

## **ORDER ESTABLISHING THREE LAKE IMPROVEMENT DISTRICT**

This matter came before the Sherburne County Board of Commissioners on June 14, 2016, on a petition to establish a lake improvement district for Rush, Briggs and Julia Lakes. The Board, having considered the petition for a lake improvement district, the comments made at the public hearing held on May 16, 2016, the advisory report from the Department of Natural Resources and other written comments submitted, makes the following Findings and Order.

### **FINDINGS**

1. The Sherburne County Board of Commissioners received a Petition requesting the establishment of a lake improvement district for Rusk, Briggs and Julia Lakes.
2. The signatures on the Petition have been verified by the Sherburne County Auditor/Treasurer and the Petition meets the requirements of Minn. Stat. § 103B.521.
3. Notice of the May 16, 2016 public hearing on the Petition was published in both the Sherburne County Citizen and the Elk River Star News on April 23 and April 30, 2016.
4. Notice of the public hearing was mailed to all property owners within the proposed lake improvement district on April 21, 2016. Notice of the public hearing was also mailed to the Palmer Township Board of Supervisors, the Commissioner of the Minnesota Department of Natural Resources and to the Commissioner of the Minnesota Pollution Control Agency on April 21, 2016.
5. The Petition and supporting documents were made available to the public on the County's web site and in the office of the County Auditor/Treasurer.
6. Rush Lake, Briggs Lake and Lake Julia are included on the Pollution Control Agency's list of impaired waters due to high levels of phosphorous and chlorophyll a.
7. Rush Lake, Briggs Lake and Lake Julia have experienced chronic problems with aquatic invasive species, including curly leaf pondweed. Eurasian watermilfoil was discovered in Rush Lake in 2014.
8. The reasons to create the lake improvement district include: (1) to maintain and improve water quality ; (2) to prevent, control and manage aquatic invasive species on the lakes; (3) to educate property owners on the lakes on water quality issues and related environmental issues and to engage property owners in finding solutions to control, manage and respond to water quality issues on the lakes; and (4) to obtain financial assistance through public and private grants and other funding sources for the study and treatment of pollution, aquatic invasive species and other water quality issues.
9. The property included within the boundaries of the lake improvement district will benefit by the establishment of the district.

10. The establishment of the lake improvement district is appropriate and will promote public welfare and will protect, preserve and improve the quality of the lakes.

**ORDER**

Now therefore, the Sherburne County Board of Commissioners hereby orders the establishment of a lake improvement district for Rusk, Briggs and Julia Lakes as follows:

1. **Name.** The name of the lake improvement district shall be:

Three Lake Improvement District

2. **Boundaries.** The boundaries of the lake improvement district shall include all parcels with lake frontage on Rush Lake, Briggs Lake and Lake Julia, and the bayou extending from Briggs Lake, as shown on Attachment A.

3. **Programs and Services.** The water and related land resource management programs that may be undertaken by the lake improvement district include:

- a. Develop and implement a comprehensive plan to monitor and improve water quality within the district as needed;
- b. Apply for and receive public or private grants and/or enter into agreements with federal/state/local agencies or private contractors for the study and treatment of issues related to pollution, aquatic invasive species and water level related issues;
- c. Undertake research to determine the condition of water bodies within the district and coordinate and share such research with the Department of Natural Research, the Pollution Control Agency, and other interested agencies, including the Soil and Water Conservation District and the Elk River Watershed Association;
- d. Conduct programs for water quality monitoring, water quality improvement and conservation, including, but not limited to, programs to prevent, monitor and/or control the infestation of aquatic invasive species;
- e. Enter into cooperative agreements with federal/state/local agencies to effectuate water quality programs; and
- f. Such other programs, plans, studies or activities as may be approved by the County Board from time-to-time.

4. **Authority.** Pursuant to Minnesota statute § 103B.551, subd. 3, the Sherburne County Board of Commissioners delegates to the lake improvement district the authority to:

- a. acquire property, equipment, or other facilities, by gift or purchase to improve navigation;
- b. contract with a board of managers of a watershed district within the lake improvement district or the board of supervisors of a soil and water conservation district within the district for improvements under chapters 103C and 103D;
- c. undertake research to determine the condition and development of the body of water and the water entering it and to transmit the results of the studies to the Pollution Control Agency and other interested authorities;
- d. develop and implement a comprehensive plan to eliminate water pollution;
- e. conduct a program of water improvement and conservation;
- f. receive financial assistance from and participate in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and related demonstration programs; and
- g. make cooperative agreements with the United States or state government or other counties or cities to effectuate water and related land resource programs.

5. **Financing.** Funding for the lake improvement district shall be from any combination of the following:

- a. Receipts of private and public donations and public or private grants.
- b. After first seeking public and private donations, grants and other available sources of funding, the lake improvement district may request that the County Board approve one or more of the following funding sources, which approval may be granted, revoked or modified by the County Board annually:
  - i. Assessment of costs of projects upon the benefitted property within the district in the manner provided in Minnesota statutes chapter 429.
  - ii. Imposition of service charges on the users of lake improvement district services.

6. **Board of Directors.** The Board of Directors of the lake improvement district shall consist of seven members. The Board members must own property within the lake improvement district and a majority of the Directors must reside within

the district. The initial Directors will be appointed by the Sherburne County Board of Commissioners with designated alternating terms of one, two and three years. No Director may serve more than two consecutive complete terms. Directors may be removed by two-thirds vote of the remaining Board members, or by a majority of the property owners present at the next annual meeting. A vacancy may be declared if a Director is unable or unwilling to serve, if a Director fails to attend three consecutive meetings, or if a Director is no longer owns property within the district. A Director elected to fill a vacancy shall serve the remaining unexpired term. Property owners not present at the annual meeting may participate in the election of the Board of Directors by absentee ballot. Absentee ballots must be received at the office of the lake improvement district no later than the business day prior to the date of the annual meeting. Absentee ballots received after that date shall be void.

7. **Duties of the Board of Directors.** The Board of Directors shall have the authority to direct the activities and programs of the lake improvement district only to the extent such authority has been granted to the district in this Order. The Board of Directors may adopt rules of procedure for conducting meetings and shall maintain a public record of all meetings, reports and financial activities. Such reports and records shall be forwarded to the County at the request of the County Liaison. The Board of Directors shall coordinate the efforts of the lake improvement district with the County, the Soil and Water Conservation District, the Elk River Watershed Association, the Department of Natural Resources, the Pollution Control Agency and other interested agencies, as applicable.
  - a. **Annual Meeting.** The Board of Directors shall hold at least one annual meeting. The first annual meeting shall be held in July or August and shall continue to be held annually during that period unless changed by a vote at the previous annual meeting. Notice of the annual meeting shall be published and shall be mailed to the County, Palmer Township, the Department of Natural Resources and the Pollution Control Agency as required by Minn. Stat. § 103B.571, subd. 2.
  - b. **Annual Meeting Agenda.** In addition to other business that may be conducted at the annual meeting, the property owners who are present at the annual meeting shall: (i) elect Directors to fill any midterm vacancies; (ii) approve a budget for the fiscal year; and (iii) approve or disapprove proposed projects by the district having a cost to the district of \$5,000 or more. In addition, all property owners in the district, including absent members, shall elect Directors to fill positions created by expiring terms.

c. Annual Report. Each year the Board of Directors shall prepare and file a report of the financial conditions of the district, the status of all projects in the district, the business transacted by the district, other matters affecting the interests of the district, and a discussion of the directors' intentions for the succeeding years. Copies of the report shall be transmitted to the County Board, the Palmer Town Board, the Commissioner of the Department of Natural Resources, and the Pollution Control Agency no later than four months after the annual meeting.

8. County Liaison. The Sherburne County Public Works Director, or such other person as the County Board may designate from time-to-time, shall be the liaison between the County and the lake improvement district and may review, on behalf of the County, the lake improvement district's programs. The Public Works Director, or designee, and the Commissioner of the Department of Natural Resources, and their designees, shall be given prompt access to and inspection of all records, structures, facilities and operations of the lake improvement district at reasonable times. The Public Works Director, or designee, will make an annual report to the County Board on the activities and programs of the lake improvement district.

9. Publication and Notice. This Order shall be published in the official newspaper of the County and the effective date of establishment of the lake improvement district shall be 30 days after publication. A copy of this Order shall be filed with the Secretary of State, the Pollution Control Agency and the Commissioner of Natural Resources.

SHERBURNE COUNTY  
BOARD OF COMMISSIOENRS

Dated: \_\_\_\_\_

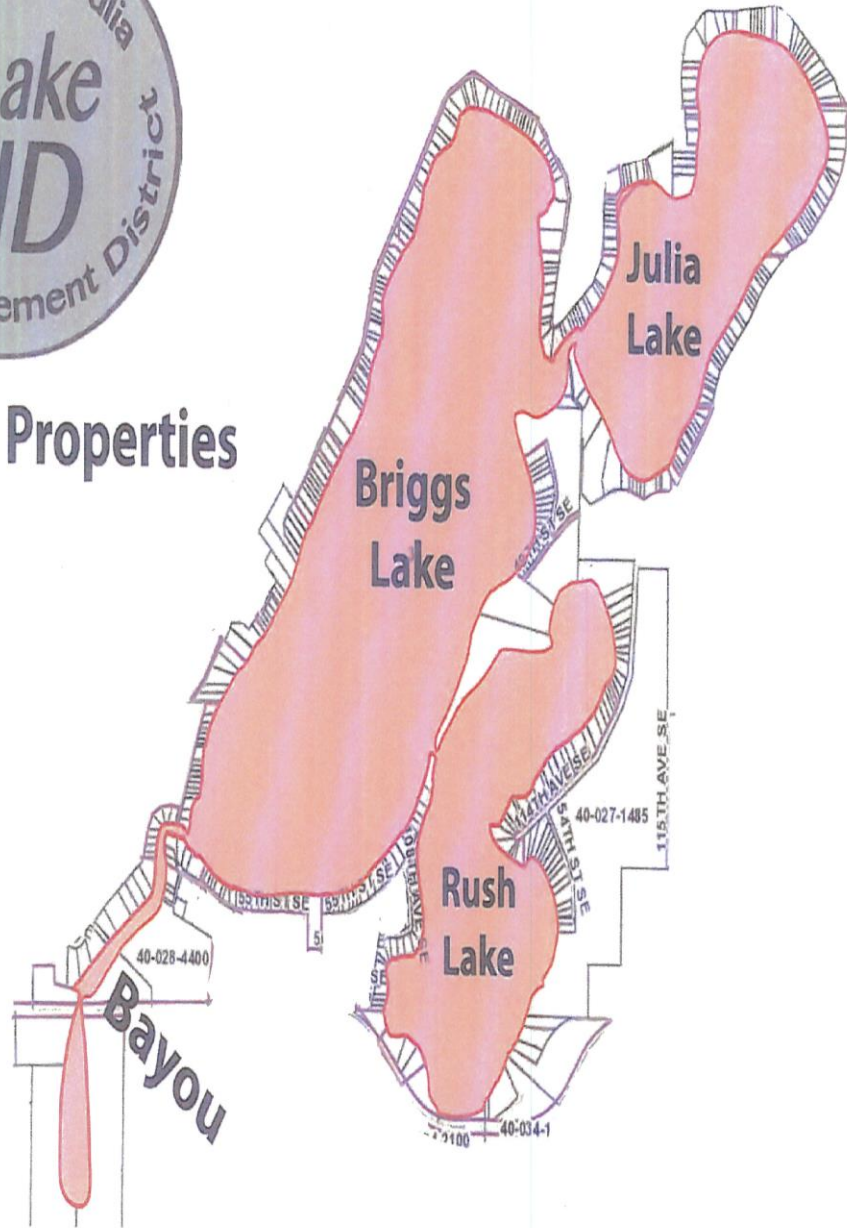
By: \_\_\_\_\_  
Ewald Petersen, Chair

ATTEST:

\_\_\_\_\_  
Steve Taylor  
County Administrator



## Included Properties



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