

**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
November 28, 2016**

1. Public Hearing Reviewing the Assessments for Unpaid User Fees

a. Open Public Hearing

- Chairman Schmillen opened the Public Hearing at 7:00 p.m. on Monday, November 28, 2016 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 totaling \$13,414.47.
- Reviewed the proposed assessment for Charles Draheim at 4617 Eastwood Ct., Madison Lake, MN 56063.

Resolution 16.108: Member Aukes moved to remove the proposed assessment on the Draheim Property. Upon a second from Westman, the motion passed by a vote of 5 in favor, 0 against, 0 abstaining, and 0 Absent.

- After removing the Draheim assessment to total proposed assessment totals \$12,811.48.

c. Public Commentary

- None.

d. Close Public Hearing

- Chairman Schmillen closed the Public Hearing at 7:05 p.m.

2. Call to Order

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

3. Roll Call

Present: Paul Aukes, Jerry Kallheim, Randy Westman, Art Zuhlsdorf, and Bob Schmillen.

4. Review and approval of the agenda

Resolution 16.109: Member Aukes moved to approve the meeting agenda. Upon a second from Kallheim, the motion passed by a vote of 5 in favor, 0 against, 0 abstained and 0 absent.

5. Review and approval of the Minutes of the November 14, 2016 Meeting

Resolution 16.110: Member Aukes moved to approve the minutes of the November 14, 2016 Meeting. Upon a second from Zuhlsdorf, the motion passed by a vote of 5 in favor, 0 against, 0 abstaining, and 0 absent.

6. Officers Reports

a. Chairperson - Schmillen

- No report.

b. Vice Chairperson – Aukes

- No report.

c. Treasurer – Zuhlsdorf

- Treasurer Zuhlsdorf reported the balance of the checking account as of November 28, 2016 is \$2,117,327.88.
- Bills totaling \$11,736.03 were reviewed for payment.

Resolution 16.111: Member Zuhlsdorf moved to approve payment of the bills as presented. Upon a second from Aukes, the motion passed by a vote of 5 in favor, 0 against, 0 abstaining, and 0 absent.

- The balance of the checking account after the bills are paid, and payroll deductions are made, will be \$2,105,591.85.
- The October financial statements were reviewed.

Resolution 16.112: Treasurer Zuhlsdorf moved to approve the October 31, 2016 Income Statement. Upon a second from Kallheim, the motion passed by a vote of 5 in favor, 0 against, 0 abstaining, and 0 absent.

Resolution 16.113: Treasurer Zuhlsdorf moved to approve the October 31, 2016 Balance Sheet. Upon a second from Kallheim the motion passed by a vote of 5 in favor, 0 against, 0 abstaining, and 0 absent.

d. Secretary – James Deike

- No report.

8. Open Forum for Constituents

- Ryan Magnus legal representative of Charles Draheim discussed the request of Mr. Draheim for reimbursement of expenses.
- The request was received today, and the Board has not had time to review the request, and will consider the proposal at the next regular meeting.

9. Old Business

a. Consider the Resolution imposing assessments for unpaid user fees

Resolution 16.114: Member Aukes moved to adopt the special assessments for unpaid user fees totaling \$12,811.48. Upon a second received from Kallheim, the motion passed by a vote of 5 in favor, 0 against, 0 abstaining, and 0 absent. (complete resolution attached)

b. Engineering

- No Report.

c. System Maintenance

- Reviewed the current maintenance invoices.
- The install of a new grinder station at the Draheim resident went well.
- Investigated the Folden property, the repairs will have to be done in the spring of 2017.
- Inventory still at Schwickerts will be picked up this week.
- Schwickerts will be attending the next regular meeting to review open invoices.

d. Review Calendar of Events

- Calendar was review with no changes being made.

e. Other

- Reviewed the MOU between the District and the City of Madison Lake.

Resolution 116.115: Member Kallheim moved to sign the MOU with the City of Madison Lake. Upon a second from Aukes, the motion passed by a vote of 5 in favor, 0 against, 09 abstaining, and 0 absent.

8. New Business

a. Other

- No other new business.

9. Discuss Agenda for the December 12, 2016 Regular Meeting

- The agenda will be set this week.

10. Adjournment

The meeting was adjourned at 8:18 p.m.

Respectfully Submitted,

/s/ James Deike

James Deike

Secretary of the Lake Washington Sanitary District

RESOLUTION NO. 16.114

**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.

Property Owner	Property Address	Parcel No.	Unpaid User Fees
Kate Anderson	61259 Kimble Ct	R37.05.28.251.004	\$450.86
Robert Boswell	1205 Bakers Bay Rd	05.440.0070	\$128.38
Peter Borchardt	6109 Shamrock Dr.	R13.445.0020	\$653.07
John Bungum	62318 Kopps Ln	R37.05.35.401.002	\$73.95
Gerald Schefer	62683 Shorewood Ln	R37.05.36.302.009	\$245.79
Tyler Baka	220 Jacks Dr	R37.05.28.301.009	\$11,259.43

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 2017 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 Blue Earth and Le Sueur County's, 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 28th day of November, 2016.

LAKE WASHINGTON SANITARY DISTRICT

By: /s/ Robert Schmillen
Robert Schmillen
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 16.114 was moved for adoption by Board member Aukes and seconded by Board member Kallheim and, upon vote being taken thereon, Resolution No.16.114 was adopted by a vote of 5 in favor, 0 against, with 0 abstained, and 0 absent.

Dated this 28th day of November 2016.

/s/ James Deike
James Deike, Secretary