Underground for Ron Lafond (33.0234.000) for repair of a damaged lateral pipe.

#2021-008 to Melzark Sewer & Excavation for Richard Grutkoski (33.5796.000) for disconnect and removal of a home to make room for new dwelling.

Certificate of Compliance –

#2021-014 – Ron Lafond (33.0234.000) 94024 County Road 61 issued 12/10/21

#2021-015 – Richard Grutkoski (33.5796.000) 94772 Sunny Beach Road issued 12/08/2021

7. Treasurers Report: Treasurer Nielsen reviewed the profit and loss and balance sheet for the month of November with the Board. He noted that he had reviewed the financials and the bank reconciliation and that he found the books to be in order. The balance in checking on November 30, 2021 was $21,075.79. Claims submitted for today include check numbers 12342 thru 12353 as well as two EFT payments for payroll tax and one EFT for the payroll program update for a total amount of $19,002.01. Hall noted that today’s claims include October and November treatment fees to the City of Moose Lake. Nielsen discussed CD rates as two are coming due in February at FNB. Northview Bank currently has the best rate at .90%. Nielsen recommended the CD be taken out for a shorter term such as a one year. Hall and Nielsen will check rates again as it gets closer to maturity date of the CD. Motion was then made by Strandlie second by Lourey to approve the Treasurers Report as well as today’s claims in the amount of $19,002.01 which includes check numbers 12342 thru 12353 as well as three EFT payments. Motion carried 4/0.

8. Old Business

 a. Flow Numbers: The average daily flow for the month of November was 58,941 gallons per day. The month of October was 53,537 gallons per day.

 b. Addendum addressing Excess Flow Rate/Frozen Water Line Policy: Director Hall noted that she put a call into the City Administrator Elissa Owen to discuss the addendum but has not received a response. Item is tabled until January.

9. New Business: District has called a Special Meeting for Thursday, December 16, 2021 at 6:30 p.m. at Moose Lake City Hall. This is so that all board members can attend if they choose to do so. This is a meeting being held by Windemere Township to discuss the Sand Lake Project. No formal action will be taken on behalf of the District at this meeting. This meeting is for informational purposes only.

10. Adjourn: There being no further business to discuss a motion was made by Strandlie second by Nielsen to adjourn the meeting. The motion carried and the meeting adjourned at 7:20 p.m.

Minutes by Darla Hall, Executive Director