

**MINUTES OF THE SPECIAL MEETING OF BOARD
MEMBERS OF
LAKE WASHINGTON SANITARY DISTRICT
June 21, 2004**

1. Call to Order

Larry Maruska called the Special meeting of the Board to order at 7:33 p.m. on Monday, June 21, 2004, at the Lake Washington County Park Community Building, 47102 Washington Park Road, Kasota, MN 56050.

2. Roll Call

Present: Robert Bieraugel, Jerry Kallheim, George Warrant, Art Zuhlsdorf, and Larry Maruska.

3. Review and Approval of Agenda

Resolution 04.123: Robert Bieraugel moved to approve the agenda. Seconded by George Warrant. The Chairman requested additions to the agenda, the Lake Washington Improvement Association decision, Letter to the Property Owners, Approval of the Invoice received, and Approving the May 31, 2004 financial statement. Motion was passed by a vote of 5 in favor, 0 against, 0 abstained, and 0 absent.

Resolution 04.124: George Warrant move to approve payment of the Blethen Gage, & Krause bill in the amount of \$5,951.77. Seconded by Art Zuhlsdorf. Motion was passed by a vote of 5 in favor, 0 against, 0 abstained, and 0 absent.

Resolution 04.125: George Warrant move to approve the May 31, 2004 financial statements. Seconded by Robert Bieraugel. Motion was passed by a vote of 5 in favor, 0 against, 0 abstained, and 0 absent.

4. Approve corrected bond interest payment amount

- None.

5. Consideration of funding proposals from Minnesota Public Facilities Authority for the 2003 Sanitary Sewer Improvement Project, and adoption of Resolutions authorizing the execution of funding agreements and other necessary contracts and agreements for the funding of contracts to be awarded for the construction of the 2003 Sanitary Sewer Improvement Project

- Chuck Pettipiece has received the loan document Public Facilities Authority, along with a Draft of the required Resolution from the Bond Counsel.
- The loan document can be signed upon receipt of the final Resolution from Steve Bubul, which should be available for the June 23, 2004 meeting.

6. Consideration and evaluation of all bids received for the construction of the 2003 Sanitary Sewer Improvement Project, and adoption of Resolutions awarding contracts for the construction there of to the lowest responsible bidder

- All of the bids were reviewed, and discussed.

Resolution 04.126: Jerry Kallheim moved to award the contract for construction to the lowest responsible bidder. Seconded by Robert Bieraugel. Amendments were added to the resolution. Motion was passed by a vote of 5 in favor, 0 against, 0 abstained, and 0 absent. (Complete resolution as amended attached)

7. Consideration of any other action necessary for the advancement of the 2003 Sanitary Sewer Improvement Project

- Letter to Property Owners was reviewed and discussed the changes in the dates and information in the letter.

Resolution 04.127: Art Zuhlsdorf moved to authorize Mike Karp to complete the Newsletter with the corrections made for mailing. Seconded by George Warrant. Motion was passed by a vote of 5 in favor, 0 against, 0 abstained, and 0 absent.

8. Consideration of other matters that are properly presented at this Special Meeting.

- Discussed the Attorney General decision on the Lake Washington Improvement Association's request for repayment of the funds used for creation of the Sanitary District.

Resolution 04.128: Robert Bieraugel moved to authorize Mike Karp to issue a letter to the Lake Washington Improvement Association, along with the decision from the Attorney General office. Seconded by George Warrant. Motion was passed by a vote of 5 in favor, 0 against, 0 abstained, and 0 absent.

9. Adjournment of the Special Meeting

Resolution 04.129: Jerry Kallheim moved to adjourn the Special meeting. Seconded by George Warrant. Motion was passed by a vote of 5 in favor, 0 against, 0 abstained, and 0 absent. The Special meeting was adjourned at 8:11 p.m.

Respectfully Submitted,

/s/ James Deike /s/

James Deike

Secretary of the Lake Washington Sanitary District

RESOLUTION NUMBER 04.126

**RESOLUTION AWARDING CONSTRUCTION CONTRACT
FOR THE CONSTRUCTION OF THE
2003 SANITARY SEWER IMPROVEMENT PROJECT
AND AUTHORIZING THE EXECUTION THEREOF**

WHEREAS, by resolution dated August 11, 2003, the District Board of Lake Washington Sanitary District (the "District Board") ordered the 2003 Sanitary Sewer Improvement Project (the "Project") be made as proposed in the Facility Plan and Feasibility Study, and Amendment No. 1 to the Facility Plan and Feasibility Study prepared by Bolton & Menk, Inc.; and

WHEREAS, the District Board approved of the final plans and specifications for the Project as prepared by Bolton & Menk, Inc., and the final plans and specifications were filed with the Secretary of the District; and

WHEREAS, the District Board advertised for construction bids for the Project in accordance with Minnesota Law and Minnesota Statutes, Section 429.041; and

WHEREAS, on May 4, 2004, the District Board received construction bids for the Project from several bidders, and the bids were tabulated and reviewed by the District Board at that meeting. The Bid Abstract is attached hereto as Exhibit "A"; and

WHEREAS, the District Board has determined that the bid of GM Contracting, Inc. was validly submitted in compliance with the District's advertisement for construction bids, is valid in all respects, and that GM Contracting, Inc. is the lowest responsible bidder for the construction of the 2003 Sanitary Sewer Improvement Project.

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

RESOLVED, that the Board of Managers of the District hereby determines that GM Contracting, Inc., being the lowest responsible bidder for the Project, has submitted the lowest bid for the Project, being the base bid amount of \$5,085,932.11, and that the contract for the construction of the Project should be awarded to GM Contracting, Inc.

FURTHER RESOLVED that the contract for the construction of the Project be and hereby is awarded to GM Contracting, Inc., subject to the passage of the necessary resolutions by this Board accepting the offer of the Minnesota Public Facilities Authority to purchase a \$6,490,000.00 General Obligation Improvement Bond for the financing of the Project; and

FURTHER RESOLVED that the contract for the construction of the Project be and hereby is awarded to GM Contracting, Inc., subject to the final execution by the authorized officers of the District of the contract for the construction of the Project.

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FURTHER RESOLVED, that Lawrence Maruska, the Chairman of the Board of Managers of the District, and James Deike, its Secretary, are hereby authorized to execute and deliver to GM Contracting, Inc. the construction contract referred to in the foregoing resolution, on behalf of and in the name of the District, the approval of the Board of Managers to be conclusively evidenced by their signatures thereon.

Dated this 21st day of June, 2004

LAKE WASHINGTON SANITARY
DISTRICT

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

ATTEST:

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

I, James Deike, Secretary of the Lake Washington Sanitary District, do hereby certify that the foregoing resolution was moved for adoption by Board member Jerry Kallheim and seconded by Board member Robert Bieraugel and, upon vote being taken thereon, the foregoing resolution was adopted by a vote of 5 in favor and 0 against, with 0 absences or abstentions.

Dated this 21st day of June, 2004.

/s/ James Deike /s/
James Deike, Secretary