

**MINUTES OF THE PUBLIC HEARING TO REVIEW THE  
ASSEMENTS FOR UNPAID USER FEES  
AND THE REGULAR MEETING OF BOARD  
MEMBERS OF  
LAKE WASHINGTON SANITARY DISTRICT  
December 14, 2015**

**1. Public Hearing Reviewing the Assessments for Unpaid User Fees**

**a. Open Public Hearing**

- Vice-Chairman Schmillen opened the Public Hearing at 7:00 p.m. on Monday, December 14, 2015 at the Mankato Municipal Airport Conference room at 3030 Airport Road, Mankato, MN 56001.

**b. Present the proposed assessment roll**

- The 2016 proposed assessments were reviewed.

**c. Public Commentary**

- None.

**d. Close Public Hearing**

- Vice-Chairman Schmillen closed the Public Hearing at 7:04 p.m.

**2. Call to Order**

Vice-Chairman Schmillen called the regular meeting of the Board to order at 7:06 p.m.

**3. Roll Call**

Present: Paul Aukes, Jerry Kallheim, Robert Schmillen, and Art Zuhlsdorf.

Absent: Larry Maruska.

**4. Review and approval of the agenda**

**Resolution 15.126:** Member Kallheim moved to approve the meeting agenda. Upon a second from Aukes, the motion passed by a vote of 4 in favor, 0 against, 0 abstained and 1 absent.

**5. Review and approval of the Minutes of the November 23, 2015 Meeting**

*Resolution 15.127:* Member Zuhlsdorf moved to approve the minutes of the November 23, 2015 Meeting. Upon a second from Aukes, the motion passed by a vote of 4 in favor, 0 against, 0 abstaining, and 1 absent.

**6. Officers Reports**

**a. Chairperson - Maruska**

- No report.

**b. Vice Chairperson – Schmillen**

- Met with I & S Group and Lake Jefferson representatives regarding a regional waste water system.

**c. Treasurer – Zuhlsdorf**

- Treasurer Zuhlsdorf reported the balance of the checking account as of December 8, 2014, is \$2,426,570.14.
- Bills totaling \$88,611.26 were reviewed for payment.

*Resolution 15.128:* Member Zuhlsdorf moved to approve payment of the bills as presented. Upon a second from Aukes, the motion passed by a vote of 4 in favor, 0 against, 0 abstaining, and 1 absent.

- The balance of the checking account after the bills are paid will be \$2,337,958.88.

**d. Secretary – James Deike**

- Certified the Supplemental Assessment to Blue Earth County on November 30, 2015.
- Completed the annual survey for bonding, and Full Disclosure Dissemination Agent Agreement for Northland Securities.

**8. Open Forum for Constituents**

- None.

**9. Old Business**

**a. Consider the Resolution imposing assessments for unpaid user fees**

**Resolution 15.129:** Member Aukes moved to adopt the special assessments for unpaid user fees totaling \$6,932.13. Upon a second received from Kallheim, the motion passed by a vote of 4 in favor, 0 against, 0 abstaining, and 1 absent. (complete resolution attached)

**b. City of Mankato Fralish/Bruender**

- Mary Fralish and Jim Bruender from the City of Mankato detailed the financial information of the Cities expenses for the Waste Water plant and infrastructure.

**c. Engineering**

- No Report.

**d. System Maintenance**

- Reviewed the current maintenance invoices.

**e. Refund detached Property Owners Levy amounts**

**Resolution 15.130:** Member Zuhlsdorf moved to issue payment to all the detached properties for the 2015 Tax Levy. Upon a second from Aukes, the motion passed by a vote of 4 in favor, 0 against, 0 abstaining, and 1 absent.

**f. Review Calendar of Events**

- Calendar was review with no changes being made.

**g. Other**

- Member Zuhlsdorf reviewed the banking fees, and interest amounts.

**Resolution 15.131:** Member Zuhlsdorf moved to have Community Bank as the financial institution for the District beginning in 2016. Upon a second from Kallheim, the motion passed by a vote of 4 in favor, 0 against, 09 abstaining, and 1 absent.

**8. New Business**

**a. Other**

- The Court of Appeals date is set for January 14,, 2016.

**9. Discuss Agenda for the December 28, 2014 Regular Meeting**

- The agenda will be set this week.

**10. Adjournment**

The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

/s/ James Deike

James Deike

Secretary of the Lake Washington Sanitary District

**RESOLUTION NO. 15.125**

**LAKE WASHINGTON SANITARY DISTRICT  
RESOLUTION IMPOSING ASSESSMENTS FOR UNPAID USER FEES  
AND CERTIFICATION OF ASSESSMENTS**

WHEREAS, the Board of Managers of Lake Washington Sanitary District (the “District”) has, pursuant to Minnesota Statute 429.061 and Section 7.4.10 of the District Code thereof, and prior to the date hereof and as required by law, made demand for unpaid user fees for services provided through the District’s waste water collection and conveyance system (the “Facilities”); and

WHEREAS, the persons identified in this Resolution have, notwithstanding the District’s demand, failed to pay the user fees identified herein; and

WHEREAS, pursuant to Section 7.4.10 of the District Code, unpaid user fees shall become a lien on the property that is served by the Facilities and in the event an owner shall fail to pay such user fees, as required by that Section, the District may undertake to have said fees certified as an assessment against the property at an interest rate of 8% per annum, to be collected and remitted to the District in the same manner as assessments for local improvements.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MANAGERS OF THE DISTRICT:

1. The District has determined that the following properties have received services and benefits of the District Facilities and that the amounts set forth below remain unpaid as of the date of this Resolution.

<b>Property Owner</b>	<b>Property Address</b>	<b>Parcel No.</b>	<b>Unpaid User Fees</b>
Glen Miller	7019 Damar Estates	R13.470.0190	\$1,623.03
Westwood Grill	1400 Lake Access Rd	R05.720.0720	\$5235.89
Peter Borchardt	6109 Shamrock Dr.	R13.445.0020	\$163.57
Mathew Oswald	3001 Mustang Dr.	R37.05.33.226.017	\$156.21
Mathew Oswald	3002 Mustang Dr.	R14.05.33.226.015	\$57.87
Joanne Torkelson	22509 Lake View Rd.	R39.10.02.153.005	\$224.73

2. The amounts set forth in the preceding paragraph shall constitute a special assessment against the lands and properties identified therein, and each tract of land and property identified therein is hereby found to be benefited by the services of the Facilities.

3. The assessment adopted by the foregoing Resolution shall be payable in a single installment to be payable with the general taxes collectable during the year 2014 and shall bear interest at the rate of 8% per annum from and after the date of adoption of this Resolution.

4. The owner of any lands or properties identified in this Resolution and so assessed may, at any time prior to the certification of the assessment to the County Auditor, pay to the Treasurer of the District the whole assessment on such property or land with interest accrued to the date of payment.

5. The Secretary of the District shall forthwith transmit a certified duplicate copy of this Resolution to the County Auditor of Le Sueur County, Minnesota to be extended on the respective tax lists of the County.

6. The Secretary of the District shall mail to each owner of the lands and properties described in this Resolution a notice stating the amount of the adopted assessment, the right of the property owner to prepay the entire assessment, the time in which prepayment may be made, and the rate of interest accruing thereon.

7. Adopted by the Board of Managers of Lake Washington Sanitary District this 14<sup>th</sup> day of December, 2015.

LAKE WASHINGTON SANITARY DISTRICT

By: /s/ Larry Maruska  
Larry Maruska  
Its: Chairman

ATTEST:

By: /s/ James Deike  
James Deike  
Its: Secretary

I, James Deike, Secretary of the Lake Washington Sanitary District, do hereby certify that Resolution No 15.125 was moved for adoption by Board member Aukes and seconded by Board member Kallheim and, upon vote being taken thereon, Resolution No.14.136 was adopted by a vote of 4 in favor, 0 against, with 0 abstained, and 1 absent.

Dated this 8<sup>th</sup> day of December 2015.

/s/ James Deike  
James Deike, Secretary