**Moose Lake Windemere Area Sanitary Sewer District**

**Approved Regular Meeting Minutes**

**June 22, 2022**

**@ MLWSSD Office**

1. Chairman Kuster called the meeting to order at 5:33 p.m. Those members in attendance included: Chairman Kuster, Vice Chairman Clair Strandlie, Bruce Lourey and Treasurer Eric Nielsen. Also in attendance were: Executive Director Darla Hall, Superintendent Keith Newman and Derek Haedrich, Law Clerk for Summit Management. Member Henry Gretsfeld was absent from the meeting.

2. Approval of Agenda: Motion was made by Nielsen second by Lourey to approve the agenda as written. Motion carried 4/0.

3. Guests: None Scheduled.

4. Approval of the Minutes:

a. Regular Meeting Minutes May 18, 2022: Board reviewed the meeting minutes. A correction was made regarding the rescinded motion on the ERU count for Sand Lake Resort. Sentence should read the updated ERU count of 25 ERU’s at Sand Lake Resort as well as the motion made at the special meeting of the District held on April 26, 2022 regarding retroactive billing and the amount of ERUs was rescinded rather than stating “any motion approving the 25 hookups”. Also a sentence was added concerning the frozen water line issue and the City’s water bills. It is the customers participating in the frozen water line program that should be the same amount taken off at the flow meters rather than “City’s water bills”. Motion was then made by Strandlie second by Lourey to approve the MLWSSD Regular Meeting Minutes of May 18, 2022 as corrected. Motion carried 4/0.

5. Executive Directors Report: Chairman Kuster reported he had received a call from Mark Lambert stating he was unable to attend this evenings meeting and asked for a special meeting to be held to discuss Sand Lake Resort. Lambert sent his law clerk, Derek Haedrich to attend this evenings meeting so that Derek could report back on any discussion regarding Sand Lake Resort. The Special Meeting regarding Sand Lake Resort is scheduled for Monday, June 27, 2022 at 5:30 p.m. Kuster and Lourey informed the Board that they had been out to Sand Lake Resort to review the plans of the new easement location and pipe relocation project and had contacted Pine County Assistant Engineer to discuss right of way issues etc. Pine County’s Assistant Engineer will be at the location on Friday to review the proposed project area with Kuster, Lourey and Keith Newman. It was noted that Minnesota Power also has a line located in the right of way. Hall reported that Kelly heard back from Lamberts engineer, Dan Hinzmann and he stated they do not anticipate the frontage road to be impacted by construction. The Contractor would use a trench box as needed and anticipate they will have sufficient clearance from the roadway proper to ensure no impact occurs but if it did the roadway would be restored to its original condition and the contractor would contact the County to ensure their standards are being met. Hinzmann also stated they are in the process of determining precisely what the property rights indicate with regards to the frontage road to help dictate what type of permit is needed from Pine County and they will secure the required permits from the County prior to starting any work. Hall reported that she did hear back from Kelly regarding the MPCA and whether this project is considered an extension or not. At this point the MPCA indicated the relocation of the pipe would not be considered an extension, however, once more connections are added other than what is in place now, at that point an extension permit would need to be obtained. Lourey discussed the project itself and questioned the drawings which include a 6” stub on one end of the pipe for future use. It was also noted that a construction trailer had been moved onto the property and is currently located on the District easement and believed to be connected to a clean out pipe. It is located right next to a manhole. Newman will check on it. Lourey also commented that there is a manhole located near the basketball court that has holes in it. Keith will put plugs in the manhole cover to prevent water entering.

a. Draft Agreement with Sand Lake Resort Pipe Relocation – Options: Director Hall discussed the draft agreement (presented at last meeting) as prepared by District’s attorney Matt Hanka and Mia Thibodeau. That agreement indicated that the District would be in control of the entire project with bidding etc. and basically the developer would put money in escrow. The Board discussed at that time they wanted the developer to be responsible for the project. Upon contacting Hanka he indicated the attorney’s would prefer the agreement remain as written with the developer maintaining full financial responsibility, and with the District bidding and overseeing the project. However, Hanka said if the Board decided they would rather have the developer do the work, it could be structured to have the developer do a portion of the project (but not all) as follows: Developer could design the new pipe subject to approval by our engineer; Developer could hire the contractor to install the new pipe subject to inspection by our engineer and the new pipe would then be sold to the District for $1 (transfer via a bill of sale document); however, the work to divert flow, connect the new pipe to the old line and abandonment of the existing pipe is a public project and subject to the Minnesota public bidding law so the board would have to handle that portion of the project and ensure that all public bidding laws are complied with. Hall also questioned the attorney regarding future issues with the new pipe being located so close to the road way and any problems that may come up in the future with maintenance on that pipe and disturbance of the roadway. The attorney recommended language in the new easement be included making all owners of the resort liable for “maintenance costs” associated with future work that may impact the pipe and roadway. The easement would run with the land, and bind future owners to the maintenance responsibility.

Hall informed the Board that Friday she received an Easement Agreement from the developer and upon reading discovered that the developer is actually looking to relocate the sewer main at this time but not connect the resort directly to new pipe and abandon the old pipe. Developer wants the District to relinquish the previous easement and the old pipe would be turned over to the developer and the current connections would remain as they are. If and when the project is approved and the District indicates capacity is available the pipe would be abandon and connection would then be made to the new pipe by the developer. Hall informed the Board she questioned the attorney about this new information and Matt Hanka indicated the developer would need to purchase that section of the pipe at fair market value. The attorney did not recommend the District do this as the District should maintain control of it as it is still public property. However, the cost to abandon it later should still be the responsibility of the developer but the District would need to do the work and follow the bid process.

It was noted that in the original letter from the developer, it stated the District’s attorney would work on the easement language but a draft easement agreement was sent to the District from the developer. Hall informed the Board that since a lot of this information is still forthcoming from the developer and the District has already incurred expense from the District’s engineer and our attorney’s she has asked Matt Hanka to prepare a simple agreement to be signed by both parties indicating that the costs would be paid by the developer for the preliminary work that is being conducted. District will send monthly bills to the developer for reimbursement. Attorney Matt Hanka thought he would have an agreement ready by the meeting on Monday evening for both parties to sign. This will protect the District for costs incurred until a more formal agreement can be drafted since the information is still being gathered on the project with respect to whose is doing what. Board will discuss the agreement further as well as the Easement Agreement at the meeting on Monday, June 27th.

b. Sand Lake Resort – ERU count and project drawings – Tabled: Hall informed the Board after the last meeting she had sent an email to Mark Lambert about having Keith come and do a count of ERU’s at the resort. Lambert responded that he wanted to wait until after Memorial Day Holiday and would schedule something then and also wanted a copy of the Policy and Procedure Manual as he was not aware of the difference in calculation for RV’s versus full connections. Chairman Kuster spoke with Mark Lambert on the phone and after reviewing the District’s policy and procedure manual Mark felt that his property is not a travel trailer park but a resort and that the RV count shouldn’t be used in his calculation of ERUs but should be considered a full connection. Board will discuss further at the meeting on June 27th.

Board is looking for the following information and outcome at the meeting on Monday:

Discuss the draft relocation of the sewer main agreement

Discuss useage, definitions and ERU calculations

Board needs formal plans indicating a clear legal description of properties involved in new build

Board needs to know what buildings will remain on the property

Board needs to know what amenities will be in the building.

c. Ordinance Language Changes – Tabled (work in progress)

d. Policy and Procedure Manual Changes – Tabled (work in progress)

6. Superintendents Report: See written report as provided by Superintendent Keith Newman. Keith received a call from a resident on Sand Lake Road and Birchview Drive concerning the District easement and use of a storage container. Keith informed them that it was against the ordinance to place anything in the District easement and sent drawings showing the District’s easement location on his parcel.

Superintendent Newman had discussions with Tory Johnson of Johnson Underground concerning the district main location during televising at the Wetherille property at 33435 Chestnut Circle (33.022.4000). It may be possible that an old mobile home on the property is connected to what originally was the clean out. Tory is contacting the property owner to get more information.

Pricing on LS Upgrades: Keith presented a quotation from Quality Flow for wet well upgrades and pumps to Lift Station A & B as well as quotes on data controller installation and signal light installation upgrades all providing different options. Keith noted that the pumps at A&B is the original since the infrastructure replacement which was done years ago. Motion was made by Lourey second by Nielsen to approve Item#1 and Item #2 Complete Wet Well Upgrade – Lift Station A and B at a quote of $22,500 each, Item #3 PLC Upgrades – Lift Stations 2, B, C, E, F, G for a quote of $21,840, Item#6 Signal Lights – Lifts A,B,E,K,F,1,2, D for a quote of $1,811 and also add a station recorder to just lift station A. The quoted prices and project are subject to our engineer Kelly Yahnke’s review and approval of price quote. Motion carried 4/0.

Permits - #2022-002 Douglas Merrill 33732 Chestnut Circle 33.5178.000 repair a sag in pipe

Certificate of Compliance – None issued.

7. Treasurers Report: Treasurer Nielsen reviewed the financials for the month of May. The balance in checking on May 31, 2022 was $49,261.10. Nielsen had reviewed the bank statements and reconciliation and found the books to be in order. Claims were submitted today for a total amount of $8,567.19. The invoice from the City of Moose Lake for May treatment fee’s was not included in today’s claims as it had not been received as of meeting. Motion was made by Strandlie second by Lourey to approve the Treasurer Report and payment of claims to include check numbers 12430 thru 12441 as well as two EFT payments for a total amount of $8,567.19. Motion carried 4/0.

8. Old Business

a. Flow Numbers – Flow charts were provided for January thru April. It was noted that the flows were up considerably at the Kenwood lift but have now come down in the last month. It has been a wet spring and was noted that flows are also up at Lift Station #1 for April.

b. City of Moose Lake Amendment to Contract (Tabled): City Administrator Elissa Owens contacted Hall indicating she would be meeting with the Public Works Superintendent to go over some of the items and would be scheduling a meeting with Hall soon to discuss.

9. New Business: None

10. Adjourn: Motion was made by Nielsen second by Strandlie to adjourn the meeting. The motion carried 4/0 and the meeting adjourned at 7:22 p.m.

Minutes by Darla Hall, Executive Director