**Moose Lake Windemere Area Sanitary Sewer District**

**Approved Regular Meeting Minutes**

**July 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, Paula Engstrom and Clair Strandlie. Also in attendance were Superintendent Brett Collier, Executive Director Darla Hall, and Erin Lambert, Attorney for Sand Lake Resort.

2. Approval of Agenda: Agenda item added under New Business, Windemere Township Planning Commission Meeting. Motion by Lourey second by Strandlie to approve the agenda as amended. Motion carried 5/0.

3. Guests: None Scheduled

4. Approval of Minutes:

a. Special Meeting Minutes – June 26, 2024: Nielsen motioned, Lourey seconded to approve the MLWSSD Special Meeting Minutes of June 26, 2024, as written. Motion carried 5/0.

b. Regular Meeting Minutes – June 26, 2024: Nielsen motioned, Strandlie seconded to approve the MLWSSD Regular Meeting Minutes of June 26, 2024, as corrected. Motion carried 5/0.

5. Executive Directors Report

a. Superintendents Contract for Approval and Execution: Director Hall reported that the Superintendents Contract has been reviewed by the Attorney as well as Treasurer Nielsen. Legal language dealing with independent contractors was incorporated into the agreement. As discussed at the last meeting, Brett has submitted paperwork establishing Brett Collier Water Control, LLC. Board discussed additional expenses required for establishing the LLC as this was not a requirement when Collier originally bid the project. Hall estimated the costs around $300- $400. Motion was made by Lourey second by Strandlie to reimburse Superintendent Collier for the costs related to establishing the LLC. Motion carried 5/0. Based on review by the Attorney, Treasurer Nielsen and Director Hall, the Superintendents contract was provided to Collier for his review and execution.

b. Update from Sub-Committee on Joint Meeting held July 9: Chairman Kuster, Attorney Thibideau, Treasurer Nielsen and Hall met with the City on July 9th and provided a proposal in an attempt to resolve some of the issues before mediation. City members present at the meeting included Mayor Shaw, Council Member Juntunen, City staff, Administrator Ownes, Phil Entner and Ryan McKeon. The Board committee presented the proposal of:

* + Transfer Kewnood North infrastructure and LS and 18 customers to the City
  + Transfer infrastructure down stream of Lift Station #1 and 36 customers to the City
  + Joint Powers Agreement would include language that the City could not charge those customers more than what the District is currently charging.
  + District would agree to proposed frozen water line credit as adopted by the City Council meeting on March 7, 2024. The District agreeing to the $1.71 excess flow rate and District would release the withheld overages. Excess flow rate would go into effect once the Joint Powers Agreement is approved and signed.
  + City could choose to install a mag meter at LS#1 (at their expense) or use the data from LS#1 controller for reporting flows. Both entities decide on method of readings and calibration so both parties can be present and verify.
  + City would provide District with the allocation of 8,000 gpd additional treatment volume (currently at 67,000gpd).
  + District would continue to pay debt service in accordance with current agreement.
  + 7 month rolling average would be changed to a 12 month calculation based on total yearly flow
  + District would agree to comply with MPCA requirements imposed on the City
  + District is open to base rate increase of 7% in 2026 and 3% thereafter but do not agree to the $15/ERU charge.
  + Current Agreement would stay in place but an addendum would deal with the changes and MPCA requirements.

The City indicated they would review and consider the proposal. It was advised to the City that if they accepted the proposal, the District Board as a whole would need to approve it. At the joint meeting the City’s Attorney expressed concerns that the District never followed up with any response to their proposed agreement and discussed the time and effort put into changes. Board discussed the fact that the District was in agreeance with MPCA requirements but not in agreeance of changing the entire document. Hall noted that the City Attorney followed up with an email expressing their major areas they want addressed in the agreement and Attorney Thibideau responded. A copy of that response letter was presented to the Board. Hall reported that no further communication has been received as of the meeting today on the proposal presented at the sub committee meeting.

c. Mediation – Scheduled for July 24, 2024, at 9:30 a.m: Chairman Kuster, Treasurer Nielsen, Director Hall, Attorney’s Mia Thibideau and Caitlin Crowl will be attending on behalf of the District. Hall has been working with the Attorney’s on the mediation statement which is to be submitted tomorrow on behalf of the District. Chairman Kuster and Treasurer Nielsen will review prior to submittal.

6. Superintendents Report Brett Collier Water Control LLC: See written report as prepared by Superintendent Collier. Collier reported he has been keeping a log of information on the flows etc. He also is keeping rain totals as well to compare with what is happening at the stations. Collier suggested the District look at installing an auto exerciser on the generator. He expressed the concern of what could happen if the generator did not work in the event of an emergency. The auto exerciser would start up the generator once a week to ensure it is operating. Collier will get a price and bring back to the Board for approval. Different types of meters were discussed as well as the proposal that was submitted to the City on the mag meter. Collier suggested that rather than having two metering methods at LS#1 to work something out to use the readings at LS#1. Kuster asked Collier to follow up with Joe Janson at MRWA as he was planning on coming to calibrate LS#1 sometime this summer and suggested Collier offer for City Superintendent Phil Entner to attend as well. Flows from for the month of June were discussed. The average daily flows from both Kenwood and the flume meter were 124,964 gpd. It was noted that the area received over 9 inches of rainfall. Collier and Hall will work together on getting the SD card downloads set up so he can obtain the information and monitor the flows closely as well as the spreadsheets for the manual and controller readings.

Permits Issued: None Issued

Certificate of Compliance: None Issued

7. Treasurers Report: Treasurer Nielsen reported that Wipfli has submitted the Audited Financial Statements for the years ended 2022 and 2023. Nielsen and Hall met with Zak Sharp this morning to go over the reports. The net position at year end improved by approximately $45,000 which was largely due to the return on investments. Nielsen stated that they discussed the possibility of transferring customers and infrastructure to the City of Moose Lake and how to account for that in determining depreciation loss to the system. The normal findings of the lack of segregation of duties were identified but Sharp suggested due to the limited staff, to continue with the Treasurer reviewing the financials and bank statements as well as the Board reviewing and approving all the claims. Nielsen provided a mid-year review of the Districts expenditures and revenue compared to budget as of June 30, 2024. Hall noted that the treatment fee expenses do not include the month of June as the bill was submitted today.

Treasurer Nielsen reviewed the profit and loss and balance sheet for the month of June. Nielsen had reviewed the bank statements and reconciliation and found the books to be in order. The balance in checking on June 30, 2024, was $9,967.12. Claims submitted today include check numbers 12860 thru 12880 as well as three EFT payments for payroll for a total amount of $84,341.89. Hall noted that today’s claim includes the bond payments to the City of Moose Lake. Hall discovered she had made a mistake in the interest payment made to the City of Moose Lake in January which reflected an overpayment of approximately $238.00 so this was corrected and deducted from the August payment. Strandlie motioned with Lourey seconding to approve the Treasures Report as well as the payment of the claims submitted today for a total amount of $84,341.89 to include check numbers 12860 thru 12880 as well as the three EFT payments. Motion carried 5/0.

a. Mid Year Review – addressed above.

b. CD Northview Credit Union – Update from Hall on renewal: Hall stated that the CD is due to be renewed on July 20th, 2024, at Northview. Hall contacted Northview and the rates are expected to be dropping on Friday or Monday to %3.2 percent however, they have agreed to honor the %5.00 rate for the 60 month renewal.

8. Old Business

a. Flow Numbers – June 2024 – Average daily flow was 124,964. It was noted that some of the homes between LS#1 and the flume meter were at 1200gpd to 331gpd with an average of 801 gpd.

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

9. New Business:

a. Windemere Township Planning Commission Meeting: Engstrom expressed concern with the permitting process and how it relates with the Township and asked if someone could attend the Windemere Planning Commission in early August to explain the process. Windemere Township has a new Zoning Administrator who was approached by an individual on Chestnut Circle about a building permit and connection to the sewer. Apparently, this was a customer how had been approved prior and has finally begun the process of building. Expiration of permits was discussed, and Attorney Lambert suggested having the attorney investigate the MN Statute to see if there is any language on the issue. Hall reported she will contact Windemere Zoning on this permit to address his concerns. Board asked that Engstrom ask someone from Windemere Planning Committee to attend the District’s August meeting. Engstrom will notify Hall to add to the agenda if someone is available to attend. Hall stated that she has recently finalized the sewer availability form as well as the new permit form required and will be going over with the Superintendent after the meeting. Hall will also be sending onto the Carlton County, Pine County and Windemere Zoning so they are aware of the process.

10. Adjourn: Motion was made by Strandlie second by Engstrom to adjourn the meeting, motion carried 5/0 and the meeting adjourned at 7:12 p.m.

Minutes by Darla Hall, Executive Director