

EAST RANGE WATER BOARD
Regular Meeting
Wednesday, November 16, 2022
4:30 p.m. City/Town Government Center

Appointed Board Members for City of Aurora: Doug Gregor, Chairman of the Board; David Skelton; Dennis Schubbe;

Appointed Board Members for the Town of White: Jon Skelton, Vice Chairman of the Board; Clark Niemi;

Other Team Members: Stefanie Dickinson (COA); Jodi Knaus (TOW); Wayne Thuringer (COA); Jim Gentilini (COA); Mike Larson (SEH); Miles Jensen (SEH); Kevin Young (SEH); Mia Thibodeau (Fryberger Law); Shannon Sweeney (David Drown Associates);

AGENDA

1. Call to Order/Roll Call
2. Consent Agenda:
 - a. Approval of October 19, 2022 Meeting Minutes
 - b. Treasurer's Report – Fund Balances: Interim Financing: \$332,440.61; Biwabik Fund: \$190,361.67; Total: \$522,802.28
 - c. Approval of Disbursements
 1. Fryberger Law Firm - \$6,291.97
 - d. Correspondence – None received
3. Legal Matters – Updates Including but not limited to:
 - a. Scenic Acres Land & Facility Title Clearance
 - b. MN Department of Health Lease #LMISO10613 - Execution & Payment Required of \$1,603.50
 - c. Rosa Easement Status – Easement exhibits enclosed
 - d. Project Labor Agreement Review Status
 - e. Creation of New Legal Entity Timeline & Guidance – EIN establishment, Checking Account, Accounting
4. Guests – No requests received
5. Engineering Updates - SEH
 - a. Funding Initiatives & Cumulative Accounting – Updates by Mike Larson
 1. FY23 Section 569 Request Submitted to Army Corps 10-27-22 - Enclosed
 2. EPA Community Grant \$2.5 million - Implementation & Guidance Received -- Enclosed
 3. St. Louis County CDBG Agreement Executed - Enclosed
 - b. Engineering Work – Updates by Miles Jensen
 1. November 14, 2022 Status Report
 - i. Draft Archaeological Environmental Review - Enclosed
 - ii. Bat Nesting Sites -- Tree Removal -- SEH Map of Clearing Limits - Enclosed
 - iii. Technical Committee Meeting Updates
 - iv. Sample Agreement for Emergency Water Service Interconnects - Enclosed
6. Community Outreach Plan – Public Information Sheet Draft #2
 - a. Determine Next Steps for bulk mailing, advertising etc. -- Timeline, Where, When
7. Other Business
 - a. St. James Pit & Current Water Plant updates -- Jim Gentilini
8. Next Meeting Date: Wednesday, November 16, 2022
9. Adjournment

**East Range Water Board
Monthly Meeting Minutes
City/Town Government Center
Wednesday, October 19, 2022
4:30 p.m.**

PRESENT: Chairman, Doug Gregor; Secretary/Treasurer, David Skelton; Board Member, Dennis Schubbe; Vice Chairman, Jon Skelton, Board Member, Clark Niemi

ABSENT:

ALSO PRESENT: Miles Jensen (SEH via Zoom), Mia Thibodeau (Fryberger Law via Zoom), Robert Rutka, Jodi Knaus

1.) **A board meeting was called to order by Chairman Gregor at 4:30 p.m.**

2.) **Consent Agenda:**

- a. Approval of September 21, 2022 Meeting Minutes
- b. Treasurer's Report – Fund Balances: Interim Financing Balance: \$338,702.58; Biwabik Fund Balance: \$190,361.67; Total: \$529,064.25
- c. Approval of Disbursements – None submitted/paid
- d. Correspondence – None received

MOVED BY JON SKELTON, SUPPORTED BY DENNIS SCHUBBE APPROVING THE CONSENT AGENDA AS PRESENTED. MOTION CARRIED

3.) **Legal Matters – Mia Thibodeau**

- a) St. Louis County Intake lease has been finalized and sent for signatures
- b) DNR lease is still pending -- Jensen will follow-up
- c) Agreement with City of Biwabik for joint use of the road to the intake site will be finalized before the next meeting
- d) Easement status with Rosa is still pending. Township is in negotiations with Rosa. SEH is facilitating the process. Thibodeau has the legal agreement ready for signature if it will be an even exchange (Pineville lots as is for the easement). Jensen will follow-up with Hinzmann.

4.) **Guests:** None

5.) **Engineering Updates**

- a) Gregor updated the Water Board the City of Aurora has secured Bolten & Menk as their engineering firm for the City. Jon Skelton made it very clear SEH is the engineering firm for this Project. Gregor mentioned the funding gap for the Project and waiting until December after the election to see if there will be a Special Legislative Session. Knaus, Dickinson, and Mike Larson held a telephone conference regarding the Congressionally Direct Spending Grant. The Army Corps of Engineers is calling for Projects for 2023.
- b) Engineering Work – Jensen reviewed the Status Report dated October 14, 2022. The Project is in a holding pattern waiting for several items such as review of the plans by Chad Kohlstad; the SIPO report will be done in November; David Skelton asked for item number five (Scenic Acres agreement and connection fees) to be removed from the Status Report as this was established at \$1,000.00 per household previously. Jensen reviewed the memo dated 10/14/22 regarding the Voyageur Trail Booster Station and David Skelton questioned reliability. David Skelton updated

the Board with comments about the interconnect meeting held with Biwabik. Biwabik has a second high-capacity pump that has never been used. Biwabik is willing to pull that pump and retrofit for us to use; communication technology could be utilized where we all have the same provider. The City of Aurora and City of Biwabik need to discuss all of this further. The interconnect would be temporary for up to two weeks and yes, Biwabik could provide water to Scenic Acres and Aurora. The Cities (Biwabik and Aurora) do not have long-term contingency plans and this needs to be completed sooner than later. Long-term mutual aid agreements need to be established to provide water in an emergency and the City of Hoyt Lakes should be included in these conversations. However, this is not a water board issue, the cities need to communicate. David Skelton suggests the communicates need to think broader and long-term for the future of all of our communities. Gregor agrees the City/Town should begin discussions with Biwabik for developing a long-range contingency plan. David Skelton thinks SEH did a great job on this report and great work which should be shared with the City of Biwabik Public Utilities Commission and Administrator Jacobson to see if they want to continue discussions. Jensen will look for and send out a sample Long-Range Contingency Plan.

- e) Schubbe spoke with Gentilini and pumping will continue at St. James Pit. More issues need to be addressed at the current water plant. Every ten years, cities are required to submit a Water Supply Plan to the DNR for approval.

6.) Community Outreach Plan

Knaus shared a Draft Public Information Sheet which the Board can review and submit any changes to her or Clerk Dickinson.

7.) Other Business

- a.) St. James Pit & Current Water Plant Updates – Schubbe met with NTS and discussed the status of their work on St. James Pit.

10.) Adjournment

MOVED BY JON SKELTON, SUPPORTED BY DENNIS SCHUBBE TO ADJOURN THE MEETING AT 6:00 P.M. MOTION CARRIED

Next Regular East Range Water Board Meeting Date: November 16, 2022 at 4:30 p.m.;

Respectfully Submitted, Jodi Knaus

ERWB - Interim Financing

Revenue

	DATE	VENDOR	DESCRIPTION	
Beginning Balance	7/22/2021	First Independent Bank	Interim Financing	\$ 1,000,410.00
Ending Balance				\$ 1,000,410.00

Disbursements

	DATE	VENDOR	DESCRIPTION	
	7/16/2021	SEH	Wetlands	\$ 11,236.12
	7/21/2021	Steve Thorp	Prof. Liability Insurance	\$ 960.00
	7/25/2021	Building Rescue - Todd Koneczny	Professional Services	\$ 4,687.50
	7/28/2021	Steve Thorp	ERWB Plan Review	\$ 3,480.00
	8/16/2021	SEH	Task 1	\$ 16,184.00
	9/6/2021	Building Rescue - Todd Koneczny	Professional Services	\$ 2,524.50
	9/21/2021	SEH	ERWB Amendment 1	\$ 40,083.00
	10/15/2021	SEH	ERWB Tasks 2-4	\$ 107,763.00
	10/21/2021	MN DNR Ecological & Water Resources	Water Permit	\$ 150.00
	11/9/2021	Fryberger, Buchanan, Smith & Frederick	Legal Services 8/13 thru 10/13/2021	\$ 5,658.35
	11/16/2021	SEH	ERWB Tasks 2-4	\$ 119,032.00
	12/10/2021	SEH	ERWB Tasks 2-4	\$ 128,884.00
	11/30/2021	St. Louis County Auditor	ERWB Parcel 100-0047-00090 Purchase	\$ 6,115.81
	1/19/2022	Steve Thorp	Plan Review ERWB 90% Completion	\$ 6,960.00
	1/26/2022	MN Dept. of Health	Watermains Plan	\$ 150.00
	1/26/2022	MN Dept. of Health	Treatment Plant Plan	\$ 1,000.00
	2/17/2022	Fryberger, Buchanan, Smith & Frederick	Legal sevices through 1/31/2022	\$ 2,989.50
	2/17/2022	Walker, Giroux & Hahne	Review JPA, general accounting, & reporting	\$ 350.00
	2/17/2022	SEH	ERWB Tasks 2-4	\$ 121,129.00
	3/14/2022	NTS	Geotechnical Reports	\$ 36,370.00
	3/14/2022	SEH	ERWB Tasks 2-4	\$ 13,193.00
	3/14/2022	SEH	ERWB Tasks 2-4	\$ 704.00
	4/20/2022	Fryberger, Buchanan, Smith & Frederick	Legal Services through 2/28/2022	\$ 2,942.00
	4/20/2022	LMCIT	Property/Casualty insurance	\$ 2,004.00
	4/20/2022	SEH	ERWB Tasks 2-4	\$ 704.00
	5/18/2022	East Range Shopper	Thank you Ad	\$ 72.45
	5/18/2022	MN Dept. of Health	Pumphouse Review	\$ 150.00
	5/18/2022	SEH	ERWB Tasks 2-4	\$ 7,744.00
	5/18/2022	St. Louis County Land & Minerals	Tree Cutting	\$ 936.52
	6/15/2022	Fryberger, Buchanan, Smith & Frederick	Legal Services through 4/30/22	\$ 8,648.44
	6/15/2022	Fryberger, Buchanan, Smith & Frederick	County Lease	\$ 762.45
	6/15/2022	NTS	Raw Water Intake	\$ 82.96
	6/15/2022	SEH	ERWB Tasks 2-4	\$ 3,520.00
	6/15/2022	Steve Thorp	Professional Liability	\$ 960.00
	7/20/2022	APG	Environmental Review	\$ 10.41
	7/20/2022	Duluth Archaeology Center	Research & Reporting	\$ 1,172.22
	7/20/2022	Fryberger, Buchanan, Smith & Frederick	Real Estate Matters	\$ 938.75
	7/27/2022	Park State Bank	Snacks for Joint Meeting 7/27/22	\$ 47.44
	9/16/2022	SEH	ERWB Tasks 2-4	\$ 1,408.00
	11/10/2022	Fryberger, Buchanan, Smith & Frederick	County Lease	\$ 6,261.97
Total Disbursements				\$ 667,969.39
Ending Balance	as of November 14, 2022			\$ 332,440.61
Biwabik Fund	beginning balance 10/20/2021			\$ 203,577.59

	DATE	VENDOR	DESCRIPTION	
	1/1/2022	First Independent Bank - Russell	Interest Payment	\$ 6,198.62
	6/1/2022	First Independent Bank - Russell	Interest Payment	\$ 7,017.30
Biwabik Fund ending balance as of 11/14/2022				\$ 190,361.67
TOTAL ENDING BALANCE Biwabik and Interim Financing combined as of 11/14/2022				\$ 522,802.28

FRYBERGER

— LAW FIRM —

fryberger.com

P.O. Box 16990
Duluth, Minnesota 55816

RECEIVED
NOV 10 2022
CITY OF AURORA

INVOICE

Tax ID: 41-1000525
Phone: (218) 722-0861
Fax: (218) 725-6800

EAST RANGE WATER BOARD
16 WEST SECOND AVENUE NORTH
PO BOX 146
AURORA MN 55705

November 10, 2022
Invoice No. 22438.000003.12211
File No. 22438.000003 - MET

For Legal Services Rendered Through 10/31/2022

CLIENT: EAST RANGE WATER BOARD
MATTER: COUNTY LEASE

Professional Fees

Date	Description	Atty	Hours
05/09/22	Revise lease.	MET	2.00
05/13/22	Work re lease terms; discussion with County attorney.	MET	2.30
06/20/22	Review St. Louis County Land Records for property conveyance and additional documentation; Printed information for review.	GMH	1.25
06/20/22	Review lease exhibits; work re same.	MET	0.50
06/27/22	Finalize lease; discussion with County Attorney and Mayor Gregor.	MET	2.25
06/29/22	Review lease re access.	MET	0.75
07/01/22	Finalize and send lease to Town and Board.	MET	0.75
07/20/22	Call from Board chair; follow up re execution of Lease.	MET	0.50
07/26/22	Correspondence re lease; review final exhibits.	MET	1.10
07/27/22	Travel to joint meeting (no charge).	MET	5.00
07/29/22	Work re shared access roadway with Biwabik and County Lease.	MET	2.75
08/01/22	Review SLC Lease with Biwabik for intake site; analysis re conflicting use.	MET	2.30
08/03/22	Review Biwabik lease.	MET	0.50

Professional Fees

Date	Description	Atty	Hours
08/10/22	Finalize analysis; email Board chair re Lease delivery.	MET	1.75
08/16/22	Call re legal matters; finalize lease and send same.	MET	0.90
08/17/22	Phone call re Lease and real estate issues; work re same.	MET	1.20
08/18/22	Work re shared Access Road Agreement.	MET	1.50
08/18/22	Call with Attorney Thibodeau re: preparation of private access road agreement; analyze similar agreements on system to determine standard terms for agreement.	JCH	0.80
08/30/22	Draft private access road agreement.	JCH	2.00
08/31/22	Draft private access road agreement.	JCH	1.50
09/07/22	Call re recording of lease with St. Louis County; analysis re same.	MET	0.90
10/24/22	Drafted the memorandum of lease	CMC	1.20
	Sub Total		<u>6,957.75</u>
	Discount Authorized by Managing Attorney		-695.78
	Total Professional Fees		<u>\$6,261.97</u>
SUB TOTAL			<u>\$ 6,957.75</u>
Discount Authorized by Managing Attorney of 10% of Total Fees			-695.78
Current Invoice Amount Due After Services Discount			<u><u>\$ 6,261.97</u></u>
Prior Balance:			762.45
Payments & Adjustments:			-762.45
Total Due:			<u><u>\$ 6,261.97</u></u>

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