

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Judy Kenter

Complainant

Vs.

Folsom Ridge, LLC (owning and Controlling  
the Big Island Homeowners Association)

Respondent

FILED<sup>2</sup>

SEP 19 2005

Missouri Public  
Service Commission

Complaint

1. Complainant resides at: 1794 Big Island Drive  
Roach, Mo. 65787

2. Respondent: Folsom Ridge, LLC  
Big Island Homeowners Association  
Post Office Box 54  
Longmont Colorado, 80502

Is acting as a public utility providing service to complainant's residence

3. As the basis of this complaint, complainant states the following facts.

My name is Judy Kenter. I am a full time resident on Big Island. My family has owned this property on Big Island since 1961.

In 1998 Folsom Ridge bought the unsold property on Big Island with the purpose of development of their property. They offered the homeowners the right to a connection tap to the community sewer system which they intended to build in 1999. This offer was for the property owners to deposit \$4800 in a Escrow Acct. with Central Bank, Camdenton, Missouri.

I received a letter from David Lees, (a partner of Folsom Ridge LLC and manager of the Folsom Ridge operations on Big island) encouraging property owners to participate in this \$4800 offer stating that there would be no charges until the time of connection to the system..

( see attachment ). There was no other obligations required by me or my husband, (now deceased) .

We deposited our \$4800 in the escrow account before the deadline of January 15, 1999 .

During 1999 Folsom Ridge installed the new system around the island and every one deserving a sewer tap received a tap except the Kenters. We were concerned about not getting our tap as we had paid for one. Finally months later after prodding by my husband we did receive a tap I later found out that there was another property owner on Big Island that had also paid for a tap but had not received one.

On December 29, 2000 a Homeowner Association was established and a fee was imposed at \$5 a month for anyone owning a \$4800 sewer tap who was not connected, not receiving any services and not a member. Even though I was surprised that there would be a charge to me before I had connected to the system, I paid the fee despite the earlier letter of 1998, stating "no charge till I connected to the system" This fee is now \$7 a month and I have been paying this non-connected fee since it's inception. It is now my understanding that this fee is not in keeping with the regulations governing a HOA as I am not a member of this HOA. I have never signed for membership nor was membership in a HOA ever mentioned to me at the time we put our money in escrow. If this fee is a illegal fee then it should be refunded to the property owners required to participate.

I have recently had to connect to the system and am now paying my monthly payments of \$17 a month for the services I am now receiving. (Of course now that I am connected to the system I no longer pay that \$7 fee ) I am still not a member as I have never signed any agreements with the BIHOA. I do pay the same amount as required for members.

Another point I would like to bring up is the requirements that I install a 1000 gallon septic tank, with a second separate 500 gallon tank for my new pump. This pump is used to pump the fluids from my property into the community sewer system. This size tanks were a requirement from the BIHOA and cost me considerably more for my installation.

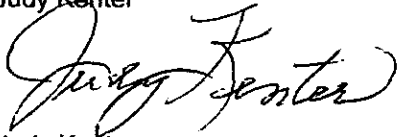
My home is very small, ( two bedroom with one bath ), with only my daughter and I living in it. Much smaller than most of my neighbors and the new installation of the two tanks, (1500gallon ) in my opinion is overkill.

The brochure I received to determine the size required by me was very misleading and could certainly be interpreted improperly .( See attachment ). It is my understanding that septic tank sizing problems have been brought up at annual HOA meeting but to the best of my knowledge nothing has ever been done.

Any help from the PSC in solving these controversies would be appreciated.

Thank you ,

Judy Kenter

A handwritten signature in cursive script that reads "Judy Kenter". The signature is written in black ink and is positioned above the printed address.

Judy Kenter  
1794 Big Island Drive  
Roach, Missouri 65787

# Big Island

1. We will have a monthly fee for the waste water system ,of \$10.00 per month..This fee will be deposited to the Homeowners interest bearing account..
- 2, It is anticipated with the number of users to this system, that we will have an excess of funds in the interest bearing escrow account.
3. The schedule to oversee this system will be on a as needed basis. We have been advised that to oversee this particular system, to clean filters, check equipment and take samples will require 2 to 3 visits a week. Whoever is chosen, is to be state licensed and accountable to the state of Missouri.  
The cost to maintain and operate the system will depend entirely on the units and flow to the waste water system.
4. If a homeowner hooks up to the system , the fee is \$10.00 a month. If they elect to pay their \$4800.00, and a waste water stub is installed at their property, they will not be charged a monthly fee until they hook up.
5. We intend to accommodate each homeowner with the location of the stub out, most convenient to their needs.
- 6.. The funding for the new asphalt road has been funded and is the sole responsibility of the Folsom Ridge LLC. The monies for this project are in escrow at Central bank , Camdenton, Mo.
7. There will be 5 board members which will consist of the 3 developers , one new property owner and one existing property owner.
8. It is your option to hook up to this system. You are under no obligation to do so. If you have any concerns about the developers financial capabilities as stated, feel free to call Jeff Welsh at Central Bank of Camdenton, Mo. Telephone # 573 346 2203 and satisfy yourself as to the LLC's financial capabilities..
9. This offer to hook up to this system is completely voluntary to any existing homeowners. It is mandatory by the DNR for any new homeowners .

We hope that this addresses some of your concerns. If not feel free to contact me at 573 346 6158 . FAX same number..

Sincerely, Dave Lees

LAKE Professional Engineering Services, Inc.

Bowden Campbell, EIT

HCR 30 Box 59

Warsaw, MO 65355

Phone: 573-480-7100

James O. Jackson, P.E.

P.O. Box 27

Camdenton, MO 65020

Phone: 573-480-0508 • 573-873-3839

PROJECT DIG ISLAND  
CAL. FOR SEPTIC SYSTEM

PROJECT NO. \_\_\_\_\_

CALCULATION BY JOS

DATE 25 JULY 01

SEPTIC TANK SIZE:

1, 2 & 3 B/R HOUSE = 1000 GAL

4 B/R HOUSE = 1250 GAL

5 B/R HOUSE = 1500 GAL

PUMP TANK:

500 GAL TANK

OR

2400L FILTERED PUMP VAULT

OR

2400L PUMPING BASIN & FILTER

PUMP

10 GPM @ 170' HEAD - OSI P101012 - 10 STAGE

OR - APPROVED EQUAL.

*James O. Jackson, P.E.*

# **STEP Tank Specifications for BIG ISLAND SEWAGE TREATMENT SYSTEM**

## **PART 1 – GENERAL**

- 1.1 Scope of Work - The work covered by this specification shall consist of furnishing all labor, materials, and equipment necessary and performing all operations in connection with installation of a septic tank and pump in accordance with the plans and/or as herein specified.

The Contractor shall assume complete responsibility for all materials furnished and he shall replace, at his own expense, all such materials that are found to be defective or that have been damaged in handling.

- \* 1.2 Tank Sizing - shall be as follows: Homes with four or more bedrooms shall use a 1,500 gallon tank. Homes with three or less bedrooms shall use a 1,000 gallon tank.

- 1.3 General - The Contractor shall furnish and install the complete system.

All incidental work, as shown on the plans, including the excavation, grading, installation of the pump, installation of piping, installation of electrical, installation of septic tanks and needed equipment and all items pertaining there to shall be the responsibility of the contractor, unless specifically indicated otherwise by the owner and/or engineer.

- 1.4 Manufacturer Requirements - Shall provide the structural design and certification to the engineer for review. The design shall be in accordance with accepted engineering practice. Watertight fiberglass tanks of various capacities shall be installed at indicated location on plans.

All tanks shall be structurally sound and watertight and shall be guaranteed in writing by the tank manufacturer for a period of two years from the date of final acceptance. Manufacturer's signed guarantee shall accompany bids. The tank guarantee/warranty shall be furnished at the time of submittal. The septic tank shall be capable of withstanding long-term hydrostatic loading, in addition to the soil loading, due to a water table maintained at ground surface.

- 1.4 Equipment Supplier - Shall have system responsibility and have had a minimum of five (5) successful installations in the past five-(5) years (minimum 10,000 gallon installation). Names and Addresses of contact person shall be submitted to Engineer with shop drawings submitted in accordance with General Conditions.

## **PART 2 – PRODUCTS**

- 2.1 Interceptor Tank -

### **A. Fiberglass:**

#### **a. Method of Calculations:**

1. Fiberglass tanks shall be analyzed using finite element analysis for buried structures.
2. Calculations shall address the following:
  - i. strength with a minimum safety factor of 2.5



