**Moose Lake Windemere Area Sanitary Sewer District**

**Approved Regular Meeting Minutes**

**July 19, 2023**

**@ MLWSSD Office**

1**.**  The regular meeting of the Moose Lake Windemere Sanitary Sewer District was called to order at 5:32 p.m. by Chairman Kuster. Members present included: Chairman Kuster, Vice Chairman Clair Strandlie, Treasurer Eric Nielsen, and Bruce Lourey. Also in attendance were Executive Director Darla Hall and Mark Lambert, Sand Lake Resort. Board Member Henry Gretsfeld and Superintendent Keith Newman were absent from the meeting.

2. Approval of Agenda: Board added item C. August Joint Meeting Dates to the agenda under Directors Report. Motion made by Strandlie second by Nielsen to approve the agenda as amended. Motion carried 4/0.

3. Guests: Mark Lambert, Sand Lake Resort:

A. Sand Lake Resort – Trailer in Easement: Mark Lambert met with Superintendent Keith Newman at SLR on June 23rd and discussed several possible solutions to the RV currently hooked up to Site 14. Lambert offered to pay for a permit and add a new service line to free up the clean out line. Lambert sent an email to the District after that meeting asking that should the District fail to reach an agreement with him on the issue of moving the trailer, he wanted the opportunity to present a formal appeal, including the proposed fines and penalties to the MLWSSD Board. He indicated in the email that he would be willing to move the RV to another site by September 8, 2023 but wanted to explore the ongoing use of the existing RV lot as he was not convinced that an RV would be considered a structure under the existing easement language. The District then received an email from Lambert with a copy of the permit he received from Windemere Township in 2006 indicating they permitted 14 RV sites to the resort.

Lambert discussed the permit he received from Windemere Township back in 2006. The Board discussed the fact that Windemere Township may have given the permit but they probably were not aware that the District easement was located there. Lambert discussed the letter he received from the District which discussed the option of SLR to pay for the District’s attorney to prepare an agreement to allow the trailer to remain in the location and the penalty fee’s which would be imposed if the trailer was not removed by September 8th. Lambert stated he was formally appealing as he doesn’t agree with the fees, is not admitting guilt as he feels he did nothing wrong and was not going to sign as he still believes he has the right to park and RV there. Board discussed the issue of the RV being connected without a permit and improperly connected to the clean out pipe.

The Board questioned when he thought the easement might be moved and the project started. Lambert stated he has up to three years to build it. The Board also questioned how long it would take to move the RV in the event an issue came up and the District needed to get to the infrastructure for repairs. Director Hall stated the attorney reviewed and that the easement does not have language giving it specific authority to ask that it be moved but Section 10.3 (b) of District Ordinance No. 1 gives the Board the right to clear and keep cleared the easement area. The Ordinance language was then read. After much discussion Lambert agreed to move the RV to one of the RV sites by September 8, 2023, but still wanted to discuss the option of utilizing the current site for an RV with a proper connection. Hall stated that if the Board considers allowing SLR to move something onto the easement with a proper connection, they would need to look at the variance option at that time.

4. Approval of the Minutes:

 A. Regular Meeting Minutes June 21, 2023: Minutes were reviewed later in the meeting.

5. Executive Directors Report:

 A. Capacity Request City of Moose Lake - Director Hall informed the Board she had received the flow estimates from Sand Lake Resort as provided by SLR’s engineers. SLR is indicating they only need an additional 1,300 gpd of capacity for their additional 15 units. They have calculated based on the number of people occupying the units at full capacity of the existing resort and what they anticipate the increase to be. Hall pointed out that historically the District has always used the number of 260 gallons per ERU (units). This is stated in our Ordinance and is based on 2.6 persons per home @ 100 gpd per person. In using this method of calculation, the additional capacity needed would be more along the lines of 3,900 gpd. Hall explained the District can only ask for additional capacity once per year and if the amount requested is not adequate for the project the District would then be required to pay overage penalty fees. Hall informed the Board that she sent an email to the District’s engineer Kelly Yahnke for review of the District’s current flows since 2017, overages since 2017, as well as the estimates provided for SLR’s additional capacity (per their engineer) but had not received any further information prior to the meeting.

Board informed Mark Lambert the District will be asking for more capacity than what SLR’s engineer estimated. Lambert stated that he had the engineer provide information to the District as that was what was requested at the last meeting. Hall explained in looking at previous calculations from SLR’s engineer the current capacity number had changed three different times as it was based on person’s occupying the units at that time. Since that number could be an unknown variable 260 gpd per unit was used. Board went on to discuss how much additional capacity they may need It was discussed to increase the total capacity from 67,000 to 75,000. Lourey had reviewed the District flows since 2017 it was noted that 2020 and 2021 District flows may be down due to COVID and lack of people gathering/traveling. Lourey commented that he felt comfortable with asking for 8,000 additional gpd from the City. As Lourey had to leave the meeting he indicated he was alright with whatever the Board decided. Bruce Lourey then left the meeting.

Motion was then made by Strandlie second by Nielsen to send a letter to the City of Moose Lake indicating the District would like an 8,000 gpd increase in flows for both the District and the Sand Lake Resort Project. The motion carried 3/0. It was noted that Mark Lambert should be copied on the request to the City of Moose Lake. Mark Lambert then left the meeting.

B. City of Moose Lake Rate Increase – 2024: Hall informed the Board that a formal request was sent via mail on June 23rd to the City of Moose Lake requesting a copy of the rate study, the actual OM&R costs for the time period used to determine the rate increase, a copy of one billing cycle from both state facilities showing the gallons of flow and the per 1000 gallon rate and the total wastewater flow sent to the ponds for all three major contributors for the year 2022. Hall did not receive any response. The formal letter was sent as three previous emails sent May 23, June 14 and June 20th were never responded to. Since the letter was sent, Chairman Kuster did receive an email from Mayor Ted Shaw which indicated the rate was based on inflation.

The Board went on to discuss some of the other issues with the system and the current flows. It was noted that Joe Janson, MRWA would be onsite August 22nd for the smoke testing of the Kasper/Newberry area (Southtown). Board discussed having Chairman Kuster meet with City Administrator Elissa Owens to discuss possible solutions to resolve the rate increase issues. The District would like to ensure that the Kenwood repairs (these were identified by the City’s televising several years ago) have been completed. Board suggested they would be in favor of the base rate increase if the City of Moose Lake conducted those repairs. The Board would also consider the overage increase to $1.71 if the District’s request for additional capacity is approved. In accordance with the contract between the City of Moose Lake and the District, the overage rate cannot be increased and is set at $1.46. The District would be willing to consider changing the fee if additional capacity can be achieved. The Board discussed having the additional capacity go into effect January 1, 2024, to coincide with the rate increase dates. Kuster will meet with the City Administrator to discuss further and bring information back to the Board.

C. Joint Meeting with the City of Moose Lake: The City would like to have a joint meeting with the District to discuss the rate increase as well as other pending issues with flows, etc. in August.

 The Board discussed possible dates for the joint meeting with the City of Moose Lake. August 8th or 9th, 14th , 15th or 17th and August 23rd were suggested. Hall to forward the dates onto the absent Board members as well as Keith to get a consensus and send them onto the City to set the meeting. Meeting will be scheduled in the evening at 5:30 p.m. or 6:00 p.m.

6. Superintendents Report: See written report as provided by Superintendent Keith Newman. Keith received a call from Russ Wagner on Sunny Beach Road to connect a camper to the system until they can get their new house built. Keith informed him that the District does not allow campers to connect with the exception of resorts. He was frustrated with not being able to do so but was offered information if he would like to address the board.

Keith had a discussion with Bob Petko concerning sewer service for his future building plan at his orchard located on County Road 10. It is an option as he owns the land on Sand Lake Road across from station “C”. The drawback is that depending on the path taken it could be as far as 900 feet along with the cost vs onsite system.

Quality Flow was onsite to complete indicator light and controller project as well as check station “C” controller setting and implement recording features at station”A”.

A. Easement Clearing: Chairman Kuster suggested to have Superintendent Newman contact the CIP Boot Camp on doing the easement clearing. Hall to forward the contact information to Keith.

Permits Issued –

#2023-003 Jolene Larsen 94693 West Sunny Beach Road (33.5202.000) disconnect/reconnect

Certificate of Compliance –

#2023-005 Cody Peterson 4889 Birchview Drive (63-240-0040)

#2023-006 Jolene Larsen 94693 West Sunny Beach Road (33.5202.000)

4. Approval of the Minutes: It was realized that the minutes were not reviewed or approved. Motion was then made by Nielsen second by Strandlie to approve the MLWSSD Regular Meeting Minutes of June 21, 2023 as written. Motion carried 3/0.

7. Treasurers Report: Treasurer Nielsen reviewed the balance sheet and profit and loss statement with the District for the month of June. Nielsen had reviewed the bank statements and reconcilations for the month of June and found the books to be in order. The balance in checking as of June 30, 2023 was $1,666.33. Claims submitted for today include check numbers 12647 thru 12661 as well as three EFT payments for payroll tax for a total amount of $56,625.58. Hall noted that the treatment fees for May and June were not included with the payments today as the City did not process the bill due to flow readings from Kenwood North. Hall noted that todays claims include the debt service payments to the City of Moose Lake which are due in August. Motion was then made by Strandlie second by Nielsen to approve the Treasurers report and payment of the claims to include check numbers 12647 thru 12661 as well as the three EFT payments for a total amount of $56,625.58. Motion carried 3/0.

Nielsen will present the mid year review of the District at the August meeting.

8. Old Business:

A. Flow Numbers – May and June 2023 – None to report.

 B. Proposed Changes Ordinance/PPM/By Laws: Tabled until further review by Committee

C. Smoke Testing and Sump Pump Inspections – Kasper Addition: Hall will be sending out a letter to the homeowners to advise the homeowners of what is happening in the area. Superintendent Newman will begin conducting sump pump inspections once the letter is sent.

9. New Business: None to discuss

10. Adjourn: Motion was made by Strandlie second by Nielsen to adjourn the meeting, the motion carried 3/0 and the meeting adjourned at 7:45 p.m.

Minutes by Darla Hall, Executive Director