**Moose Lake Windemere Area Sanitary Sewer District**

**Approved Regular Meeting Minutes**

**January 15, 2025**

**@MLWSSD Office**

1**.**  The Regular Meeting of the Moose Lake Windemere Sanitary Sewer District was called to order by Vice Chair Paula Engstrom at 5:22 p.m. Members present included: Bruce Lourey, Treasurer Eric Nielsen, and Clair Strandlie. Also in attendance were Superintendent Brett Collier, Executive Director Darla Hall, and Erin Lambert, Attorney Sand Lake Resort. Chairman Kuster was absent from the meeting.

2. Approval of Agenda: Motion by Engstrom second by Strandlie to approve the agenda as written. Motion carried 4/0.

3. Approval of Minutes: Regular Meeting Minutes, December 18, 2024: Motion by Nielsen second by Strandlie to approve the Regular Meeting Minutes of the MLWSSD for December 18, 2024, as written, motion carried 4/0.

4. Guests: Mark Lambert, Sand Lake Resort was scheduled to attend but will be waiting until the February meeting as he is seeking resolution to some of the agenda item issues with the capacity agreement and connection fee rate. Hall reported that Attorney Mia Thibodeau will be attending the meeting in February as well, but that due to a conflict in her schedule as well as the Chairman the February regular meeting date would need to be changed.

5. Executive Directors Report: Director Hall reported that the majority items relating to DSLR would need to be tabled until the February meeting, but she would go thru them quick to basically explain what was taking place.

a. Revisit Application to Determine Availability of Sewer – DSLR: City of Moose Lake passed a resolution in late December approving 1300 gpd of sewer capacity for the sole use of SLR. In November, the Board determined that sewer capacity was unavailable and authorized SLR to install a temporary onsite system. Board needs to revoke that application which allowed for an onsite system now that the City of Moose Lake has passed the Resolution approving capacity for the SLR project. - TABLED

b. New Application to Determine Availability of Sewer – DSLR: Attorney Thibodeau had submitted a new Application to Determine Sewer Availability Form to DSLR for signature which listed all four parcels involved in the project for SLR indicating that the board finds sewer service is available based on Resolution passed by City Council that allocated 1300 gpd to SLR. The application would be approved based on the conditions that (1) the Board and the owner of the property enter into an updated Capacity Allocation Agreement and (2) the Owner pays all required connection fees; and (3) the Owner receives all necessary governmental approvals for the Service Connection, including from the MPCA and the County. – District did not receive a response back on the new application from DSLR prior to meeting - TABLED

c. Capacity Reservation Agreement DSLR, LLC, Dated July 31, 2024 – Approve revocation and discuss replacement of agreement- District approved and entered into a capacity reservation agreement for the resort in July with DSLR. DSLR presented to the City of Moose Lake for approval and signature. City of Moose Lake did not approve nor sign off on that agreement. As some of the items in that agreement have now changed with respect to the recent resolution passed by the City of Moose Lake. Attorney Mia Thibodeau prepared a draft capacity reservation agreement for replacement of this agreement which was sent to Attorney Jacob Steen. Hall provided the Board with a copy of the draft capacity reservation agreement as prepared by Attorney Thibodeau. Language is included in the capacity reservation agreement which reserves the right for the District to require a metering device to be installed pursuant to Ordinance No. 1. The resort would be considered a non-residential user as the units would be weekly, monthly, rentals. Similar to an Apartment Bldg.

Prior to the meeting this evening the District received a response from Attorney Jacob Steen, of Larkin Hoffman, addressing the Capacity Reservation Agreement. A copy was provided to the Board. Steen’s letter addresses DSLR’s objections to the provision that allows the District to require DSLR to install a meter at DSLR’s expense and requests a reduction in the connection fee rate from the opposed current rate of $6,466 to $4,000. Steen has requested additional time to resolve these concerns and asked that the issues be Tabled until the February meeting. - TABLED

Attorney Erin Lambert, Sand Lake Resort, stated that after the Resolution was passed by the City of Moose Lake the end of December providing the capacity and flow SLR was excited about moving forward. Lambert stated they were confused as they received approval for an onsite system from the District which stated if sewer becomes available the District would formally let SLR know. She went on to discuss why the District needed to have a meter and another capacity agreement. Hall recollected the events to Lambert of when the Capacity Reservation Agreement originally was passed in July 2024. DSLR presented the document to the City of Moose Lake in August and the City Attorney sent out a letter to both DSLR and the District basically reprimanding both parties for taking action without including the City and stated in that letter that DSLR should not be coming to the City of Moose Lake for capacity requests but rather the District should as the District is their customer. Hall went on to state but now, in late December before the new year begins, its suddenly ok to deal with DSLR again instead of directly with the District. Hall explained to Lambert that she was unaware of City Councils action until she received the email from Mark Lambert providing a copy of the Resolution and what had taken place at that Special City Council Meeting. Hall stated the new agreement is needed because the City never signed off on the original and some of the language no longer pertains.

ERU costs discussed. Hall stated that Attorney Thibodeau advised that the ERU rates are identified by District Ordinance #2. Sand Lake Resort project discussed and Superintendent Collier questioned what was taking place at the location and it was explained that all separate connections were being eliminated, and this was going to be one pipe connecting to the main which would eliminate a lot of I &I.

d. Permit Application DSLR, LLC – 15 ERU’s – Review Permit application and conditions:

Attorney Thibodeau prepared a new permit application for DSLR to sign for 15 ERU connections for approval. Conditions must be met before approval. Since the units will be rented out it would be considered same concept as an apartment unit complex. – TABLED

e. MPCA Permit Application for Extension – DSLR, LLC: Authorization to execute once approved by our engineer and conditions of permit application are met – TABLED.

Hall stated Kelly Yanke, Bolton & Menke has reviewed the MPCA Permit Application for the Extension and approved it but advised that Attorney Thibodeau has recommended the Board not approve authorization for signature until the other documents have been completed and conditions of permit application have been met.

f. City of Moose Lake – Arbitration: District reviewed the final response dated 12/30/2024 from City Attorney Robert Kringle to the Districts final proposal which was submitted 12/20/2024. The City is unwilling to adjust the ERU charge and is planning to implement the $15 ERU fee in beginning January 1, 2025 but remains committed to working with the District to finalize amendments to the contract language on the other outstanding issues. Board discussed and is not agreeable to the rates and charges proposed by the City and elected to move onto arbitration. Motion by Lourey second by Strandlie to authorize Attorney Mia Thibodeau to send a letter to the City of Moose Lake formally requesting non-binding arbitration pursuant to the existing Wastewater Treatment Agreement and begin the legal process to move forward. Motion carried 4/0.

g. February Board Meeting: Due to the conflict in schedules for both the Chairman and the attorney, a motion was made by Strandlie second by Lourey to change the Regular February MLWSSD Board Meeting from February 19th to February 26th , 2025, at 5:30 p.m. Motion carried 4/0.

6. Superintendents Report: Brett Collier Water Control, LLC: See written report as prepared by Superintendent Collier. Brett reported that he was working with Quality Flow on getting the strobe lights installed at Lift Station C for the top of the unit.

District was contacted by John Raiha regarding purchasing a property by the golf course on Viking Way (Parcel ID 33.5948.00) and is questioning if it is within 400 feet of the sewer line and would be required to connect. Raiha also owns property on Hwy 61 that he will be selling in the future that needs to comply with the point-of-sale ordinance. Hall contacted Collier to follow up with Raiha on the property on Viking Way to see if it is within 400 feet of the line as well as on the property he is selling. Brett reported at the meeting he is not sure on the Viking Way property but is looking into it.

Permits: None Issued

Certificate of Compliance – None Issued

7. Treasurers Report: Treasurer Nielsen presented the balance sheet and profit and loss statement for the month ended December 31, 2024. Nielsen had reviewed the bank statements and reconciliations and found the books to be in order. The balance in checking as of December 31, 2024, was $20,116.92. Claims submitted for today include three EFT payments for payroll taxes as well as check numbers 12983 thru 13000 for a total amount of $31,083.55. Hall stated that payroll check #12927 dated 9/30/2024 in the amount of $92.35 was void and reissued with check #12982 dated same date and amount. No stop payment put on the check as it was lost/destroyed. Hall also stated that today’s claims include payment to the City of Moose Lake for both November and December treatment fees/overage fees as well as the joint debt service interest payments which are due in February. Motion made by Engstrom second by Strandlie to approve the Treasurers Report and payment of the claims to include the three EFT payments as well as check numbers 12983 thru 13000 in the amount of $31,083.55. Motion carried 4/0.

a. CD’s FNB: Treasurer Nielsen discussed the reinvestment of the two CD’s coming due at FNB. Nielsen suggested cashing in the $428,819 CD coming due January 18, 2025, and taking out a $450,000 /24month CD at 3.7% at FNB. Nielsen suggested the $489,543 CD coming due March 1, 2025, be cashed in when it comes due and taking out a $500,000/60 month CD at 3.45% at FNB. The additional funds to make up the balance of the CD’s would come from savings. Motion by Engstrom second by Lourey to cash FNB CD #930000011007 coming due 1/18/2025 and take out a new $450,000 24-month CD at 3.7% at FNB and cash in FNB CD #64249726 coming due 3/1/2025 and take out a new $500,000 60-month CD at 3.45% at FNB. Motion carried 4/0. Nielsen and Hall will set up CDs at the bank for signatures.

8. Old Business:

a. Flow Numbers: Nov. avg daily flow 67,563 Dec. avg daily flow 68, 959

Average flow for 58 homes in Southtown is 635 gpd per home

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

9. New Business: None to discuss.

10. Adjourn: Motion made by Engstrom second by Nielsen to adjourn the meeting, motion carried 4/0 and the meeting adjourned at 6:40 p.m.

Minutes by Darla Hall, Executive Director