**Moose Lake Windemere Area Sanitary Sewer District**

**Approved Special Meeting Minutes**

**June 27, 2022**

**@ MLWSSD Office**

1. Chairman Kuster called the meeting to order at 5:35 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, Derek Haedrich, Law Clerk for Summit Management, Mark Lambert, Sand Lake Resort and Dan Hinzmann, SEH. Member Henry Gretsfeld was absent from the meeting.

2. Approval of Agenda: It was asked that item f. be included for Multi Family Hookup – price per unit connection fee be added to agenda. Motion was then made by Strandlie second by Nielsen to approve the agenda as amended. Motion carried 4/0.

3. Guests: Mark Lambert, Sand Lake Resort

a. MLWSSD/DSLR, LLC – Agreement reimbursement of expenditures: Mark Lambert discussed the agreement as presented by the District regarding the covering of the District’s costs associated with the planning and study of the project. He questioned the cost for MLWSSD staff and Board members time. Kuster informed him that the Board members time would be any special meetings or extra work involved and that the Board gets paid a per diem of $50 per meeting but the meeting this evening would not be included. Staff time would be minimal but may be some of the Superintendents time when the project gets going. Lambert and the District both signed and entered into the agreement for DSLR to cover the costs associated with the project. A more detailed agreement for the purpose of accomplishing the Project may be entered into at a later time as more information is obtained regarding the project.

b. Sand Lake Resort Development Project: Mark Lambert gave the District an update on what is transpiring currently between Windemere Township, Pine County and the Department of Natural Resources relating to the zoning permit for Sand Lake Resort development. The DNR is suing Windemere Township indicating that the project should be a planned unit of development. At this point Lambert would like to move forward with relocating the sewer main in anticipation that the project will prevail with the DNR and capacity will become available from the District. Lambert indicated that regardless of the outcome something will be done on the parcels depending on the outcome with the DNR lawsuit. The Board questioned if all of the buildings would be removed from the parcels involved in the project lay out. Lambert indicated at this time they will remain as he may use as negotiating tool with the DNR if they will not permit the 49 unit development. The parcel located at 94024 County Highway 61 (33.0234.00) is not part of the project layout but was purchased from Ron Lafond as the manhole is located on that property where the relocated line will connect. Rather than purchasing an easement from Lafond, Lambert decided to purchase the property. District’s concern is that the 49 units are total for all four parcels whether there is a 49 unit building or other buildings remain but the total is 49. Lambert provided a drawing of the proposed project along with a layout of the amenities that are planned for the building. District will need to look at the amenities to determine what additional useage charges would be involved with respect to those amenities.

c. Sand Lake Resort – Pipe Relocation Project: SEH Engineer Dan Hinzmann provided a bid quote from Veit for the relocation of the sewer main. At this time they are looking to relocate the pipe later this year in anticipation that the project will move ahead. The District’s concern is with the right of way and they have spoken with Pine County’s Assistant Engineer and the County is planning on surveying and staking out the area of the right of way to give everyone a better idea of the location but a permit would need to be obtained to be in the ROW. The Frontage Road was discussed and who owns it. Lambert believes a portion of that frontage road is located on his property but Lambert and Hinzmann will look into it further.

d. Sand Lake Resort – Easement Agreement: Hinzmann went on to explain at this time they are looking to install the new pipe and reroute the flow. They would like the District to relinquish the old pipe that services the resort and release the old easement and pipe to Sand Lake Resort. District was not in favor of relinquishing the pipe to the resort as they would not have authority over the pipe to inspect etc. in the event the project does not move forward. Hall indicated that the attorney’s had advised against relinquishing the pipe and noted it was considered public property. Abandoning the old pipe and connecting to the new pipe would need to be bid and follow public bidding rules. Lambert explained that in order to get clear title to build the building they would need the old easement relinquished and the issue may need to be dealt with via a temporary easement or license language. They then discussed disconnect and hookups and perhaps language allowing the District to reserve those rights on the pipe. It was also noted that the District’s attorney indicated the pipe could not just be relinquished to the developer but would need to be purchased at fair market value if the District did decide to go that route.

The group discussed the agreement relating to who is doing the work on the project. Hall indicated that based on the letter received from Mark Lambert regarding the pipe relocation project she has the attorney working on an agreement. The District’s attorney prepared a draft which basically had the District doing the work on the project, bidding the project, etc. and the developer putting money in escrow for the project. Another option came forth from the District’s attorney with the developer doing the relocation of the pipe project and the District’s engineer overseeing the project, however, the new connection of the flows and abandonment of the old pipe would need to be done by the District to comply with public bidding laws. After much discussion it was decided by the District Board to have Mark Lambert and his engineers and attorney’s work directly on getting a draft agreement prepared with District Attorney’s Matt Hanka and Mia Thibodeau and District Engineer, Kelly Yahnke, Bolton & Menk. This includes getting the easement agreement prepared as well.

e. Sand Lake Resort – ERU Count and retro billing: Mark Lambert explained that he was unaware that the District considered his RV connections as partial connections. He reviewed our Policy and Procedure Manual and indicated his property is a resort and not a travel trailer park. District Board explained that the Superintendent does a site visit and determines the number of units on the property. Lambert noted that the office building at the resort has three separate units in it. Keith Newman will visit the site and get clarification on the correct number.

f. Multi Family Hookup- price per unit connection fee: Mark Lambert discussed the hook up fee’s and the previous discussions the District had about the willingness to go to $4,000 per connection fee. Lambert would like to get that memorialized. District indicated that they had discussed that amount but at this time they have been advised by the attorney to not lock into anything until the District hears from the City of Moose Lake on the capacity availability and at what costs that may be. It was explained to Lambert that the District has asked for additional capacity for their needs as well as capacity for the Sand Lake Resort project. The District has been over the allotted treatment volume as stated in the contract with the City of Moose Lake and has to pay overages when this happens. District explained they also have single family home connections every now and then and need to accommodate those single family homes. Lambert indicated that since he has a request for capacity that his request should come first. District explained it would be difficult to turn down a single connection based on the fact that the Sand Lake Resort project might get approval in the future but understood his concerns.

4. Adjourn: Motion was made by Strandlie second by Lourey to adjourn the meeting. The motion carried 4/0 and the meeting adjourned at 7:20 p.m.

Minutes by Darla Hall, Executive Director