**Moose Lake Windemere Area Sanitary Sewer District**

**Approved Regular Meeting Minutes**

**April 17, 2024**

**@ MLWSSD Office**

1**.**  The regular meeting of the Moose Lake Windemere Sanitary Sewer District was called to order at 5:36 p.m. by Chairman Kuster. Members present included: Chairman Kuster, Vice Chairman Lourey, Treasurer Eric Nielsen, Clair Strandlie and Paula Engstrom. Also in attendance were Executive Director Darla Hall, Superintendent Keith Newman, Erin Lambert, Sand Lake Resort Attorney and Jake Steen, Larkin & Hoffman, attorney for Sand Lake Resort.

2. Approval of Agenda: Hall reported that Zak Sharp, Wipfli would not be in attendance to present the audit as the final report was still in review. Board added Jake Steen, Larkin & Hoffman as a guest as well as item e. Vacation/ Safe and Sick Time under Directors Report. Motion by Strandlie second by Engstrom to approve the agenda as amended. Motion carried 5/0.

4. Approval of the Minutes:

A. Regular Meeting Minutes, March 20, 2024: Motion by Nielsen second by Strandlie to approve the MLWSSD Regular Meeting Minutes of March 20, 2024, as written. Motion carried 5/0.

3. Guests: Jake Steen, Larkin & Hoffman, Attorney for Sand Lake Resort: Jake Steen discussed the need to get approval for the 15 ERU’s for the SLR project. Director Hall and Chairman Kuster had a conference call with Attorney Thibodeau discussing the issues. Mia is looking into any penalties that could result. Kuster explained the District is over capacity and has asked for 10,000 gpd. Discussion on the flow meter reading incorrectly. Televising, jetting, smoke testing, sump pump inspections have all been done in that area. District would like to perform testing at the flow station by measuring the flow in pipe with a measuring device and correlating with the chart as developed by the flow meter manufacturer. Both City and District would need to be present. Board discussed the issue if nothing is resolved in 60 days going to mediation and arbitration in accordance with our current contract. Steen discussed the proposed Resolution 111-2024 authorizing the conditional issuance of 15 ERU’s to Sand Lake Resort as a great solution for now in dealing with the request.

Motion was made by Strandlie second by Nielsen to adopt Resolution 111-2024 which indicates the District approves the request for 15 ERU’s which shall be allocated immediately to the Resort, subject to the condition that neither the Resort nor any other District user shall connect additional ERUs to the system until the District has confirmed that the flow and load of discharge is within the permitted capacity of the Treatment Agreement and the District has made confirmation, whether through an increase in capacity allocation or verification of usage, when the Resort has paid the connection fees required by the District and the MPCA has approved the extension of the District’s facilities necessary to service the Resort. Further no other ERU’s shall be issued by the District until the date of Confirmation, and any additional ERU’s or capacity shall be first allocated to the Resort up to 15 ERU’s. Further, if the Confirmation date does not occur within 60 days, any of the 15 requested ERU’s that are not confirmed based on capacity during that period shall be denied. Motion passed 5/0 and the Resolution 111-2024 was adopted.

District discussed the language of Ordinance #1 and its requirements as they relate to available capacity. Attorney Thibodeau to investigate the language and the possibility of changing the language.

Steen discussed the connection fees with the Board. Board explained they did discuss a reduced percentage amount on the fee at one time with Mark Lambert, but no formal action was taken. Chairman Kuster explained when it was discussed the reduced amount was based on the larger scale project. Since then, the project was scaled back. It was noted that the project is one pipe multi-unit connection. Board is reluctant to give a reduced dollar amount now until more info comes forward with the SIU Agreement.

5. Executive Directors Report:

A. City of Moose Lake Modification Capacity/SIU: Director Hall received an email from City Administrator Owens this afternoon addressing the letter that was sent April 5th, 2024, regarding the Board’s position on the overage charges, the capacity request, etc. Owens stated the City strongly disagrees, particularly with the City’s actual available flow capacity and the District’s position that they do not need to pay overages. She indicated that a formal response would be coming in the near future. Owens also stated in the email that the City is diligently working on proposed revisions and updates to the 2017 agreement which will satisfy the City Council’s directive that no new flow allocation occur without a new Agreement being finalized and that it will be provided as soon as it is available. Chairman Kuster expressed the need for the Board members to review the contract and provide a list of changes they would like to see in the agreement. Board discussed holding a special meeting to review the SIU when it becomes available. Hall commented that Mia suggested that a joint meeting be held with both parties along with attorneys to go over agreement and work out any issues.

B. Sand Lake Resort Capacity Request 15 ERU: The City needs to get the District the SIU Agreement and the capacity issue resolved to avoid litigation between the District, the City and Sand Lake Resort.

C. Connection Request Discussion: With the current request from Sand Lake Resort for the 15 ERU’s and no extra capacity at this time, the District currently has a 60-day moratorium in place until something can be worked out with the City of Moose Lake and also the flume meter. Chairman Kuster discussed taking a reading by the level of the water in flume, correlation with the chart as put out by the manufacturer and comparing to the totalizer output reading on the flow meter. It was suggested the process be done quarterly. If the flume is reporting incorrectly a third party may need to be brought in to determine what the problem is. Board would like a request to be made to the City of Moose Lake by Thibodeau so something can be set up as soon as possible to resolve the issue. Board would like this possible set up for next week.

Hall reported she received a connection request the past week from Mark Lambert for a vacant property he owns next to his home on Sand Lake. He would like to relocate one of the double wide trailers from the resort. Keith will check to see if there is a stub on the property. A partial special assessment was paid on the property. Hall also received a connection request from Jeff Bernstrom at 35901 Pine Grove Lane. He currently has a 5th wheel on the property but is purchasing a park model. This property also has a partial special assessment paid. At this time approval of either of the connections cannot be made until the 15 ERU’s are approved for the resort and the District gains additional capacity. Board agreed to allow the Bernstrom property at 35901 Pine Grove Lane to obtain a permit from Superintendent Newman to allow for a mobile unit above ground holding tank to be used in the meantime. Permit will state that once capacity is available the property owner will need to connect in 30 days. No underground holding tank will be allowed. Hall to send the property owner an email indicating the boards decision.

D. Superintendent Contract – Job Apps Update: Advertisements were placed in the Pine Knot, Evergreen, ML Star Gazette, League of MN Cities, and MRWA website. The District received only one response from the City of Moose Lake. District discussed concerns of response time in the event of a weather-related incident. Hall to reword the job advertisement and re-run the job opening again. It was also suggested to contact both Moose Lake Township and Windemere Township to see if a Facebook ad could be placed for possible local candidates as well as advertising on Indeed.

E. Vacation and Safe and Sick Time Director: Hall reported that she will be on vacation around the 28th of May until Monday June 10th. She will send out an email when the dates are confirmed. Board discussed the safe and sick time policy. Hall to send an email to Treasurer Nielsen to ensure the District has covered the safe and sick time allowance and is following proper protocol with the State requirements.

6. Superintendents Report: See written report as provided by Superintendent Keith Newman. As part of the negotiations between the District and the City, Keith brought the City Superintendent Phil Entner and one of his staff on a tour of the Kenwood leg of the system on March 21, 2024.

Keith received a call regarding the plowing on Pine Grove Lane. Homeowner has put up fencing in the past to prevent depositing of snow. Newman explained that the District has an easement on two sides of the property and the snow needs to be put somewhere. Keith also spoke with the plowing company, and they will try to accommodate next year and put snow in different place if possible.

Keith received a call from Dale Sandberg pertaining to installation of a holding tank at the Bernstrom property located at 35901 Pine Grove Lane. He stated that both Windemere Township and Pine County told the homeowner to move forward with the installation of a holding tank. Newman informed Sandberg to not do anything until he heard back from the District as neither of those entities have jurisdiction within the District. Hall reported that she had numerous emails last week with the property owner regarding a connection to the sewer main for a park model. Hall had informed the property owner that she would need board approval before any authorization could be made as the District was waiting for capacity approval from the City and at this time no capacity was available. The homeowner had, at that time, discussed putting in a mobile holding tank used for RVs until such time he could connect. Hall again informed him that the District may approve a portable RV tank due to the circumstances with the capacity but that she would still need formal approval from the board.

Kenwood station had longer run times indicating clogging. Quality Flow was out on March 29th again and found the pump to be clogged with wipes. Quality Flow was on site performing station inspections mid-April.

Permits Issued: None

Cert of Compliance: #2024-002 Steve Stone - 4713 Kasper Road 63-070-0300

7. Treasurers Report: Treasurer Nielsen reviewed the profit and loss and balance sheet with the District for the month ended March 31, 2024. Balance in checking as of March 31, 2024, was $898.53. Nielsen had reviewed the bank statement and bank reconciliation for the month of March and found the books to be in order. Claims submitted today for payment include three EFT payments for payroll as well as check numbers 12805 through 12823 for a total amount of $23,421.56. It was noted that the bills include both February and March treatment fees for Moose Lake but no payment for the overage charges. Motion was made by Strandlie second by Lourey to approve the Treasurers Report as well as the payment of the claims to include three EFT payments and check numbers 12805 through 12823 for a total amount of $23,421.56. Motion carried 5/0.

A: Zac Sharp Wipfli – 2023 Audited Financial Statements: District discussed the presentation of the 2023 Audited Financial Statements. Considering all the current pending agenda items Board agreed to have Hall and Nielsen meet with the auditing firm for presentation of the audit and staff will provide a report to the Board for formal approval.

8. Old Business:

A. Flow Numbers – February - 58,657 gpd: March – 63,561 gpd

B. Kenwood North Ordinance Violation – 4678 West Road: A $50 I&I Surcharge has been applied again for the month of April as no repair has been made.

C. Pine County Zoning – Holding Tank Removal 33.0123.000: Director Hall reported a letter was received from Pine County Zoning indicating that even though the property located at 33.0123.00 on Sand Lake is in the jurisdiction of the District, the County Attorney has taken the position that even though the District was created by legislation because the District does not have an agreement directly with Pine County the District cannot compel Pine County to enforce the MLWSSD ordinance that is more restrictive than Pine County Ordinance. Pine County still indicates the dispute is between the District and the property owner. The matter has been turned over to Attorney Mia Thibodeau to prepare a response to Pine County regarding the matter. Board members agreed that the issue needs to be resolved by Pine County and the holding tank removed.

D. Proposed Changes Ordinance/PPM/By Laws – Tabled –

9. New Business: None to discuss.

10. Adjourn: Motion was made by Engstrom second by Strandlie to adjourn the meeting, the motion carried 5/0 and the meeting adjourned at 7:52 p.m.

Minutes by Darla Hall, Executive Director