

SPECIAL COUNCIL MEETING  
CITY OF CROSSLAKE  
FRIDAY, NOVEMBER 18, 2005  
2:00 P.M. – CITY HALL

Pursuant to due notice and call, the Council for the City of Crosslake met in a Special Session on Friday, November 18, 2005 at 2:00 P.M. at City Hall. The following Councilmember's were present: Mayor Jay Andolshek, Terry Curtis, Dean Eggena, Dick Phillips and Dean Swanson. Also present was City Administrator Tom Swenson, Community Development Director Ken Anderson, Park and Recreation Director Jon Henke, Public Works Director Ted Strand, Police Chief Bob Hartman, Clerk/Treasurer Darlene Roach, City Attorney Paul Sandelin, City Engineer's Dave Reese and Mark Hallan, Public Works Employees Bruce Dovenmuehl and Jim Ritter, Renee Richardson of the Brainerd Dispatch, Brian Clapper of the Lake Country Echo and Dave Slater of Lakeland Public Television. There were approximately 31 other individuals in the audience.

1. Call to Order – Mayor Andolshek called the special meeting to order at 2:00 P.M. and stated that the purpose of the meeting was to discuss the letter of warning received by the City from the MPCA in regards to the Wastewater Treatment Facility. The order of events would include presentations from Staff and WSN, public comments and a Council response due within 30 days of the date of the letter, or December 4, 2005.

Public Works Director Ted Strand read a memo that he prepared for the City Council dated November 17, 2005 in response to the MPCA letter of November 4, 2005. Strand stated that the control of the TSS and Phosphorus levels at the end of March and beginning of April was hampered by the cold temperature and frozen chemical lines. Staff responded by adding additional chemicals, heat tracing the chemical feed lines, changing the point of chemical additions, adding a mixer, adding stock tank heaters and achieved results within permit limits within approximately three weeks. Staff now monitors temperature and settling every day and records these readings in a log to maintain effluent quality. The Council did authorize insulating the clarifier building and adding a furnace to maintain above-freezing temperatures in the clarifier building which was completed. Strand stated that in June, the high phosphorus limits were due to the filters not backwashing sufficiently. These filters have been on-line since plant startup but are still not backwashing properly to clean the build up of filtrate. The buildup of solids in the filter went sour and released phosphorus to the effluent. Staff took the filter off-line, increased the chemicals and met limits. In June, a test kit was purchased to monitor effluent phosphorus on a daily basis. Prior to that, Staff was relying on the weekly test samples and results from the certified lab were not being sent back for up to 2 weeks from the date the sample was taken. The below limit pH level in August and September was due to the adding of the chemicals for phosphorus removal. These chemicals have a tendency to lower pH levels. A chemical is now being added to adjust the pH to meet permit requirements. Strand stated that new plants generally have operational challenges associated with start-up and Staff learn from these challenges. Strand advised the Council that the filter which the Council authorized replacing the sand media in several

months ago is starting to build up filtrate again. Staff is working with the engineers and the MPCA has been informed of this ongoing problem. At present, Strand stated the plant is meeting all permit limits.

A series of flow charts showed the various permit limits and plant results for the months of January through October of 2005 were reviewed with the Council. Also included with the memo, were copies of minutes from various Council meetings where the Council was informed of problems at the Wastewater Treatment Plant.

The TSS results on March 23<sup>rd</sup> and 30<sup>th</sup> and April 6<sup>th</sup>, which did not meet permit requirements, were the result of the freezing problems in the clarifier. A memo to the Council dated April 7, 2005 stated that there were freezing problems in the clarifiers and approval to insulate the building was requested. The results of the samples taken were not received back for over two weeks and it was at that time that Staff was made aware of the violations. A request to pave the area near the clarifier/filter building was also brought before the Council in an attempt to eliminate sand and dirt being tracked into the filter building falling through the grates and contaminating the effluent filters causing treatment problems. The Council did not approve paving this area even though Strand had recommended action be taken to correct the problem. The recommendation to insulate the clarifier building was approved by the Council and the same minutes showing this approval also state that City Engineer Mark Hallan stated that the flows are less than 10,000 gallons per day which is not enough flow to generate heat to keep the water from freezing. Hallan stated flows in the area of 80,000 gallons per day would generate enough heat to prevent the water from freezing.

The pH measurement is a measurement of acidity and a range between 6-9 is acceptable. On two occasions, once in August and once in September the limit was exceeded at 5.9%.

Another chart showing the Monthly TSS Average which has a limit of 85% showed two occasions where the limit was below the average limit. The first time was in March and again in April. Cold temperatures caused the result being under the limit. The MGL TSS limit which is 30 was exceeded in March and again in April.

The monthly Phosphorus average was exceeded once in March and again in June. This level is now monitored daily by Staff versus weekly when the samples are drawn.

City Engineer Mark Hallan stated that after the Regular Council Meeting of November 14<sup>th</sup>, City Engineer Dave Reese and himself met with members of the MPCA to get a better understanding of the situation. Hallan stated that Ted Strand has a better understanding of how the plant is operating with the daily monitoring. The biggest concern is why additional water needs to be added and it was noted that it is due to the low flow due to the seasonal flow and once more non-seasonal users come online the flow should increase. Currently, Ted takes half the plant offline and uses one clarifier during the low flows. Regarding the

use of chemicals, the MPCA stated that chemicals are used in all but two mechanical plants. Strand stated that there is increased cost associated with the use of chemicals but water quality is being achieved. Hallan stated that WSN has prepared a draft letter of response to the MPCA for Council review.

It was noted that Herschel Blasing of the MPCA was present at the meeting.

Community Development Director Ken Anderson stated that the Council requested a status of permits and sanitary sewer connections at the November 14<sup>th</sup> meeting. A review of the records indicates that a total of eighteen connections need to be made within the original Phase I sewer area. Of those 18 properties, five have paid fees as a result of property sale transactions, but no permits have been issued to authorize the connection. Another property owner has paid their connection fee and has obtained a permit, but has not connected as of this date. That property is Whitefish Lodge and Suites. One individual has obtained a permit and is utilizing the payment plan. The remaining 11 properties have not paid, have not obtained a permit and are not connected. In addition to the above properties, the Council has executed a Development Agreement and Utility Extension Agreement as part of the subdivision approval for Eagle Pass. The infrastructure is complete for this development and includes one commercial lot and twenty-four residential lots that are available for connection to the sewer system.

The meeting was open for Council discussion.

Councilmember Swanson stated that he would like to hear from the representative of the MPCA who was present in the audience.

Herschel Blasing addressed the Council and stated that he was the individual who sent the letter of warning to the City. Blasing stated that he did inspect the facility, spoke with Ted Strand and generated the letter. He also participated in the meeting with representatives of WSN along with Ron Swenson and Brian Fitzpatrick of the MPCA. Blasing stated that they are satisfied that the response drafted by WSN is sufficient. Blasing responded to the various graphs that were presented by Ted Strand and agreed with the reasons which resulted in the violations. Councilmember Eggena commented that the chart seems to match to the flow and Strand stated that we are more efficient at what we're doing at the plant. Councilmember Phillips asked if the filter problems are a design problem or do we have the wrong plant. Strand stated that there are filter problems. Phillips asked if the low flows were taken into account when the plant was designed. City Engineer Mark Hallan stated that he did research with various companies during the design stage and no one mentioned we'd have this problem. The plant design, which was reviewed by Randy Thorson of the MPCA, did not address any problems as a result of low flow. Hallan stated that they didn't expect quite this low of flow and anticipated flow in the area of 15,000 gallons per day. Actual flows have been as low as 8,000 gallons per day. Hallan stated that large flows would have prevented the problem. City Administrator Swenson asked if Hallan could explain that adding water is not diluting the system. Hallan stated that well water is being added into the clarifier, not at the head of the plant and is

being added to the already treated water. Strand stated that he is monitoring the effluent for the manufacturer, the engineer and himself before and after the filter. Councilmember Eggena asked how the flow is fixed. Hallan stated that data provided by the MPCA along with criteria used by the Metropolitan Council estimates the flow at 274 gallons per day for commercial users. The engineers looked at how many residential users would be on the system, what type of commercial facilities would be connected and applied the research for flow. During this research, the Corps was included in the calculation since it was thought that they would connect to the system. The initial estimate was 92,000 gallons per day in the summer months with the winter months estimating 20,000 to 30,000 gallons per day which is typical of neighboring cities such as Breezy Point, Lakeshore and Nisswa. WSN went in with the assumption that a certain number would connect and after the design, the Corps decided not to connect. Also, the flow in this area appears to be less than 274 gallons per day. Councilmember Eggena stated that the City is meeting 25,000 gallons per day and Hallan stated that is correct during the day, but the nighttime flows are considerably less which is the reason that water is being added during the evening hours. Councilmember Eggena asked if we needed to ask people to stay up at night and Hallan stated that we add the water, but the water is being re-circulated now that its not freezing. Councilmember Curtis stated that it appears to meet what the engineers estimated it to be and that the Committee researched the corridor. City Engineer Dave Reese stated that a study was commissioned by the Council in 1996 and various phases and zones were looked at along with the comprehensive plan to determine the primary area for sewer. Hallan stated that he and Teri Hastings went through every business including empty lots to come up with the estimated 92,000 gallon per day average. With the Corps out of the calculation, the data is incorrect. Councilmember Curtis stated that some of his concerns are that none of us want to overreact if we're not familiar but hearing things like "we're getting better and it's a new time" bother him. Curtis stated in this day and age, we should have better information. Hallan stated that every new plant has different problems and restaurants where grease is prevalent can also cause problems.

Dean Spencer of Pine View Lane addressed the Council and stated that his residence is just above the lake and is upset that no one was informed when the plant failed. Spencer stated that his boat was scummy so he took a sample to the MPCA and had it tested and it was high in phosphorus. He stated that dead fish have been found along the banks the last two years and he'd like to know if there is a performance bond for the company that put the system in. He'd also like to know why the Corps wasn't forced to hook up and who's watching the Corps, maybe its their problem too. Also do we have a licensed operator running the plant. Spencer stated that there are some upset people on Big Pine and feels it needs deeper investigation. Ted Strand responded that he has 19 years of experience in this field and holds a Class A Wastewater Operators License. Strand stated that he monitors the Crosslake Dam and Big Pine Lake and turns these results in once a month. Herschel Blasing addressed the Council and responded that the MPCA does monitor the Corps also and that is one of the reasons the Corps is looking at options. Blasing stated that there have been violations to the Corps' permit. Councilmember Swanson asked why the City

wasn't notified of the Corps violations. Mr. Blasing stated that the MPCA monitors the data provided to them by both the City and Corps and if they thought either entity had problems or if there is reason for concern, they would shut the plant down. Blasing stated that the main concern would be if someone ingested fecal coliform. They would become sick and the MPCA would get involved. Councilmember Philips asked Mr. Blasing if the City was going in the right direction based on his interaction with Ted Strand and the City Engineers and Mr. Blasing stated that the City was going in the right direction and they will continue working to correct the problems. Larry Allen addressed the Council and commended the Council on taking action. He stated that he was not excited about the sewer system to begin with and if we keep realistic, he doesn't have concerns. Mr. Blasing stated that as an agency, they concur with the City having spent the money for a municipal sewer system since data obtained on septic systems show that these systems are failing. Blasing stated that the water is in much better shape as a result of the installation of municipal sewer systems.

Councilmember Phillips stated that the Council has been well informed today and he has more insight into not only where we've been, but where we're going. Phillips stated that he would like something in writing from WSN and the Public Works Director. If we have a lemon do we have options and City Attorney Sandelin stated that there are performance bonds which protect the City. Phillips stated that he is looking for reassurances. Councilmember Curtis felt that the Council needed to be in concurrence on the problems. Councilmember Swanson stated that when the Council voted 3-2 on the sand media issue, he felt the Council was going down the wrong path. Swanson stated then that he thought maybe we have the wrong filters installed, but the Council couldn't agree even on that. Councilmember Eggena stated that after listening to the discussion at the Regular Council Meeting and again at this meeting, a mission statement needs to be made where we put rules in place to take corrective action as a government body to make sure that violations don't happen again. MOTION 11S-01-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS THAT EXCEEDING THE MPCA LIMITS FOR THE WASTEWATER TREATMENT PLANT IS TOTALLY UNACCEPTABLE WITHIN THE CITY OF CROSSLAKE. Councilmember Swanson stated that he has concerns with this motion since the representative from the MPCA says we didn't cause health problems so what is the definition of pollution and questions the reality of this. Swanson stated that the Council would be putting parameters on the system, Staff and WSN. Mayor Andolshek stated that the motion would be an excellent goal or mission statement but doesn't think we can achieve perfection. Mr. Blasing stated that annually, the MPCA presents awards to plant operators who have no violations, and out of the 1100 to 1200 facilities only about 6% of the operators receive awards. Blasing stated that if someone puts something contaminant in the system, the operator has no control over it. MOTION CARRIED 3-2 WITH CURTIS, EGGENA AND PHILILPS VOTING AYE AND ANDOLSHEK AND SWANSON VOTING NAY.

Councilmember Eggena stated that there are two parts, the mechanical portion and the operator or human factor of which both are fallible. The plant requires a trained licensed operator and he believes Ted Strand is very qualified. He has

good references from previous employers, the MPCA and everyone he talks to. The problem is that we are expecting him to do too much and thinks the last eight months show we need a dedicated person to run this plant. MOTION 11S-02-05 WAS MADE BY DEAN EGGENA AND SECONDED BY DICK PHILLIPS TO AUTHORIZE THAT TED STRAND'S ONLY DUTY BE THE OPERATION OF THE SEWER PLANT AND THAT MIKE AMSDEN BE PROMOTED TO PUBLIC WORKS DIRECTOR AND THAT THIS BE INLCUDED IN THE LETTER TO THE MPCA. Councilmember Phillips stated that he doesn't disagree that we shouldn't be paying more attention to sewer but if we have a shortfall then he'd like more input from Ted and his Staff. Phillips stated that we have hired two other individuals in the Sewer Plant. Jim Ritter has a Class A license and Bruce Dovenmuehl has a Class B license. Councilmember Swanson stated that this is a surprise move and this type of action takes research. There are pros and cons to doing this and wanted input from the people affected. Swanson stated that he is not prepared to review this at this meeting. Councilmember Curtis stated that he would concur with Swanson, but these are the types of ideas we want to come out of meetings and if staffing is an issue, we probably need to have some Personnel Committee Meetings. Job descriptions need to be looked at along with the whole picture. Curtis stated that he felt there should be someone dedicated 100%. Councilmember Swanson stated that when Ted Strand was hired, the Council wanted someone with experience with wastewater treatment systems, but since there was no municipal sewer we hired someone who also had public works experience. Councilmember Eggena stated that he was not looking at any new hires. Eggena stated that Mike Amsden is the most senior person in the department. While Ted Strand has done an excellent job, he's turned a lot over to Mike to do the tasks so he has been doing the supervising of the Public Works Department. The other two guys have been here such a short time and don't know the roads. Councilmember Curtis agreed that we should always be thinking of re-structuring. City Administrator Swenson stated that there are personnel issues associated with these types of moves, such as job descriptions, comparable worth points and etc. MOTION FAILED 1-4 WITH COUNCILMEMBER EGGENA VOTING AYE AND ANDOLSHEK, CURTIS, PHILLIPS AND SWANSON VOTING NAY.

MOTION 11S-03-05 WAS MADE BY TERRY CURTIS TO SCHEDULE A MEETING TO TALK ABOUT ISSUES ABOUT RESTRUCTURING THE PUBLIC WORKS DEPARTMENT. MOTION CARRIED 3-2 WITH CURTIS, EGGENA AND PHILLIPS VOTING AYE AND ANDOLSHEK AND SWANSON VOTING NAY.

Regarding the response to the MPCA, MOTION 11S-04-05 WAS MADE BY DEAN SWANSON AND SECONDED BY JAY ANDOLSHEK TO SEND THE RESPONSE LETTER AS DRAFTED BY WSN. The Council discussed whether the discussion to restructure should be included in the letter of response and Curtis stated that anything we include in the letter shouldn't be so defensive that they don't think we're serious. Swanson stated that he doesn't think the MPCA cares how we restructure, only how the plant is operating. Phillips agreed but stated it would be another way of showing our commitment to the public. MOTION FAILED WITH ANDOLSHEK AND SWANSON VOTING AYE

AND CURTIS, EGGENA AND PHILLIPS VOTING NAY. City Engineer Mark Hallan stated that his draft response addressed the technical portion of the response but the Council could certainly make whatever changes they wanted. Councilmember Eggena stated that we failed to monitor the performance of the plant and management should set policy where we do know. MOTION 11S-05-05 WAS MADE BY DEAN EGGENA THAT TED STRAND REPORT DIRECTLY TO THE COUNCIL LIAISON WHO WILL REPORT TO THE COUNCIL AT EVERY MEETING ON A MONTHLY BASIS AND IF ANY VIOLATION TAKES PLACE THE LIAISON WILL BE NOTIFIED IMMEDIATELY AND ANOTHER COUNCIL PERSON WILL BE CONTACTED TO CALL A SPECIAL MEETING. THERE BEING NO SECOND, MOTION DIED. Councilmember Curtis stated that this should be part of the restructuring conversation which he is not against doing. Councilmember Curtis asked Councilmember Eggena if he was saying that he is not informed. Eggena stated that Ted Strand reports to Tom Swenson and it appears the flow chart hasn't worked. Eggena stated that he'd like a process so we're guaranteed notification. Councilmember Swanson stated that if your doing this for this department, you should do for all departments, but Councilmembers are liaisons to the Council not to Staff. Staff needs to respond to the City Administrator and if Eggena wants to get rid of the City Administrator he should say so. The Council is getting into personnel matters. Mayor Andolshek stated that he doesn't feel anything that has been brought up is out of line, but what the Council needs to do is respond to the MPCA. Councilmember Curtis stated that while he respects Councilman Swanson's idea for no change, change is not bad. Councilmember Phillips stated that regarding whether we were or were not informed, we need to respond to the MPCA. Mr. Blasing addressed the Council and stated that the MPCA requires a discharge monitoring report and the City can specify who signs these reports. Mayor Andolshek stated that he understands the spirit of the Council's intent and he will put together a letter and place in the Councilmembers mailbox for comments. Councilmember Phillips asked if the City Engineer is going after the filter manufacturer. Hallan stated that he will send a letter to the contractor regarding obtaining a solution to the problem.

City Administrator Swenson stated that Resolution 05-027 regarding unpaid sewer charges contained an incorrect name/property id number on one of the Del Anderson properties. The property owner is in fact, Doug Junker, not Del Anderson. The correction has been made and approval of a corrected motion was requested. MOTION 11S-06-05 WAS MADE BY DEAN SWANSON AND SECONDED BY TERRY CURTIS TO APPROVE RESOLUTION 05-27 ADOPTING RESOLUTION REGARDING UNPAID SEWER CHARGES. MOTION CARRIED WITH ALL AYES.

Councilmember Eggena stated that he has contacted the owner of the island where the fireworks are lit and he is requesting \$2,000 be paid to him for use of the island. Eggena stated that he doesn't think the City should pay for this. Councilmember Curtis asked about the Corps property either at the campground or somewhere along the dikes. MOTION 11S-07-05 WAS MADE BY DEAN EGGENA AND SECONDED BY TERRY CURTIS TO SEND A REQUEST TO THE CORPS OF ENGINEERS TO USE THEIR PROPERTY FOR

FIREWORKS ON THE FOURTH OF JULY. Mayor Andolshek stated that there is already a lot of congestion at the campground. Swanson agreed since it is probably their busiest weekend. MOTION CARRIED 3-2 WITH CURTIS, EGGENA AND PHILLIPS VOTING AYE AND ANDOLSHEK AND SWANSON VOTING NAY.

MOTION 11S-08-05 WAS MADE BY DEAN SWANSON AND SECONDED BY DICK PHILLIPS TO ADJOURN THIS SPECIAL COUNCIL MEETING AT 4:35 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and submitted by,

A handwritten signature in cursive script, appearing to read "Darlene J. Roach".

Darlene J. Roach  
Clerk/Treasurer

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RESOLUTION NO. 05-27

CITY OF CROSSLAKE  
COUNTY OF CROW WING  
STATE OF MINNESOTA

RESOLUTION REGARDING UNPAID SEWER CHARGES

WHEREAS, Minnesota Statute Section 444.075 subd. 3 provides that municipalities may make the charges for connection to sewer facilities and the use charges for such sewer facilities a charge against the owner, lessee, occupant of the property, and may provide a covenant for certifying unpaid charges to the County Auditor with taxes against the property served for collection as other taxes are collected; and

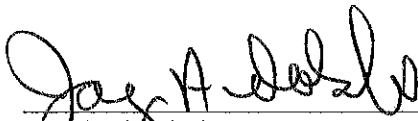
WHEREAS, the City of Crosslake City Code, Section 11.56 and 11.70 provides that each and every sewer service charge levied by and pursuant to this Chapter is hereby made a lien upon the lot or premises served, and all such charges which are on October 15<sup>th</sup> of each year past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate; and

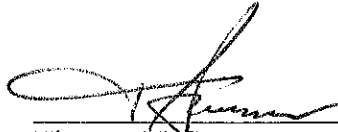
WHEREAS, as of October 15, 2005, the following sewer charges were past due and delinquent:

<u>TAX PAYER NAME</u>	<u>REAL ESTATE CODE</u>	<u>AMOUNT</u>
Golden Rule Estates Owners Assn	141370000370009	1029.00
Deloren E Anderson	120163204GC0889	126.00
Deloren & Marilyn Anderson	120212400AHB009	126.00
		Total \$1281.00

THEREFORE, BE IT RESOLVED that the City of Crosslake City Council hereby certifies as delinquent the following sewer service charges as of October 15, 2005, as taxes or assessments on the real estate identified above:

Adopted by the Crosslake City Council this 18th of November 2005.

  
\_\_\_\_\_  
Jay Andolshek  
Mayor

  
\_\_\_\_\_  
Thomas N. Swenson  
City Administrator