



AGENDA - REVISED  
REGULAR BOARD MEETING  
September 23, 2019  
5:00 p.m.

1. **Agenda Review**
2. **Old Business**
3. **Approval of Consent Agenda Items**
  - a. Regular Board minutes dated August 26, 2019
  - b. Board Member vouchers for the month of August
  - c. Payment Vouchers dated August 21, 2019 to September 17, 2019
  - d. Sanitary Sewer Extension – The Arbours of Maple Grove (City of Hermantown)
  - e. Sanitary Sewer Extension – Martin Road Water and Sewer (City of Rice Lake)
  - f. Sanitary Sewer Extension – FDL Cultural Center Road and Utility (Fond du Lac Band of Lake Superior Chippewa)
4. **New Business Items for Discussion and Approval**
  - Solid Waste
    - a. Approval of Solid Waste Fee Changes
  - Operations
    - b. Approval of 2020 Pilot Testing of Mercury Reduction Technology
  - Finance
    - c. Approval of 2020 Wastewater Budget
    - d. Approval of 2020 Solid Waste Budget
    - e. Resolution 19-09; Establishing a System of Charges for Solid Waste Management Services Recovered as a Charge Against Real Estate
    - f. Resolution 19-10; Certifying Services Charges to the St. Louis County Auditor
    - g. Resolution 19-11; Certifying Services Charges to the Carlton County Auditor
    - h. Resolution 19-12; Establishing Solid Waste Management Fee to be Collected by Solid Waste Collectors
  - Other
    - i. Approval of MN DOT Relocation Agreement for West Interceptor
    - j. Approval of MN DOT Easement Acquisition for Interstate Highway 35 Project
5. **Committee Reports**
  - a. Committee of the Whole
  - b. Finance
  - c. Operations
  - d. Personnel
  - e. Legislative
  - f. Planning/Solid Waste
  - g. Board Governance
  - h. Board Member Comments
6. **Executive Director Reporting**
  - a. Communications
  - b. Monthly Financials
  - c. NPDES
7. **Legal Counsel**
8. **Executive Session (staff excused)**



MINUTES  
REGULAR BOARD MEETING  
September 23, 2019  
5:00 p.m.

Board Members Present: Loren Lilly, Archie Chelseth, Paul Thomsen, Julene Boe, Laura Ness, and Ruth Janke

Board Members Present via Teleconference: Marcia Podratz and Dave Manderfeld

Board Members Absent: Jim Aird

Staff Present: Marianne Bohren, Al Parrella, Cathy Remington, Carrie Clement, Karen Anderson, Joe Mayasich, and Amanda MacDonald

Legal Present: David Oberstar – Fryberger, Buchanan, Smith & Frederick

Chair Thomsen called the meeting to order at 5:02 p.m.

**1. Approval of Consent Agenda Items**

- a. Regular Board minutes dated August 26, 2019
- b. Board member vouchers for the month of August
- c. Payment Vouchers dated August 21, 2019 to September 17, 2019
- d. Sanitary Sewer Extension – The Arbours of Maple Grove (City of Hermantown)
- e. Sanitary Sewer Extension – Martin Road Water and Sewer (City of Rice Lake)
- f. Sanitary Sewer Extension – FDL Cultural Center Road and Utility (Fond du Lac Band of Lake Superior Chippewa)

MOTION: Member Boe to approve the Consent Agenda Items

SECOND: Member Ness

DISCUSSION: None

RESULT: The motion passed with 8 ayes and 1 absent

**2. New Business Items for Discussion and Approval**

- a. **Approval of Solid Waste Fee Changes**  
Carrie Clement reviewed the recommended fee changes. The fee changes are recommended to better align the fees with the actual cost of services and management costs. The recommended fee changes are at the Yard Waste Site and Clean Shop Program.

	<i>Current Rate</i>	<i>Proposed Rate</i>
<b>Yard Waste Site</b>		
Dirt -Residential	\$8.00	\$10.00

	<i>Current Rate</i>	<i>Proposed Rate</i>
<b>Clean Shop Fees-HHW</b>		
Ballasts (lbs.)	\$1.00	\$1.90
Lithium Ion (lbs.)	\$4.80	\$7.20
Amalgam (lbs.)	\$4.70	\$7.70
Photo fixer (lbs.)	\$2.00	\$1.80
Mercury Debris/Items (lbs.)	\$4.70	\$7.70
Fire Extinguishers –halon (each)	\$14.00	\$17.80
Other Rechargeable Batteries (lbs.)	\$0.25	\$1.20
Pharmaceuticals (lbs.)	\$2.60	\$2.00
Fire Extinguishers (dry chemical, water, CO2) (each)	\$14.00	\$2.00
Small propane/gas cylinders (each)	\$2.00	\$2.40

**The Planning/Solid Waste Committee recommends that the WLSSD Board Committee approve the fee changes outlined above. The changes would be effective January 1, 2020.**

MOTION: Member Boe to approve the fee changes

SECOND: Member Janke

DISCUSSION: None

RESULT: The motion passed with 8 ayes and 1 absent

**b. Approval of 2020 Pilot Testing of Mercury Reduction Technology**

Joe Mayasich presented the agreement. For nearly 14 years, WLSSD has been testing various mercury reduction technologies; there has not yet been any fundamental proof-of-concept results to warrant any further testing of these technologies. In June 2019, an algae-based technology, developed by CLEARAS Water Recovery Systems (CLEARAS), was pilot tested and yielded strong positive proof-of-concept results.

CLEARAS has submitted a proposal and cost estimate for a 2020 testing plan that includes an evaluation of a scaled-up, flow-through system. The 2020 testing plan from CLEARAS does not include costs for low-level mercury analysis, which needs to be performed by the contract laboratory that performs all of WLSSD's permit-required low-level mercury analyses.

**The Operations Committee recommends that the WLSSD Board approve of the agreement with CLEARAS Water Recovery Systems.**

MOTION: Member Chelseth to approve the agreement with CLEARAS Water Recovery Systems

SECOND: Member Janke

DISCUSSION: None

RESULT: The motion passed with 8 ayes and 1 absent

c. **Approval of 2020 Wastewater Budget**

Cathy Remington presented the 2020 Wastewater Budget at the Committee of the Whole meeting prior to the Regular Board Meeting.

**The Finance Committee recommends that the WLSSD Board approve the 2020 Wastewater Budget.**

MOTION: Member Boe to approve the 2020 Wastewater Budget

SECOND: Member Chelseth

DISCUSSION: None

RESULT: The motion passed with 8 ayes and 1 absent

d. **Approval of 2020 Solid Waste Budget**

Cathy Remington presented the 2020 Solid Waste Budget at the Committee of the Whole meeting prior to the Regular Board meeting.

**The Finance Committee recommends that the WLSSD Board approve the 2020 Solid Waste Budget.**

MOTION: Member Boe to approve the 2020 Solid Waste Budget

SECOND: Member Chelseth

DISCUSSION: None

RESULT: The motion passed with 8 ayes and 1 absent

e. **Resolution 19-09; Establishing a System of Charges for Solid Waste Management Services Recovered as a Charge Against Real Estate**

Cathy Remington reviewed Resolution 19-09. This resolution allows WLSSD to recover a portion of costs incurred by providing solid waste management services through a charge against real estate.

**Staff recommends that the WLSSD Board approve Resolution 19-09; Establishing a System of Charges for Solid Waste Management Services Recovered as a Charge Against Real Estate.**

MOTION: Member Ness to approve Resolution 19-09; Establishing a System of Charges for Solid Waste Management Services Recovered as a Charge Against Real Estate

SECOND: Member Janke

DISCUSSION: None

RESULT: The resolution passed with 8 ayes and 1 absent

f. **Resolution 19-10; Certifying Service Charges to the St. Louis County Auditor**

Cathy Remington reviewed Resolution 19-10. This resolution allows WLSSD to assess the costs of solid waste management services as a charge against real estate in St. Louis County.

**Staff recommends that the WLSSD Board approve Resolution 19-10; Certifying Service Charges to the St. Louis County Auditor**

MOTION: Member Chelseth to approve Resolution 19-10; Certifying Service Charges to the St. Louis County Auditor

SECOND: Member Boe

DISCUSSION: None

RESULT: The resolution passed with 8 ayes and 1 absent

g. **Resolution 19-11; Certifying Service Charges to the Carlton County Auditor**

Cathy Remington discussed Resolution 19-11. This resolution allows WLSSD to assess the costs of solid waste management services as a charge against real estate in Carlton County.

**Staff recommends that the WLSSD Board approve Resolution 19-11; Certifying Service Charges to the Carlton County Auditor.**

MOTION: Member Chelseth to approve Resolution 19-11; Certifying Service Charges to the Carlton County Auditor

SECOND: Member Lilly

DISCUSSION: None

RESULT: The resolution passed with 8 ayes and 1 absent

**h. Resolution 19-12; Establishing Solid Waste Management Fee to be Collected by Solid Waste Collectors**

Cathy Remington discussion Resolution 19-12. This resolution allows WLSSD to collect solid waste management fees collected by solid waste collectors from generators based on the capacity of the container holding the mixed municipal solid waste.

**Staff recommends that the WLSSD Board approve Resolution 19-12; Establishing Solid Waste Management Fee to be Collected by Solid Waste Collectors.**

MOTION: Member Lilly to approve Resolution 19-12; Establishing Solid Waste Management Fee to be Collected by Solid Waste Collectors

SECOND: Member Chelseth

DISCUSSION: None

RESULT: The resolution passed with 7 ayes and 2 absents

**i. Approval of MN DOT Relocation Agreement for West Interceptor**

Carrie Clement discussed the relocation agreement. As part of the Interstate 35 Reconstruction Project, there will be a relocation of the West Interceptor as it crosses Highway 35 at 26<sup>th</sup> Avenue West. This Relocation Agreement provides that WLSSD is asking the state to perform the interceptor relocation work so that the state can better coordinate with the overall project. The state will bid out the entire project, including the interceptor relocation. In the agreement, WLSSD provides the design plans for relocation and reconstruction of that portion of the interceptor. Any changes to the relocation plans have to be agreed to by both parties. WLSSD has a right to inspect the work as it progresses. If any defects are noted, WLSSD must inform the project engineer and there is a process for resolving those problems. At the conclusion of the project, WLSSD and the project engineer jointly perform a final inspection for acceptance.

The current estimated cost for relocation of the west interceptor is \$958,382.37. That amount will be confirmed after bids are received and approved. WLSSD must accept or reject the actual cost within 10 days of being notified the results of the bidding process. WLSSD would pay the funds to the state when the state provides an invoice. There will be cost adjustment after the work is completed to account for an increase or decrease in actual costs.

**It is recommended that the Board approve the Agency Relocation Agreement to be executed by the Board Chair and Secretary.**

MOTION: Member Boe to approve the Agency Relocation Agreement

SECOND: Member Janke

DISCUSSION: None

RESULT: The motion passed with 7 ayes and 2 absents

j. **Approval of MN DOT Easement Acquisition for Interstate Highway 35 Project**

Carrie Clement discussed the easement acquisition. The Minnesota Department of Transportation is taking (following the normal acquisition process by the state in lieu of condemnation) a channel change easement around the area of where Coffee Creek enters into the Bay. This area is northerly of the far edge of the WLSSD yard waste site. The state wants control of this property and is acquiring a perpetual easement.

Also included in the easement acquisition is the right to use a strip of land for highway purposes over Courtland Street. This is a temporary easement and they will maintain control as long as needed, but no later than December 1, 2023. The easement area begins northerly of the household hazardous waste facility entrance and covers all of Courtland Street to the channel change easement area.

There are no significant issues of concern involving the channel change easement. However, the temporary easement over Courtland Street is still in the process of being revised by the MN DOT. A number of errors in the legal description were found. I also want to confirm that the easement for highway purposes is not exclusive and that WLSSD will continue to have access to the yard waste site and the household hazardous waste site throughout construction. A copy of the channel change easement is attached.

MN DOT is following the normal procedure for acquisition of property in lieu of condemnation. Therefore, WLSSD has received relocation notices, information concerning its right to obtain an appraisal of the damages related to the taking, and related notices and information. WLSSD has the right to have the property appraised and could receive reimbursement of up to \$5,000 for the costs of such an appraisal. The relocation benefits are designed to assist a party whose land is acquired to remove personal property from the land and assistance in finding replacement property. There is no need for relocation benefits.

In addition, the MN DOT has also provided an offer to sell and memorandum of conditions. The language in this offer to sell is really for acquisition of property from a private entity, not a government institution. For example, the agreement assumes the property is occupied with improvements. The offer to sell will specify the amount of compensation to be paid by the MN DOT is \$134,000.

**It is recommended that the Board authorize execution of both agreements, to be signed by the Chair and Secretary. There may need to be some additional changes prior to having final versions for execution.**

MOTION: Member Manderfeld to authorize execution of both agreements

SECOND: Member Janke

DISCUSSION: There was discussion regarding the access to WLSSD facilities; access should not be impacted by this easement.

RESULT: The motion passed with 7 ayes and 2 absents

### **3. Committee Reports**

- a. *Committee of the Whole* – the minutes from the August meeting, and September Public Hearings were reviewed. There is no meeting scheduled for October.
- b. *Finance* – the minutes from the September meeting were reviewed; the next meeting is scheduled for Wednesday, October 23<sup>rd</sup> at 11:30 a.m.
- c. *Operations* – the minutes from the September meeting were reviewed; the next meeting is scheduled for Tuesday, October 22<sup>nd</sup> at 11:30 a.m.
- d. *Personnel* – there was no meeting in September; no meeting is scheduled for October
- e. *Legislative* – the legislative visits by the House and Senate Capital Investment Committees were reviewed; there is no meeting scheduled for October
- f. *Planning/Solid Waste* – the minutes from the September meeting were reviewed; the next meeting is scheduled for Tuesday, October 22<sup>nd</sup> at 11:30 a.m.
- g. *Board Governance* – there was no meeting in September; no meeting is scheduled for October
- h. *Board Member Comments* – none

### **4. Executive Director Reporting**

- a. **Communications**  
Marianne Bohren reviewed the communications at the Committee of the Whole meeting prior to the Regular Board meeting.
- b. **Monthly Financials**  
Cathy Remington presented the financials at the Committee of the Whole meeting prior to the Regular Board meeting.
- c. **NPDES**  
Joe Mayasich reviewed the NPDES report for August. Both the BOD and TSS limits were met for the month of August. The permit-specified mercury daily maximum and monthly average limits were both met and the internal goals were met. The disinfection limits were met for the month. The concentration- and mass-based limits for phosphorus were both met in August. There were no sewage releases in August.



5. **Legal Counsel** – no report

6. **Executive Session** – none

The meeting adjourned at 5:27 p.m.

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Recording Secretary

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Board Chair

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Board Secretary