

Moose Lake Windemere Area Sanitary Sewer District
Approved Special Meeting Minutes
Monday, May 11, 2026
@ MLWSSD Office

1. Call to Order

The special meeting of the Moose Lake Windemere Area Sanitary Sewer District was called to order by Chairperson Byron Kuster at 5:30 p.m. Members present included: Steve Aldrin, Eric Nielsen, Clair Strandlie and Paula Engstrom. Others present included: Superintendent Brett Collier, Water Control, LLC and Executive Director Brian Fritsinger, Fritsinger Management Services, LLC.

2. Sand Lake Resort Project Update

Chairperson Kuster updated the Board on a recent conversation with developer Mark Lambert on the status of the Sand Lake Resort project. Discussion took place regarding the situation where the District could in the future receive and have available additional flow capacity from the City. The Board noted implementation details may require review of existing ordinances and consultation with legal counsel to ensure fairness and enforceability. Fritsinger was asked to reach out to District Attorney Thibodeau regarding several related questions.

The Board discussed historical documentation related to plan review and approval requirements for recent work, including references in prior agreements to District engineer review, approval, and on-site inspections. Members noted difficulty locating District records confirming engineer sign-off, though MPCA documentation was referenced as having been submitted/received. The Board emphasized that any proposed plan changes (including configuration changes such as multiple pipes) should be reviewed and approved by the District's engineer before implementation, and that staff should coordinate with the engineer (Bolton & Menk) as needed.

3. Review of City of Moose Lake Wastewater Treatment Agreement Proposal

Chairman Kuster began by updating the Board regarding the receipt of the counter proposal from the City related to the District's contract for service with the City. He noted that Nielsen, Fritsinger and he had met with Attorney Thibodeau to discuss the City's response, and he was looking to update the Board today and obtain any additional feedback regarding the proposal that should be shared with Attorney Thibodeau.

The Board reviewed the City's response letter and proposed agreement revisions regarding the District's wastewater flow allocation and compliance provisions. The Board discussed discrepancies in the letter, including a referenced agreement to a flow of 62,300, of which no one could recall agreeing to.

The Board then reviewed the two metering options proposed by the City for flow measurement and billing. Collier noted that a mag meter would most likely not work as it requires a continuous flow of water of which does not happen.

The Board then discussed the option of the installation of a flume at/near the City-District boundary: The Board discussed that this approach would measure District flows with minimal inclusion of City customers and would avoid transferring additional district customers to the City. The Board noted flume accuracy was discussed as approximately $\pm 10\%$. The Board generally leaned toward pursuing the boundary flume option and emphasized the need for the District's engineer to review and approve any plan changes before construction.

The Board discussed using accumulated EDU fees to fund the installation costs. The City's proposal would limit the amount of EDU funds applied to the metering project, while the Board discussed applying the EDU funds consistent with their intended purpose (jointly used facilities). Estimated project costs discussed were approximately \$170,000 (installed), with potential additional costs if the District must obtain an easement or acquire a small parcel for access and equipment placement. The Board discussed reviewing existing easement documentation and confirming siting requirements (access, electrical/panel placement, setbacks, and long-term maintenance access).

The Board discussed the City's proposed replacement of the current excess-flow charge with a tiered penalty structure tied to exceedances of the District's daily allocation (including higher tiers up to approximately 200% of allocation). Concerns raised included: (a) ambiguity in the penalty timing language (e.g., "per month" and "12-month" windows), (b) the practical likelihood of exceedances during spring snowmelt/heavy rain events, (c) provisions requiring an engineering report and corrective action planning following repeated/high exceedances, (d) a noted gap between specified flow ranges in the draft penalty tiers, and (e) a proposed annual-total-flow trigger that could allow the City to require the District to impose a connection moratorium. The Board discussed exploring alternative compliance concepts (including use of a rolling multi-month average aligned with the City's pond drawdown cycle) and ensuring that penalties are structured fairly, including consideration of extreme weather events.

The Board reviewed provisions described as a "five-year reopener clause" and discussed related draft language that appears to require renegotiation commencing January 1, 2030. The Board expressed concern that certain wording could be interpreted as an end date or as implying the District will construct replacement treatment facilities, which is not the Board's intent. The Board discussed clarifying the language to ensure continued service and clear, mutually understood renegotiation terms.

Next Steps

- Prepare a draft response to the City/City attorney addressing meter option selection (boundary flume), EDU funding position, penalty and moratorium concerns, and clarification of agreement term/reopener language.
- Locate and review easement/property records near the proposed flume location; determine whether an easement amendment, new easement, or parcel acquisition is required for construction and long-term access.
- Refine and validate flow calculations and compliance modeling (including consideration of rolling averages and post-repair data) to inform negotiation positions.

4. Adjourn: Motion made by Engstrom second by Aldrin to adjourn the meeting. Motion carried 4/0 and the meeting adjourned at 6:52.



Minutes by Brian Fritsinger, Executive Director