

REQUEST FOR BOARD ACTION

DATE: November 13, 2007

Date of Board Meeting

Auditor
ORIGINATING DEPARTMENT

DE
DEPARTMENT APPROVAL:
Dept Head Initial

AGENDA ITEM: Lake Improvement District Petition

PREVIOUS ACTION:

None

RECOMMENDED BOARD ACTION: Receive petition and set public hearing date

COMMENTS:

The Crow Wing County Auditor's Office received a petition requesting the establishment of the Sibley Lake Improvement District pursuant to MS 103B.521 on October 18, 2007. The petition requested the establishment of the district for the purpose of addressing lake management, aquatic vegetation control and related services. The petition set forth the costs for these services as \$18,500 per year, and submitted that these costs be assessed as one unit per property owner immediately adjacent to Sibley Lake at a cost of \$108.40 per year.

The petition contained the required submittals including a map of the district and requested the board of directors number be set at nine. The petition contained 85 signatures. Crow Wing County records indicate there are 163 owners of property immediately adjacent to Sibley Lake. The Auditor's Office verified there are 84 valid signatures on the submitted petition, therefore the statutory requirement of 51% of property owners petitioning has been attained.

A copy of the petition has been forward to the DNR and MPCA for review as required by DNR Rules. According to Statute, the County Board must set a public hearing on the petition within 30 days of receiving the petition. When the hearing date is set, notice will be mailed to the cities/townships in which the lake is located as well as to the DNR and MPCA of the hearing date for them to provide comment for the public hearing.

We recommend setting the public hearing for 11:00 a.m. on December 11, 2007.

Approximate length of presentation: 5 minutes

Please state time preference, if any:

(Published in the Brainerd Dispatch, November 28, 2007. 1t.)

NOTICE OF PUBLIC HEARING

The Crow Wing County Board of Commissioners has scheduled a public hearing pursuant to Minnesota Statute 103B.521 for 11:30 a.m. on Tuesday, December 11, 2007, in the Board Room, 3rd Floor, Historic Courthouse, 326 Laurel Street, Brainerd, Minnesota.

The purpose of the public hearing is to consider establishment of the Sibley Lake Improvement District.

For further information regarding said hearing, contact the Crow Wing County Auditor's Office, 326 Laurel Street, Suite 22, Historic Courthouse, Brainerd, Minnesota 56401-3590, (218) 824-1045.

/s/ Deborah A. Erickson
DEBORAH A. ERICKSON
COUNTY AUDITOR
CROW WING COUNTY
MINNESOTA

Dated at Brainerd, Minnesota, this 13th day of November, 2007.

Affidavit of Publication

State of Minnesota)

County of Crow Wing)

ss.

Ann Windorski, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as the Brainerd Dispatch, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Notice Of Public Hearing which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on Wednesday the 28th day of November, 2007, and was thereafter printed and published on every _____ to and including _____ the _____ day of _____, 2007; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

abcdefghijklmnopqrstuvwxyz

By:

Ann Windorski

Title: Agent

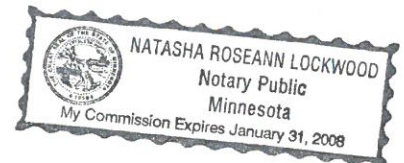
Subscribed and sworn to before me on this 28th day of November, 2007

Natasha Roseann Lockwood
Notary Public, Minnesota

(Notarial Seal)

My Commission Expires

Publication Fee \$26.73



RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$9.72 /column inch
- (2) Maximum rate allowed by law for the above matter \$13.50 /column inch
- (3) Rate actually charged for the above matter \$9.72 /column inch

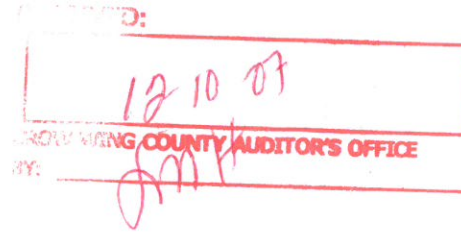


Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-4000

December 6, 2007

Ms. Deborah Erickson, County Auditor
Crow Wing County Courthouse
326 Laurel Street, Suite 22
Brainerd, MN 56401



Re: Sibley Lake, Lake Improvement District, Crow Wing County, Minnesota
DNR Advisory Report

Dear Ms. Erickson:

The Department of Natural Resources (DNR) has received the petition for establishment of a Lake Improvement District for Sibley Lake in Crow Wing County pursuant to Minnesota Statutes 103B.521, and Minnesota Rules 6115.097.

MS§103B requires the DNR to prepare an advisory report to the County regarding the LID. The DNR does not recommend approval of this LID based on the information we have received and reviewed. The DNR also requests postponement of your decision regarding this LID as provided for in Minnesota Rule part 6115.097, subpart 6. I have called your office several times to discuss this issue, but have not been able to reach you. Our basis for this recommendation follows.

Minnesota Statute 103B.521 Subdivision 1 requires that a petition to establish a Lake Improvement District must contain the following information:

1. The name of the proposed lake improvement district;
2. The necessity of the proposed district to promote public health or public welfare;
3. The benefits to property from the establishment of the lake improvement district;
4. The boundaries of the proposed district which shall be encouraged to be as consistent as possible with natural hydrologic boundaries;
5. A map of the proposed district;
6. The number, from five to nine, of directors proposed for the district; and
7. A request for establishing the district as proposed.

Minnesota Rules 6115.097 Subpart 1 expands on these statutory obligations to require that petitions include:

1. A written statement of lake problems and objectives
2. The proposed type or types of water and related land resource management programs to be undertaken by the proposed district. This shall include a detailed statement of intended studies, management programs, remedial actions, and construction projects.
3. A statement of the means by which the programs will be financed.

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929



4. A map showing the boundaries of the proposed lake improvement district. The map shall show the number and location of permanent homes and seasonal dwellings in the district. The scale of the map, and basic geographical information, such as range, township, and section numbers, shall be clearly indicated on the map.
5. The number of directors proposed for the district.
6. Copies of local ordinances which regulate use of the lake or any public access.
7. Any information indicating the degree of local interest and commitment to future management.
8. The identification of any lands and waters which may be adversely affected by the implementation of district purposes, and a preliminary assessment of these adverse effects.
9. A statement outlining the adequacy and ownership of public accesses, including public lands and beaches.
10. An estimate of the total equalized valuation of the property within the district.
11. Any other information demonstrating accordance with the criteria and standards for establishment as contained in part 6115.096.

The submitted petition meets the MS 103B.521 requirement for numbers 1,6, and 7 above, and the MR 6115.097 requirement for numbers 3 and 5 above. The information required by MS 103B.521 Nos. 2,3,4,and 5, and MR 6115.097 Nos. 1,2,4, and 6-11 above has not been submitted, and therefore DNR does not recommend approval of the Sibley Lake Improvement District petition.

The Sibley Lake Improvement District is being proposed primarily for aquatic plant management, presumably to control the spread of curlyleaf pondweed. However, the petition does not discuss the extent or history of the problem, the nature or severity of the harm that curlyleaf pondweed causes, the strategy to be adopted in its control or eradication, the history of curlyleaf pondweed control on Sibley Lake, the anticipated benefits to the lake, a discussion of the goals that the Association hopes to achieve (e.g., restriction of curlyleaf pondweed to 25% of the lake, restoration of navigation to areas now non-navigable) or the consequences to the lake of the adoption of this strategy. All of this information is needed to fulfill the requirements of Nos. 2 and 3 above, as well as to enable the DNR to prepare a helpful advisory report. In addition, the petition states that the district is also being established for 'lake management' and 'related services', but there is no indication of what is meant by these references; in the absence of elaboration and context, these goals cannot be evaluated.

Supplemental information furnished by the Sibley Lake Association states that it has contracted with Professional Lakes Management to treat for curly leaf pondweed and to conduct water quality studies. More detail on the types of services being contracted for is needed in the proposal.

The boundary of the proposed LID, as required in statute and rule, is not clear from the submitted materials. It is likely that the Association intends the boundary to consist of the lake and those properties abutting the lake; however, this is not explicitly stated or illustrated. The proposal should contain a map of the lake with the land areas to be included in the LID boundary delineated; often, tax parcel maps are used for this purpose (and tax and property valuation information is necessary according to rule in any event). Also, considering the large contributing

watershed, DNR suggests that the LID should consider the development of a district boundary that includes the rest of the watershed, especially if water quality is one of the problems of concern to the LID. If the LID intends to limit the district boundary to the lake and adjacent properties, the proposal should discuss why this is an appropriate choice and what steps it intends to take to mitigate any difficulties created by not including the watershed. A copy of the Sibley Lake Directly Contributing Watershed is attached along with a table showing lake and adjacent watershed acreage.

Minnesota Rules 6115.097 Subpart 3 prescribes notice requirements for the public hearing to discuss the proposed LID. Based on the notice we received from your office, these notice requirements have not been met. The DNR recommends that you postpone the hearing to provide proper notice and to allow the Sibley Lake Association time to correct the omissions in their proposal.

While the Department of Natural Resources encourages the development of lake improvement districts to address local lake issues, a LID must still meet and conform to all local and state permit requirements including regulations for aquatic plant management. Please also note that M.S. 103B.51 requires a LID hold an annual meeting and submit an annual report to the County with copies to any included cities, townships, DNR and PCA within four months of the meeting.

Sincerely,
DIVISION OF WATERS

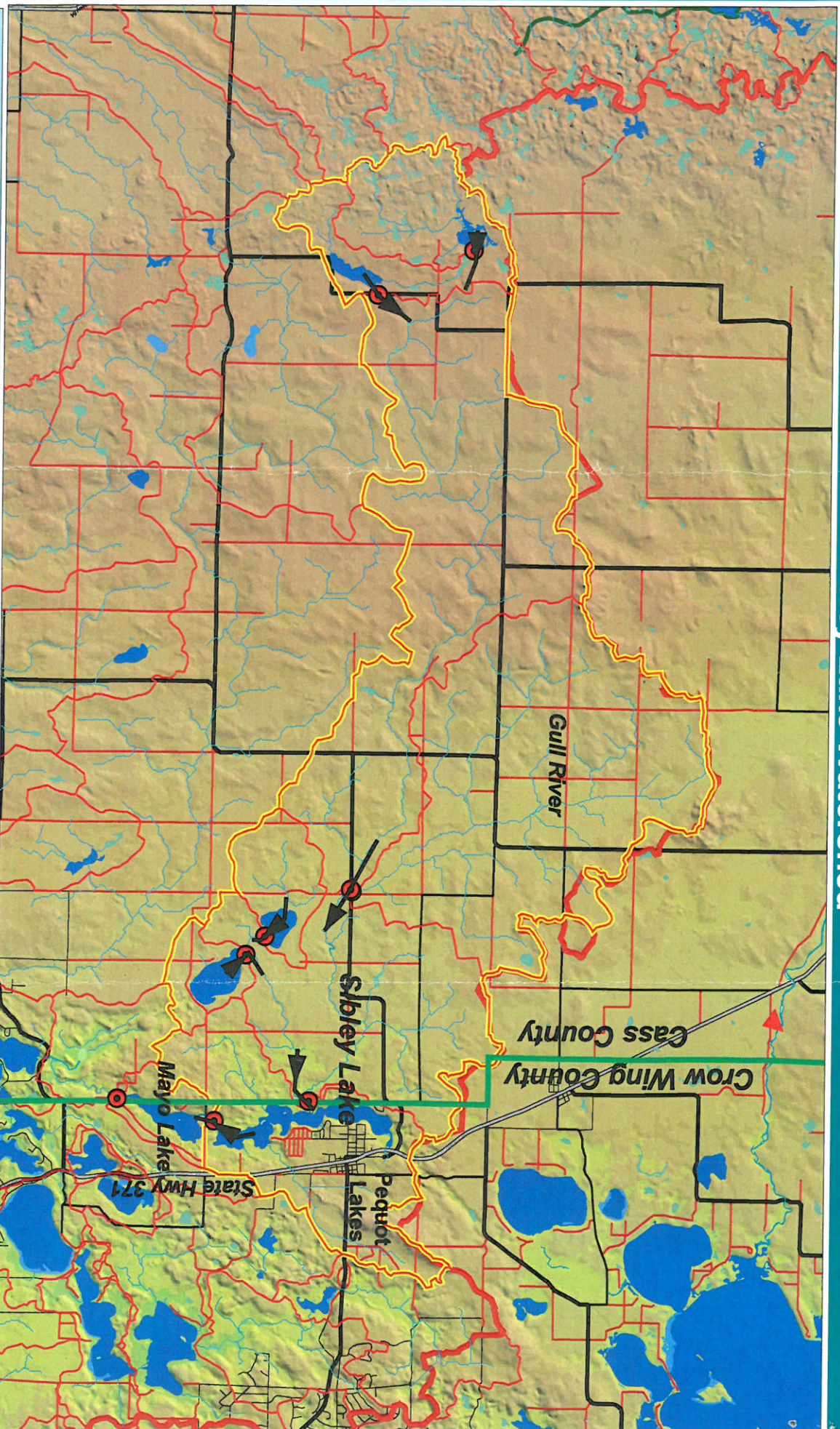


Kathleen D. Metzker
Landuse Hydrologist

Attachment

cc: Joe Oschwald
Peder Otterson
Mike Peloquin
Rebecca Wooden

Sibley Lake Watershed



This watershed map was produced by the Lake Watershed Delineation Project.

The watershed data presented here are part of the National Watershed Boundary Dataset (WBD). A Hydrologic Unit (HU) is the smallest division in the nested, hierarchical watershed classification system of the WBD.

Electronic data for use in a GIS (Geographic Information System) can be downloaded from the DNR Data Deli: <http://deli.dnr.state.mn.us/>



- Drainage Direction
- Hydrologic Unit Four Points
- Gull Hydrologic Unit
- Major Watershed Boundaries
- Sibley Lake Watershed



Watershed	Area	
	Acres	Square Miles
Sibley Lake downstream=18040400	418	0.65
Directly contributing watershed HU ID=1212601	4433	6.93
total upstream contributing watershed	35162	54.94

- NOTICE OF PUBLIC HEARING -

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The purpose of the public hearing is to consider establishment of the Sibley Lake Improvement District.

For further information regarding said hearing, contact the Crow Wing County Auditor's Office, 326 Laurel Street, Suite 22, Historic Courthouse, Brainerd, Minnesota 56401-3590, (218) 824-1045.


DEBORAH A. ERICKSON, COUNTY AUDITOR
CROW WING COUNTY, MINNESOTA

Dated at Brainerd, Minnesota, this 13th day of November, 2007.

(Published in the Brainerd Dispatch, November 28, 2007, 1 t.)

(Published in the Brainerd Dispatch,
April 9, 2008. 1t.)

**NOTICE OF CONTINUATION OF
PUBLIC HEARING**

The Crow Wing County Board of Commissioners has scheduled a continuation of a public hearing pursuant to Minnesota Statute 103B.521 for 9:45 a.m. on Tuesday, April 22, 2008, in the Board Room, 3rd Floor, Historic Courthouse, 326 Laurel Street, Brainerd, Minnesota. The purpose of the continuation of this public hearing is to consider establishment of the Sibley Lake Improvement District. For further information regarding said continuation of hearing, contact the Crow Wing County Auditor's Office, 326 Laurel Street, Suite 22, Historic Courthouse, Brainerd, Minnesota 56401-3590, (218) 824-1045.

/s/ Deborah A. Erickson
DEBORAH A. ERICKSON
COUNTY AUDITOR
CROW WING COUNTY
MINNESOTA

Dated at Brainerd, Minnesota, this
21st day of February, 2008.

Affidavit of Publication

State of Minnesota)

County of Crow Wing)

ss.

Ann Windorski, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as the Brainerd Dispatch, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Notice Of Continuation Of Public Hearing which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on Wednesday the 9th day of April, 2008, and was thereafter printed and published on every _____ to and including _____ the _____ day of _____, 2008; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

abcdefghijklmnopqrstuvwxyz

By: Ann Windorski

Title: Agent

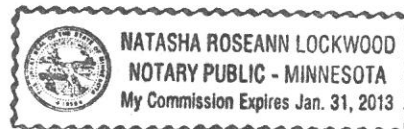
Subscribed and sworn to before me on this 9th day of April, 2008

Natasha Roseann Lockwood
Notary Public, Minnesota

(Notarial Seal)

My Commission Expires

Publication Fee \$30.71



RATE INFORMATION

- | | |
|--|------------------------------|
| (1) Lowest classified rate paid by commercial users for comparable space | \$ <u>9.45</u> /column inch |
| (2) Maximum rate allowed by law for the above matter | \$ <u>13.90</u> /column inch |
| (3) Rate actually charged for the above matter | \$ <u>9.45</u> /column inch |



Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-40__

April 14, 2008

Ms. Deborah Erickson, County Auditor
Crow Wing County Courthouse
326 Laurel Street, Suite 22
Brainerd, MN 56401

RECEIVED:

4-17-08
CROW WING COUNTY AUDITOR'S OFFICE
BY: *SMH*

Dear Ms. Erickson:

DNR ADVISORY REPORT ON THE FORMATION OF SIBLEY LAKE IMPROVEMENT DISTRICT, CROW WING COUNTY

Pursuant to Minnesota Rules Part 6115.0970, Subp. 5, the Minnesota Department of Natural Resources has reviewed the information submitted by Crow Wing County regarding the creation of the Sibley Lake Improvement District, and offers the following report for submission to the public hearing on April 22, 2008:

1. A map showing the direct watershed area of Sibley Lake is attached.
2. Information from DNR LakeFinder shows that Sibley Lake has a surface area of 418 acres with a littoral area (15 feet deep or less as per M.R. Part 6280.0100, Subp. 9) of 255 acres, or approximately 61% of the lake's surface area. Generally, the littoral zone is the part of a lake where aquatic plants are able to grow, though the maximum depth at which plants can grow depends on water clarity and so varies from lake to lake and even from year to year within the same lake. The lake's maximum depth is 40 feet.
3. The ratio between watershed and surface area on Sibley Lake is high (more than 10:1 for the directly contributing watershed and 86:1 for the total upstream watershed).
4. Although almost all of Sibley Lake is in Crow Wing County, the vast majority of the watershed is in Cass County.
5. Some riparian properties are in Cass County rather than Crow Wing County.
6. Sibley Lake is classified as a General Development (GD) lake. GD lakes have structural setbacks of 75 feet above the Ordinary High Water Level (OHWL) in areas without public sewers.
7. Sibley Lake residents have been working with the Minnesota Pollution Control Agency (MPCA) in the Citizen Lake Monitoring Program (CLMP) since 1987. The lake is mildly eutrophic, slightly above average for comparable lakes in the region, and has an average clarity of 6 feet, slightly below average for comparable lakes in the region.

Analysis

The Association proposes to form the LID to address the following concerns: water quality issues; aquatic plant management (especially curly leaf pondweed); increasing fish population (especially walleye); habitat protection; and the promotion of environmental practices that preserve the quality of life.

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Sibley Lake has a large watershed and a large littoral area. Native submerged plants are abundant and fairly diverse, with 39 species present. This vegetation is critical to maintaining healthy fish populations. Emergent plants such as bulrush and wild rice occur along the shoreline. It is essential to protect and maintain these plants as they are important for shoreline protection, water quality maintenance, and spawning habitat provision for northern pike, bass, and panfish. Submerged plants provide food and cover needed by fish and other aquatic species.

Aquatic Plant Management

Control of curlyleaf pondweed is the Association's primary aquatic plant management goal. The plant is present in the lake in nuisance proportions, covering 116 acres (or 45% of the littoral area) in 2004. DNR-Fisheries (Brainerd) worked with the Association to develop an aquatic plant management plan, which calls for: curlyleaf pondweed control through early season application of herbicides in six major control areas, and mechanical removal in other areas as necessary; development of a shoreline management plan to assist individual landowners; and education and assistance to homeowners regarding lake stewardship with an emphasis on aquatic plants and shoreline management. Because the extent of the curlyleaf pondweed infestation is so high, the DNR has waived the 15% limitation for pesticide control of submerged aquatic plants (MR Part 6280.0350 Subpart 4A), as applied specifically to curlyleaf pondweed in the six major control areas. This waiver does not extend to curlyleaf pondweed control in other areas and by individual landowners; treatment in these areas will conform to rule and statute. The DNR encourages the Association to continue to work closely with DNR-Fisheries (Brainerd) to monitor the impact of treatment activities (including recolonization of vacant littoral areas by new vegetation), adjust control areas and treatment sizes as necessary, and determine how long the waiver can remain in effect. The DNR wants to minimize the extent to which cleared littoral areas are colonized by more curlyleaf pondweed, Eurasian watermilfoil (EWM), or other invasive species, and therefore frequent monitoring of these areas is necessary.

The Association also proposes to develop shoreland management demonstration sites and provide aquatic plant identification and management information and education to landowners. The DNR encourages the Association in these educational and restorational efforts. Establishment or restoration of native vegetation along the shoreline and in the littoral area will promote all of the Association's objectives: improvement and maintenance of water quality; reduction in curlyleaf pondweed; improvement of fish populations; and habitat improvement and preservation. The Association should work with the DNR and other agencies to develop demonstration sites and vegetation lists appropriate for Sibley Lake.

Fisheries Management

The Association has identified as another major goal an increase in the size and numbers of the fish population in the lake. In the past the DNR, Area Fisheries Station has, with support from the Lake Association, stocked walleye fingerlings in the lake. According to the DNR Lakefinder, walleye fry, fingerlings, and yearlings have been stocked in Sibley Lake every year from 2000 to 2003 and again in 2006. DNR Fisheries-Brainerd has developed a Fisheries Management Plan for the lake, and the Association's fisheries management activities should be conducted in accordance with this plan and in coordination and consultation with DNR Fisheries-Brainerd. The DNR reminds the Association that a crucial element in their fisheries management activities is the removal of any beaver dams on Mayo Creek, at the outlet of Sibley and Mayo Lakes. The presence of a dam at this outlet during the spring spawning run prevents

walleyes from migrating from Gull Lake into Sibley Lake. Maintenance of this passage is critical to the establishment and maintenance of a viable walleye population in the lake. The DNR does not support the practice of regularly artificially replenishing the numbers in a species that shows poor survival and negative impacts on the rest of the fish community, and the triennial walleye stocking proposed in the DNR's 2006 Fisheries Management Plan is contingent upon the maintenance of this fish passage. In addition, Sibley Lake has other characteristics that reduce its suitability for a sustainable walleye population: it is ecologically a bass-panfish and northern pike lake; it has no hypolimnetic oxygen during most of the summer, when walleye need deep water refuges from high surface water temperatures; and its yellow perch population may be inadequate to sustain walleye. The Association should continue to work with DNR Fisheries on this issue and be prepared to abandon its walleye goals if it cannot achieve a sustainable population. The Association should also work with the DNR to acquire shoreland for establishment as an Aquatic Management Area to protect fish spawning and nursery habitat.

Water Quality Issues

The Association has identified water quality as its primary priority; however, water quality protection and improvement cannot be achieved within the proposed LID boundary of only riparian properties in Crow Wing County. Since this lake has a very large watershed, water quality is heavily affected by activities occurring in the watershed, and the potential to improve lake water quality without addressing these activities will be extremely limited. Specific water quality related objectives that the Association has identified include: collect water quality data to establish a baseline for the lake's current state, and devise a useful means of reporting and sharing these data; identify problem algae sites along the shoreline, and work with Cass and Crow Wing Counties to determine the source(s) of the problems; work with the landowners on Mayo Creek to reduce their nutrient contributions to the lake; and work with the City of Pequot Lakes and the DNR to reduce runoff from the old Ramsey Street lake access. The DNR encourages the Association to work with its consultant, the MPCA, and the Crow Wing County and Cass County Soil and Water Conservation Districts to monitor lake water quality data and pursue their algae abatement projects. Although it is possible that runoff from Mayo Creek affects the lake, the DNR is not aware of any studies supporting this position. The DNR encourages the Association to work with the Cass County SWCD and the MPCA on this issue.

Although water quality protection will be difficult to manage with only riparian properties within the LID boundaries, there are some strictly riparian activities that the petitioners can pursue to protect the lake's water quality. These include education and development and protection of native vegetation strips as buffer zones along the shoreline, and maintenance of compliant sewage treatment systems (SWTs). Native vegetation in the Shore Impact Zone (defined as half the structure setback distance) acts as a buffer to filter pollutants and provides critical habitat and migration corridors for animals living in and around the lake. Noncompliant SWTs can also be a major source of pollution, and the petitioners are encouraged to develop a plan to identify and remediate these; for example, the Association may work with Pequot Lakes to extend city sewer services and reduce the number of noncompliant SWTs. If the boundaries remain unchanged, then promotion of these Best Management Practices (BMPs) is essential to protecting the integrity of the lake, and the DNR encourages the petitioners to work with the MPCA, the DNR, and local units of government to develop and implement a BMP strategy.

District Boundary

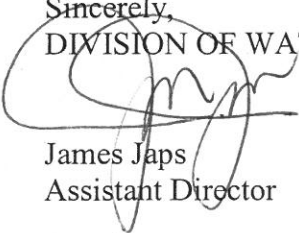
The Association has petitioned to form the LID in Crow Wing County, although a small part of the lake and most of the watershed is in Cass County. Several (approximately 13) riparian property owners actually live in Cass County rather than Crow Wing County. A communication from the Association's spokesperson states that an informal arrangement has been made with the Cass County residents to make voluntary contributions to the LID. The DNR recognizes that Sibley Lake has a serious curlyleaf pondweed infestation, and supports the Association's bid to form a LID to address this issue as well as other issues of in-lake management; however, Crow Wing County will have no taxing or funding authority over the Cass County residents. MS § 103B.525 allows for the establishment of a LID in more than one county.

The boundaries of the proposed LID include only properties that are riparian to Sibley Lake and in Crow Wing County. MR part 6115.0920, Subpart 5 requires that the LID boundaries include all lands and waters within the direct drainage basin of the lake (this basin is shown on the attached map). However, this rule also allows the County Board of Commissioners to create a LID district boundary less than the entire drainage basin with written Commissioner approval, and if the boundary selected includes a sufficient amount of the lake's watershed to develop and implement feasible solutions to the problems the LID intends to address. Restriction of the district's boundaries to the riparian properties is sufficient to address the issues of curlyleaf pondweed management, wildlife habitat protection and enhancement, and fisheries management; therefore, in accordance with these rules and on behalf of the Commissioner of Natural Resources, the DNR hereby approves the proposed boundaries identified in the petition. However, the DNR asks that the Board of Commissioners limit the authority of the LID to matters that can be addressed by the riparian property owners, specifically aquatic plant management, fisheries management, and other in-lake activities.

Thank you for consideration of these comments. Please contact Kathy Metzker, DNR Landuse Hydrologist at 651-259-5694, if you have any questions. If approved, please provide the name and address of the primary contact of the Board of Directors for the LID and remind the LID of its obligation to provide DNR notice of annual meetings and reports as per M.S. § 103B.571.

Sincerely,

DIVISION OF WATERS

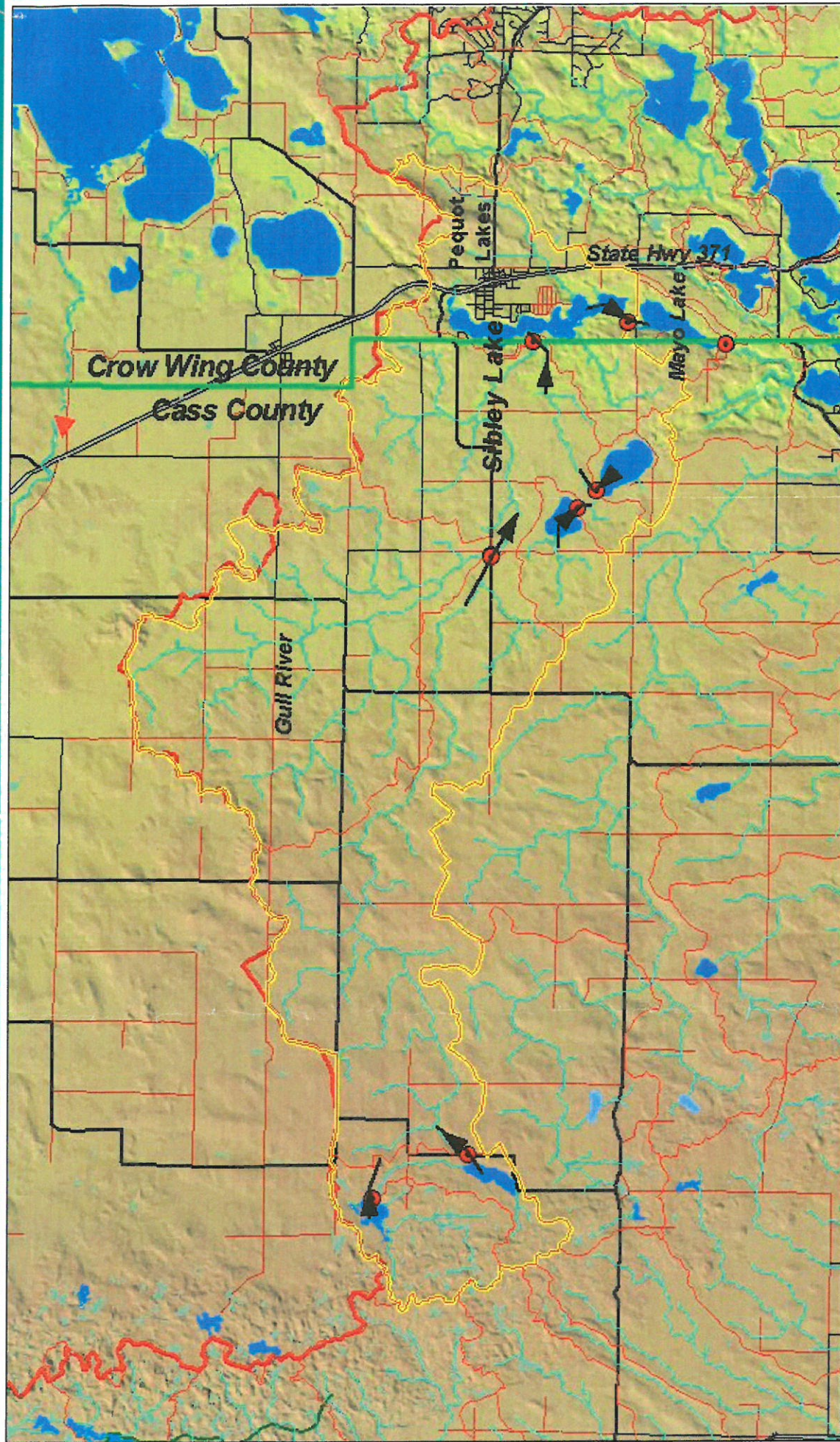


James Japs
Assistant Director

Attachment

c: Mike Peloquin
Rebecca Wooden
Peder Otterson
Tim Brastrup
Joe Oswald
Wayne Mueller
Kathy Metzker
Dave Lind

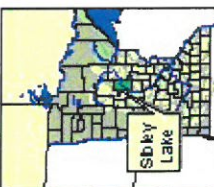
Sibley Lake Watershed



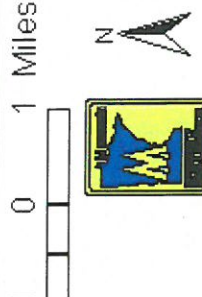
This watershed map was produced by the Lake Watershed Delineation Project.

The watershed data presented here are part of the National Watershed Boundary Dataset (NBDB). A Hydrologic Unit (H.U.) is the smallest division in the nested, hierarchical watershed classification system of the NBDB.

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- Drainage Direction
- Hydrologic Unit Four Points
- Hydrologic Unit
- Major Watershed Boundaries
- Sibley Lake Watershed



Watershed	Area	
	Acres	Square Miles
Sibley Lake downstream: 100-4000	418	0.66
Drainage contributing watershed HU ID: 012801	4428	6.82
to be upstream contributing watershed	38182	64.64

REQUEST FOR BOARD ACTION

DATE: April 22, 2008

Date of Board Meeting

Auditor's Office

ORIGINATING DEPARTMENT

DE

DEPARTMENT APPROVAL:

Dept Head Initial

Agenda Item:

PUBLIC HEARING SCHEDULED FOR 9:45 A.M.

**CONTINUATION PUBLIC HEARING FOR THE ESTABLISHMENT OF THE SIBLEY LAKE
IMPROVEMENT DISTRICT**

PREVIOUS ACTION:

The Crow Wing County Auditor's Office received a petition requesting the establishment of the Sibley Lake Improvement District pursuant to MS 103B.521 on October 18, 2007. The petition requested the establishment of the district for the purpose of addressing lake management, aquatic vegetation control and related services. The petition set forth the costs for these services as \$18,500 per year, and submitted that these costs be assessed as one unit per property owner immediately adjacent to Sibley Lake at a cost of \$108.40 per year.

The petition contained the required submittals including a map of the district and requested the board of directors number to be set at nine. The petition contained 85 signatures. Crow Wing County records indicate there are 163 owners of property immediately adjacent to Sibley Lake. The Auditor's Office verified there are 84 valid signatures on the submitted petition: therefore, the statutory requirement of 51% of property owners petitioning has been attained.

A copy of the petition has been forward to the DNR and MPCA for review as required by DNR Rules. According to Statute, the County Board set a public hearing on the petition within 30 days of receiving the petition and then approved the continuation of such hearing. The continuation hearing was set for Tuesday, April 22, 2008, at 9:45 a.m. in the Board Room of the 3rd Floor of the Historic Courthouse of Crow Wing County, 326 Laurel Street, Brainerd, Minnesota.

All documents received regarding this matter will be presented by the Auditor.

RECOMMENDED BOARD ACTION:

Two Resolutions:

Commissioner ____ offered the following resolution and moved its adoption:

WHEREAS, the Sibley Lake Improvement District has submitted a petition with the requisite number of signatures to Crow Wing County to establish an improvement district to address lake management, aquatic vegetation control and related services to Sibley Lake, and

WHEREAS, the petitioners requested the name of the improvement district be established as the Sibley Lake Improvement District, and

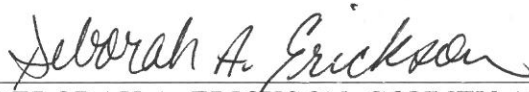
WHEREAS, the petitioners requested an improvement district board of directors to be established to include nine (9) members, and

- NOTICE OF CONTINUATION OF PUBLIC HEARING -

The Crow Wing County Board of Commissioners has scheduled a continuation of a public hearing pursuant to Minnesota Statute 103B.521 for 9:45 a.m. on Tuesday, April 22, 2008, in the Board Room, 3rd Floor, Historic Courthouse, 326 Laurel Street, Brainerd, Minnesota.

The purpose of the continuation of this public hearing is to consider establishment of the Sibley Lake Improvement District.

For further information regarding said continuation of hearing, contact the Crow Wing County Auditor's Office, 326 Laurel Street, Suite 22, Historic Courthouse, Brainerd, Minnesota 56401-3590, (218) 824-1045.

A handwritten signature in cursive script, reading "Deborah A. Erickson".

DEBORAH A. ERICKSON, COUNTY AUDITOR
CROW WING COUNTY, MINNESOTA

Dated at Brainerd, Minnesota, this 21st day of February, 2008.

REQUEST FOR BOARD ACTION

DATE: May 13, 2008

Date of Board Meeting

Auditor's Office

ORIGINATING DEPARTMENT

DE

DEPARTMENT APPROVAL:

Dept Head Initial

Agenda Item:

ESTABLISHMENT OF THE SIBLEY LAKE IMPROVEMENT DISTRICT

PREVIOUS ACTION:

The Crow Wing County Auditor's Office received a petition requesting the establishment of the Sibley Lake Improvement District pursuant to MS 103B.521 on October 18, 2007. The petition requested the establishment of the district for the purpose of addressing lake management, aquatic vegetation control and related services. The petition set forth the costs for these services as \$18,500 per year, and submitted that these costs be assessed as one unit per property owner immediately adjacent to Sibley Lake at a cost of \$108.40 per year.

The petition contained the required submittals including a map of the district and requested the board of directors number to be set at nine. The petition contained 85 signatures. Crow Wing County records indicate there are 163 owners of property immediately adjacent to Sibley Lake. The Auditor's Office verified there are 84 valid signatures on the submitted petition: therefore, the statutory requirement of 51% of property owners petitioning has been attained.

A copy of the petition has been forward to the DNR and MPCA for review as required by DNR Rules. According to Statute, the County Board set a public hearing on the petition within 30 days of receiving the petition and then approved the continuation of such hearing. The continuation hearing was set for Tuesday, April 22, 2008, at 9:45 a.m. in the Board Room of the 3rd Floor of the Historic Courthouse of Crow Wing County, 326 Laurel Street, Brainerd, Minnesota.

The continuation public hearing did take place on Tuesday, April 22, 2008, at 9:45 a.m., in the Board Room of the 3rd Floor of the Historic Courthouse of Crow Wing County.

All documents received regarding this matter will be presented by the Auditor.

RECOMMENDED BOARD ACTION:

Approval or denial of the establishment of the Sibley Lake Improvement District.

If approved, resolution language to be presented and discussed at Board meeting.

COMMENTS:

Approximate length of presentation: 5 minutes.
Please state time preference, if any:

Sibley Lake Improvement District Resolution

Commissioner ____ offered the following resolution and moved its adoption:

WHEREAS, the Sibley Lake Improvement District has submitted a petition with the requisite number of signatures to Crow Wing County to establish an improvement district to address lake management, aquatic vegetation control and related services to Sibley Lake, and

WHEREAS, the petitioners requested the name of the improvement district be established as the Sibley Lake Improvement District, and

WHEREAS, the petitioners requested an improvement district board of directors to be established, and

WHEREAS, the petitioners requested the current association board members be appointed to the first improvement district board of directors, and

WHEREAS, the Sibley Lake Improvement District has recommended an assessment for lake management, aquatic vegetation control and related services to Sibley Lake totaling \$18,500 per year and that prior to any increases in the total assessment as provided herein, a public hearing must be held at the expense of the Sibley Lake Improvement District, and

WHEREAS, the Board of Commissioners of Crow Wing County, Minnesota, acting as the legal entity for the Sibley Lake Improvement District.

NOW, THEREFORE, BE IT RESOLVED The Board of Commissioners of Crow Wing County, Minnesota establishes the Sibley Lake Improvement District to address lake management, aquatic vegetation control and related services to Sibley Lake.

BE IT FURTHER RESOLVED that the initial Sibley Lake Improvement District Board of Directors shall consist of six (6) Board Members of the Sibley Lake Improvement Association and three (3) riparian lot owners not associated with the current Sibley Lake Improvement Association. Said initial Board of Directors is to be approved by the Crow Wing County Board.

BE IT FURTHER RESOLVED the Board of Commissioners of Crow Wing County, Minnesota, states that:

1. Such proposed service assessment is hereby accepted and shall constitute the service assessment against the lands names therein, and each tract of land therein is hereby found to be benefitted by the improvement district in the amount of the assessment levied against it.
2. That the total assessment shall be \$18,500 per year and is to be distributed at 108.40 per year for each Sibley Lake riparian lot property owner.
3. Prior to any increases in the total assessment as provided herein, a public hearing must be held at the expense of the Sibley Lake Improvement District.
4. The County Auditor shall extend this assessment on the property tax lists of the County, and such assessment shall be collected and paid over in the same manner as other County taxes.

Which resolution being seconded by Commissioner ____ was duly adopted, all AYE.

SIBLEY LAKE IMPROVEMENT DISTRICT BYLAWS

Article 1: Establishment

Established under Minnesota Statute 103B.501 by the Crow Wing County Board of County Commissioners with Resolution No. 2008-57 adopted May 13, 2008.

Article 2: Name of District

The name of this organization is: Sibley Lake Improvement District.

Article 3: Definition of the Sibley Lake Improvement District

The Sibley Lakes Improvement District is a nonprofit organization subject to applicable county, state, and federal laws.

Article 4: Purpose

The purpose of the Sibley Lake Improvement District is to provide a tax-based funding mechanism to monitor, maintain, and improve Sibley Lake's water quality and, thereby, to preserve the lake's fishing, shoreline, natural surroundings and recreational possibilities for all property owners.

Article 5: Membership

Section 1 - Membership Qualification

District Membership automatically comprises of the current legal owners of all properties located within Crow Wing Country fronting on Sibley Lake.

Section 2 – Voting Rights

Each Member is entitled to one vote at the Annual Meeting of the District or any other Special District meetings when held.

Section 3 – Votes

Votes at all Membership meetings shall be cast in person.

Article 6: Funding

Section 1 – Annual Funding

District expenses and activities including lake restoration and water quality projects will be funded by the levying of an *ad valorem* tax solely on the properties located within the District.

Article 7: Board of Directors

Section 1 – Board of Directors

The Board of Directors of the District shall consist of no less than five and no more than nine members. Each board member must own property within the Lake Improvement District, and a majority of the Directors serving at any given time must be residents of the District.

Section 2 – Initial Board of Directors

The initial Board of Directors of the District shall consist of nine members as outlined within MN Resolution No. 2008-57 and approved by the County. The initial Directors shall be split into two groups; four serving a one year term and five serving a two year term at the discretion of the initial Board of Directors.

Section 3 – Terms

After the initial year, Directors shall be elected each year at the Annual Meeting to serve a two-year term as needed to fill any vacant Board positions. An annual term year shall coincide with the District fiscal year. No Director may serve more than three successive two-year terms without being absent from the Board for at least one term year after serving the maximum of three terms.

Section 4 – Nomination of Directors

Directors for open Board positions will be nominated at the Annual Meeting by any Member of the Sibley Lake Improvement District. Members not present at the Annual Meeting may send nominations to the current Board President before the Annual Meeting which shall then be presented at the Annual Meeting by the President on behalf of the absent Member.

Nominees must accept their nomination before they will be added to the ballot for that year. If a Nominee is not able to attend the Annual Meeting, but is made aware of their pending Nomination, they may submit a letter of acceptance to the current Board President before the Annual Meeting.

Section 5 – Election of Directors

Directors shall be elected by majority vote of the Members present at the Annual Meeting of the Sibley Lake Improvement District. Elections shall be made by secret ballot if more Nominees are available than open Board positions with each Member selecting the candidates they would like to fill the available positions.

Section 6 – Vacancies

Vacancies in the Board of Directors may be filled by a majority vote of the remaining Directors. A Director elected to fill a vacancy shall serve the unexpired term of the Directory they are replacing.

Section 7 – Removal of Directors

Directors may be removed at any time by a two-thirds vote of the remaining Board members or by a majority vote by Members present at an Annual Meeting if a formal call for a vote to remove a Director is made.

Section 8 – Compensation of Directors

Directors shall serve on the Board on a voluntary basis and will not be compensated for their time or incidental costs related to their participation in Board related activities. The Board may at their discretion reimburse an individual Director for necessary expenses incurred on behalf of the District.

Article 8: Board Officers and Duties

Section 1 – Officers

All officers of the Sibley Lake Improvement District shall be Directors.

Section 2 – Officer Positions

The officers shall consist of: President, Vice President, Secretary, and Treasurer.

Section 3 – Election of Officers

Officers will be elected by the Board of Directors from among their number at the first Board meeting following an Annual Meeting at which new Directors are elected. Elections will be by secret ballot if more than one Director is nominated for any office.

Section 4 – Duties of Officers

- a. The **President** shall preside over all Board meetings as well as the Sibley Lake Improvement District Annual Meeting.
- b. The **Vice President** shall preside in the absence of the President and perform duties normally associated with this office.
- c. The **Secretary/Treasurer** shall keep accurate records of all meetings of the Board of Directors, regularly submit minutes to the Board of Directors, generate an annual financial statement of District expenditures, and perform all other duties normally associated with this office.

Article 9: Board Meetings

Section 1 – Meetings

Directors are to hold at least one meeting annually in addition to the Annual Meeting of the District. Additional meetings can be scheduled as needed by the President or by a majority of the remaining Board members.

Section 2 – Notice of Meetings

There shall be at least ten days prior notice given to each Director for any regularly scheduled Board meeting. In the case of additional meetings, notice shall be provided at least three days prior to the meeting.

Section 3 – Quorum

A simple majority of the Board of Directors currently serving shall constitute the necessary quorum for the transaction of business.

Article 10: Annual District Meeting

Section 1 – Time

The Annual District Meeting shall be held each year during the month of July (to coincide with the District fiscal year) unless the meeting date is changed for the year by vote at the previous Annual Meeting.

Section 2 – Notice

The Annual Meeting shall be preceded by a minimum of two weeks' published notice and by written notice mailed at least ten days in advance of the meeting to the county board or joint county authority, town boards and statutory and home rule charter cities wholly or partially within the district, the Pollution Control Agency, and the Commissioner of Natural Resources.

If there is a proposed project by the District having a cost in excess of \$5,000, all property owners within the District will be notified by written notice mailed at least thirty days in advance of the meeting.

Section 3 – Agenda

At the Annual Meeting the District members present shall at a minimum:

- a. Elect one or more Members to fill vacancies in the Board of Directors;
- b. Approve a budget for the fiscal year including approval of any taxes or assessments necessary to satisfy the budget requirements.
- c. Approve or disapprove proposed projects by the District having a cost to the District in excess of \$5000;
- d. Take up and consider any other business that comes before them.

Section 4 – Annual Report

Each year the Board of Directors shall prepare and file a report of the financial condition of the District, the status of all projects in the District, the business transacted by the District, other matters affecting the interest 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 or joint county authority, town board and city councils of statutory and home rule charter cities wholly or partially within the District, the Commissioner of Natural Resources, and the Minnesota Pollution control Agency by four months after the Annual Meeting.

Article 11: Special District Meetings

Special Meetings of the Sibley Lake Improvement District to discuss topics requiring a vote by all Members which cannot wait for the next Annual Meeting may be held as needed. The decision to hold a Special Meeting must be approved by a majority of the Board members. A notice of a Special Meeting must be mailed to all District members at least thirty days prior to the meeting.

Article 12: Fiscal Year

The District fiscal and organizational year shall be a calendar year starting August 1st and ending July 31st.

Article 13: Amendment of Bylaws

These bylaws may be amended at any Annual or Special Meeting of the District for which due notice has been given and when such amendment has been approved by a majority of the Board and approved by majority vote of the Members at any Annual or Special Meeting.

Article 14: Rules of Order

The rules contained in the current edition of *Roberts' Rules of Order (Revised)* shall govern the convention in all cases to which they are applicable and which are not governed by the Bylaws of the District.

(Published in the Brainerd Dispatch, June 11, 2008, 1 t.)

RESOLUTION

ESTABLISHMENT OF SIBLEY LAKE IMPROVEMENT DISTRICT

WHEREAS, the Sibley Lake Improvement District has submitted a petition with the requisite number of signatures to Crow Wing County to establish an improvement district to address lake management, aquatic vegetation control and related services to Sibley Lake, and

WHEREAS, the petitioners requested the name of the improvement district be established as the Sibley Lake Improvement District, and

WHEREAS, the petitioners requested an improvement district board of directors to be established, and

WHEREAS, the petitioners requested the current association board members be appointed to the first improvement district board of directors, and

WHEREAS, the Sibley Lake Improvement District has recommended an assessment for lake management, aquatic vegetation control and related services to Sibley Lake totaling \$18,500 per year and that prior to any increases in the total assessment as provided herein, a public hearing must be held at the expense of the Sibley Lake Improvement District, and

WHEREAS, the Board of Commissioners of Crow Wing County, Minnesota, is acting as the legal entity for the Sibley Lake Improvement District.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of Crow Wing County, Minnesota, establishes the Sibley Lake Improvement District to address lake management, aquatic vegetation control and related services to Sibley Lake.

BE IT FURTHER RESOLVED that the initial Sibley Lake Improvement District Board of Directors shall consist of six (6) Board Members of the Sibley Lake Improvement Association and three (3) riparian lot owners not associated with the current Sibley Lake Improvement Association. Said initial Board of Directors is to be approved by the Crow Wing County Board.

BE IT FURTHER RESOLVED the Board of Commissioners of Crow Wing County, Minnesota, states that:

1. Such proposed service assessment is hereby accepted and shall constitute the service assessment against the lands names therein, and each tract of land therein is hereby found to be benefitted by the improvement district in the amount of the assessment levied against it.
2. That the total assessment shall be \$18,500 per year and is to be distributed at \$108.40 per year for each Sibley Lake riparian lot property owner.
3. Prior to any increases in the total assessment as provided herein, a public hearing must be held at the expense of the Sibley Lake Improvement District.
4. The County Auditor shall extend this assessment on the property tax lists of the County, and such assessment shall be collected and paid over in the same manner as other County taxes.

I, Deborah A. Erickson, County Auditor, Crow Wing County, Minnesota, hereby certify that I have compared the foregoing copy of the resolution of the county board of said county with the original record thereof on file in the Administration Office, Crow Wing County, Minnesota, as stated in the minutes of the proceedings of said board at a meeting duly held on May 13, 2008, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness my hand and seal this 27th day of May 2008.

/s/
DEBORAH A. ERICKSON, COUNTY AUDITOR
CROW WING COUNTY, MINNESOTA

REQUEST FOR BOARD ACTION

DATE: February 12, 2008

Date of Board Meeting

Auditor
ORIGINATING DEPARTMENT

DE
DEPARTMENT APPROVAL:
Dept Head Initial

AGENDA ITEM:

Schedule Continuation of Public Hearing for the Establishment of Sibley Lake Improvement District

PREVIOUS ACTION:

The Crow Wing County Auditor's Office received a petition requesting the establishment of the Sibley Lake Improvement District pursuant to MS 103B.521 on October 18, 2007. The petition requested the establishment of the district for the purpose of addressing lake management, aquatic vegetation control and related services. The petition set forth the costs for these services as \$18,500 per year, and submitted that these costs be assessed as one unit per property owner immediately adjacent to Sibley Lake at a cost of \$108.40 per year.

The petition contained the required submittals including a map of the district and requested the board of directors number to be set at nine. The petition contained 85 signatures. Crow Wing County records indicate there are 163 owners of property immediately adjacent to Sibley Lake. The Auditor's Office verified there are 84 valid signatures on the submitted petition; therefore, the statutory requirement of 51% of property owners petitioning has been attained.

A copy of the petition has been forward to the DNR and MPCA for review as required by DNR Rules. According to Statute, the County Board set a public hearing on the petition within 30 days of receiving the petition and then approved the continuation of such hearing. When the continuation of the hearing date is set, notice will be mailed to the cities/townships in which the lake is located as well as to the DNR and MPCA of the hearing date for them to provide comment for the continuation of the public hearing.

We recommend setting the continuation of the public hearing for 9:45 a.m., Tuesday, March 25, 2008.

RECOMMENDED BOARD ACTION:

On motion of Commissioner ____ seconded by Commissioner ____ the Board receives a petition and schedules a continuation of a Public Hearing to be held March 25, 2008, 9:45 a.m. to consider establishment of the Sibley Lake Improvement District, all members voted "AYE".

COMMENTS:

Please see attached map.

Approximate length of presentation: 5 minutes

Please state time preference, if any:

[illegible]

B-0382

1st page of Petition

**PETITION FOR LAKE IMPROVEMENT DISTRICT
FOR IMPROVEMENT OF SIBLEY LAKE**

We the undersigned, representing the recorded owners of more than (51%) percent of the total land area within the proposed Lake Improvement District (referenced lots of parcels listed below, of land abutting Sibley Lake) hereby petition the Crow Wing County Board to create a Lake Improvement District for the necessary purpose of improving water quality of Sibley Lake through lake management, aquatic vegetation control, and related services to Sibley Lake. The proposed Lake Improvement District is legally described as follows:

Named: Sibley Lake Improvement District

Each Owner of land abutting Sibley Lake will be assessed as one unit. This Lake Improvement District is for an estimated amount of \$18,500 per year, per assessment unit share, for an initial period of 5 years. The lake improvement cost will be equally allocated among all property owners with an annual estimate of \$108.40 for each property owner with lands immediately adjacent to Sibley Lake. Budgets for subsequent years shall be determined during the last year of the assessment and will be subject to public hearing.

We the petitioners understand that the improvement shall be conducted in accordance with plans for the same to be prepared, reviewed, and approved by the county board and that the costs thereof, including expenses connected with engineering, planning, and legal costs will be assessed against each parcel of land with said proposed district. This petition is submitted pursuant to Minnesota Rule 6115 and Minnesota statute 103B.521

WARNING: A PERSON WHO KNOWINGLY SIGNS THIS PETITION MORE THAN ONCE, SIGNS A NAME OTHER THAN HIS OR HER OWN, SIGNS WHEN NOT QUALIFIED, OR SETS OPPOSITE HIS OR HER SIGNATURE ON A PETITION, A DATE OTHER THAN THE ACUTAL DATE THE SIGNATURE WAS AFFIXED, IS VIOLATING THE PROVISIONS OF MINNESOTA LAW

Signature	Lake Address	City, State, Zip Code	Date of signing
Printed Name	Permanent Address	City, State, Zip Code	

1. *Patricia Herald* 3844 W. 81st St. Pequot Lakes, MN 56472
PATRICIA HERALD 1672 Skywood Ln Eagan, MN 55122 10/14/07

2.

3.

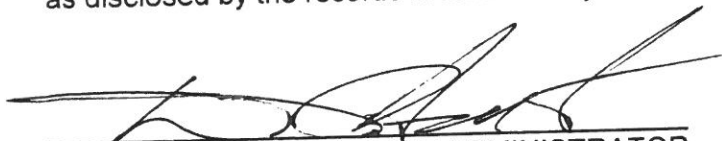
Please mail to: Sibley Lake Association, P.O. Box 83, Pequot Lakes, MN 56472
If you have any questions, please call Dave Lind at 218-568-6715
We will also discuss this petition at our annual meeting, July 14th, 2007, Sibley Park.

On motion of Commissioner Thiede seconded by Commissioner Franzen the Board, upon recommendation of the County Auditor, continued the Public Hearing for the establishment of Sibley Lake Improvement District to the second meeting in March of 2008 in order for the Department of Natural Resources to obtain further information before providing their advisory opinion, all members voted "AYE".

STATE OF MINNESOTA)
) SS
COUNTY OF CROW WING)

CERTIFICATION

I, David Hamilton, County Administrator, certify that the foregoing motion is a true and correct copy of a motion presented to and adopted by the Board of County Commissioners at a duly authorized meeting thereof, held in the Courthouse at Brainerd, Minnesota, on the 11th day of December 2007, as disclosed by the records of said County Board in my possession.



DAVID HAMILTON, COUNTY ADMINISTRATOR
CROW WING COUNTY, MINNESOTA

Dated at Brainerd, Minnesota, this 2nd day of January 2008.

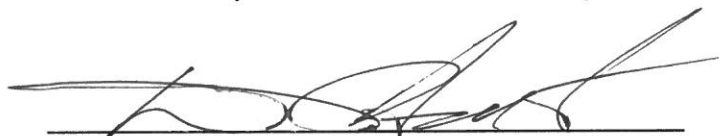
1st Feb Kimball Lake Schedule

On motion of Commissioner Thiede seconded by Commissioner Franzen the Board, upon recommendation of the County Auditor, continued the Public Hearing for the establishment of Sibley Lake Improvement District to the second meeting in March of 2008 in order for the Department of Natural Resources to obtain further information before providing their advisory opinion, all members voted "AYE".

STATE OF MINNESOTA)
) SS
COUNTY OF CROW WING)

CERTIFICATION

I, David Hamilton, County Administrator, certify that the foregoing motion is a true and correct copy of a motion presented to and adopted by the Board of County Commissioners at a duly authorized meeting thereof, held in the Courthouse at Brainerd, Minnesota, on the 11th day of December 2007, as disclosed by the records of said County Board in my possession.

A handwritten signature in black ink, appearing to read 'David Hamilton', is written over a horizontal line.

DAVID HAMILTON, COUNTY ADMINISTRATOR
CROW WING COUNTY, MINNESOTA

Dated at Brainerd, Minnesota, this 2nd day of January 2008.