

**MINUTES OF THE REGULAR MEETING OF BOARD
MEMBERS OF
LAKE WASHINGTON SANITARY DISTRICT
March 8, 2010**

1. Call to Order

Chairman Fahrforth called the regular meeting of the Board to order at 7:00 p.m. on Monday March 8, 2010 at the Westwood Marina, 1400 Lake Washington Access, Kasota, MN 56050.

2. Roll Call

Present: Robert Schmillen, Art Zuhlsdorf, and Ed Fahrforth.
Absent: Jerry Kallheim, and Larry Maruska,

3. Review and approval of agenda

Resolution 10.24: Member Schmillen moved to approve the meeting agenda. Upon a second from Zuhlsdorf, the motion past by a vote of 3 in favor, 0 against, 0 abstained, and 2 absent.

4. Review and approval of Minutes

Resolution 10.25: Member Zuhlsdorf moved to approve the minutes of the February 22, 2010 Regular meeting. Upon a second received from Schmillen, the motion passed by a vote of 3 in favor, 0 against 0, abstaining, and 2 absent.

5. Officers' reports

a. Chairman – Ed Fahrforth

- No Report.

b. Vice Chair – Larry Maruska

- No Report.

c. Treasurer – Art Zuhlsdorf

- The balance of the checking account as of March 8, 2010 was \$1,592,028.24.
- Bills totaling \$12,607.48 were reviewed for payment.

Resolution 10.26: Member Zuhlsdorf moved to pay the bills as presented. Upon a second received from Schmillen, the motion passed by a vote of 3 in favor, 0 against, 0 abstaining, and 2 absent.

- The balance of the checking account after the bills are paid will be \$1,579,420.76.

d. Secretary – James Deike

- The book value for the collateral with the Federal Reserve as of 2/28/10 was \$1,793,009.89.
- Received an insurance claim from Farm Bureau, in the amount of \$3,592.68.
- Received an affidavit of publications from the Mankato Free Press for the publication of ordinance 2010-001.
- Received a certificate of insurance for Schwickerts.
- Completed affidavits of posting for the Notice of Public Hearing, and Ordinance 2010-001.

6. Open forum from Constituents

- None.

7. Old Business

a. System Maintenance

- The Board reviewed maintenance invoices.

b. Annexation

- No report.

c. Public Hearing

- The hearing is set for March 22, 2010, at the Lake Washington County Park.

d. ISSS Permits

- A complainant was issued in Le Sueur County for providing ISSS without a District permit by Cory Seppmann Well Drilling, Inc..

e. Newsletter

- The newsletter has been completed, and will be sent this Month.

f. Review the 2010 Calendar of Events

- Reviewed calendar with no changes being made.

g. Other

- Member Schmillen reported that I & S Engineering will be working with Le Sueur County for the RV Park.
- Discussed the No-Fault Sewer Back-up Coverage.

Resolution 10.27: Member Zuhlsdorf moved to provide No-Fault Sewer Back-Up coverage to be provided by the League of Minnesota Cities Insurance Trust in the amount of \$25,000.00 per building per year. Upon a second from Schmillen, the motion passed by a vote of 3 in favor, 0 against, 0 abstaining, and 2 absent. (complete resolution attached)

8. New Business

a. Other

- No new business.

9. Discuss Agenda for the March 22, 2009 Public Hearing and Regular meeting

- Agenda will be set this week.

10. Adjournment

The meeting was adjourned at 7:41 p.m.

Respectfully Submitted

/s/ James Deike

James Deike

Secretary of the Lake Washington Sanitary District

RESOLUTION NO. 10-27

**RESOLUTION ESTABLISHING LIMITED SEWER BACK-UP
CLEAN UP AND PROPERTY DAMAGE PROTECTION
FOR MUNICIPAL SEWER CUSTOMERS OF THE
LAKE WASHINGTON SANITARY DISTRICT**

WHEREAS, the Lake Washington Sanitary District (the “District”) affords sanitary sewer services to the property owners within the District; and

WHEREAS, on occasion blockages or other conditions in the District sanitary sewer lines may result in the back-up of sewage into properties that are connected to those District sanitary lines; and

WHEREAS, sewer back-ups into property pose a public health and safety concern; and

WHEREAS, it is not always easy to discern the exact cause and responsibility for municipal sanitary sewer back-ups; and

WHEREAS, the Board of Managers desires to encourage the expeditious clean-up of properties that have encountered sewer back-ups; and

WHEREAS, the Board of Managers desires to minimize the potential of expensive lawsuits arising out of sewer back-up claims, and

WHEREAS, the District is a member of the League of Minnesota Cities Insurance Trust; and

WHEREAS, the League of Minnesota Cities Insurance Trust is making available to the District a limited “no fault” sewer coverage that will reimburse property owners for certain clean-up costs and property damage irrespective of whether the City is thought to be legally at fault.

NOW THEREFORE, BE IT RESOLVED, By the Board of Managers of the Lake Washington Sanitary District, as follows:

As part of the contract for the provision of sewer services to the customers of the District, and in consideration of the payment of sewer bills, the District agrees to reimburse its sanitary sewer customers for up to \$25,000.00 of clean-up costs and property damages caused by a sanitary sewer back-up, irrespective of whether the District is thought to be negligent or otherwise legally liable for those damages, subject to the following conditions:

- a. The back-up must have resulted from a condition in the District’s sanitary sewer system or lines, and not from a condition in a private line.

- b. The back-up must not have been caused by catastrophic weather or other event for which Federal Emergency Management Assistance is available.
- c. The back-up must not have been caused by an interruption in electric power to the District's sewer system or to any District lift station, which continues for more than 72 hours.
- d. The back-up must not have been caused by rainfall or precipitation that would constitute a 100-year storm as determined by the National Weather Service.
- e. Neither the District nor the League of Minnesota Cities Insurance Trust (LMCIT) will reimburse any costs which have been or are eligible to be covered under the property owner's own homeowners or other property insurance, or which would be eligible to be reimbursed under a National Flood Insurance Protection (NFIP) policy, whether or not the property owner actually has NFIP coverage.
- f. The maximum amount that the District or LMCIT will reimburse is \$25,000.00 per building per year. In this regard, a structure or group of structures served by a single connection to the District's sewer system is considered a single building.

Adopted by Lake Washington Sanitary District this 22nd day of March, 2010.

LAKE WASHINGTON SANITARY
DISTRICT

By: /s/ Ed Fahrforth
Ed Fahrforth
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 was moved for adoption by Board member Zuhlsdorf and seconded by Board member Schmillen and, upon vote being taken thereon, Resolution No. 10.27 was adopted by a vote of 3 in favor 0 against, with 0 abstained, and 2 absent.

Dated this 22nd day of March 2010.

/s/ James Deike
James Deike, Secretary