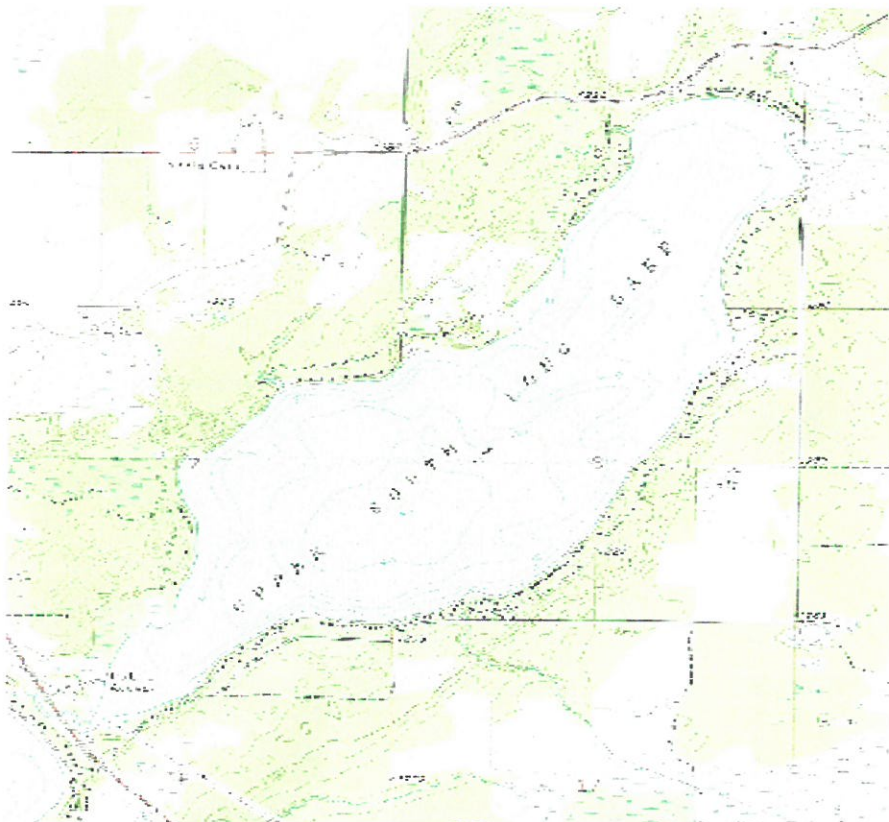


A CITIZEN PETITION TO CREATE THE



# UPPER SOUTH LONG LAKE IMPROVEMENT DISTRICT

Established under Minnesota State Statute 103B.521 by Crow Wing County Commissioners



June 21, 2010

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# L I D

Upper South Long Lake Proposed Lake Improvement District  
Crow Wing County - Brainerd, Minnesota

June 18, 2010

To the Crow Wing County Board of Commissioners:

We request approval of a request to form an Upper South Long Lake Improvement District for the property owners abutting the shores of Upper South Long Lake.

We are privileged to be the first to present such a petition to your Board since the new policies and procedures manual was created by your staff.

The Upper South Long Lake Improvement Association began discussions in 2008 on the need to find new and better solutions to serious existing and potential lake problems. A committee was appointed and, working under the old criteria, found it very difficult to proceed without a more clear and concise directive.

Thank you Commissioners, for directing your staff to produce this most recently-issued policy manual. You can be very proud of the many who have worked on this document. They have been exceptionally helpful to our LID committee in preparing the request. And we are confident that as you make your decision, all who are so deeply involved in the issue will greatly benefit from your positive action.

Respectfully,

Upper South Long Lake  
Improvement District Committee

*Ron Trosvig \* Bruce Dybvig \* Dan Martonik \* Dave Logue      Mary Reetz and Don Crust, Co-Chair*

USLL <b>L.I.D.</b> Committee      Box 201      Brainerd, .      56401
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# **Upper South Long Lake Proposed L I D Project**

Box 287 Brainerd MN 56401

January 07, 2010

Tim Houle, County Administrator  
326 Laurel Street Suite 13  
Brainerd MN 56401

Dear Mr. Houle:

We understand that it is advisable to alert the County Administrator that a Lake Improvement District will be proposed this spring for the Upper South Long Lake area.

A packet of L.I.D. information regarding the process has been received from the Auditor's office and the petitioning process is underway at this time.

This L.I.D. project was initiated by the Upper South Long Lake Improvement Association. A committee was appointed to organize the petitioning effort and work on the proposal and presentation.

Commissioner Phil Trusty has met with the Upper South Long Lake Improvement Association Board of Directors and has discussed this project.

Any advice or further direction from your office would be welcomed.

Sincerely,

Committee Co-Chairs  
Don Crust and Mary Reetz

Cc Ron Trosvig, President, USLLIA  
John Pietruszewski Secretary, USLLIA  
LID Committee Members  
Commissioner Phil Trusty

# USLLIA

UPPER SOUTH LONG LAKE IMPROVEMENT ASSOCIATION

Box 201, Brainerd, MN, 56401

<http://usllia.org>

March 30, 2010

**To:** Mitch Brinks

**CC CWC Staff:** Chris Pence, Debby Erickson, Jeanne Aske, Jeanie Kuebelbeck, Kathi Sharp, Mark Liedl, Mike Carlson, Roberta Vickerman, Tim Houle, Tracy Giza, Stella Hegg

**CC CWC Board:** Phil Trusty, Paul Thiede, Rachel Nystrom, Rosemary Franzen, Doug Houge

**CC USLLIA BOD:** Don Crust, Mary Reetz

**Re:** Upper South Long Lake Pre-Petition LID Meeting March 26, 2010

On behalf of the Upper South Long Lake Improvement Association (USLLIA) board of directors, I would like to thank you for hosting our Pre-Petition LID Meeting. The meeting was well organized and knowledgeable staff were in attendance to walk us through the new process and answer any questions.

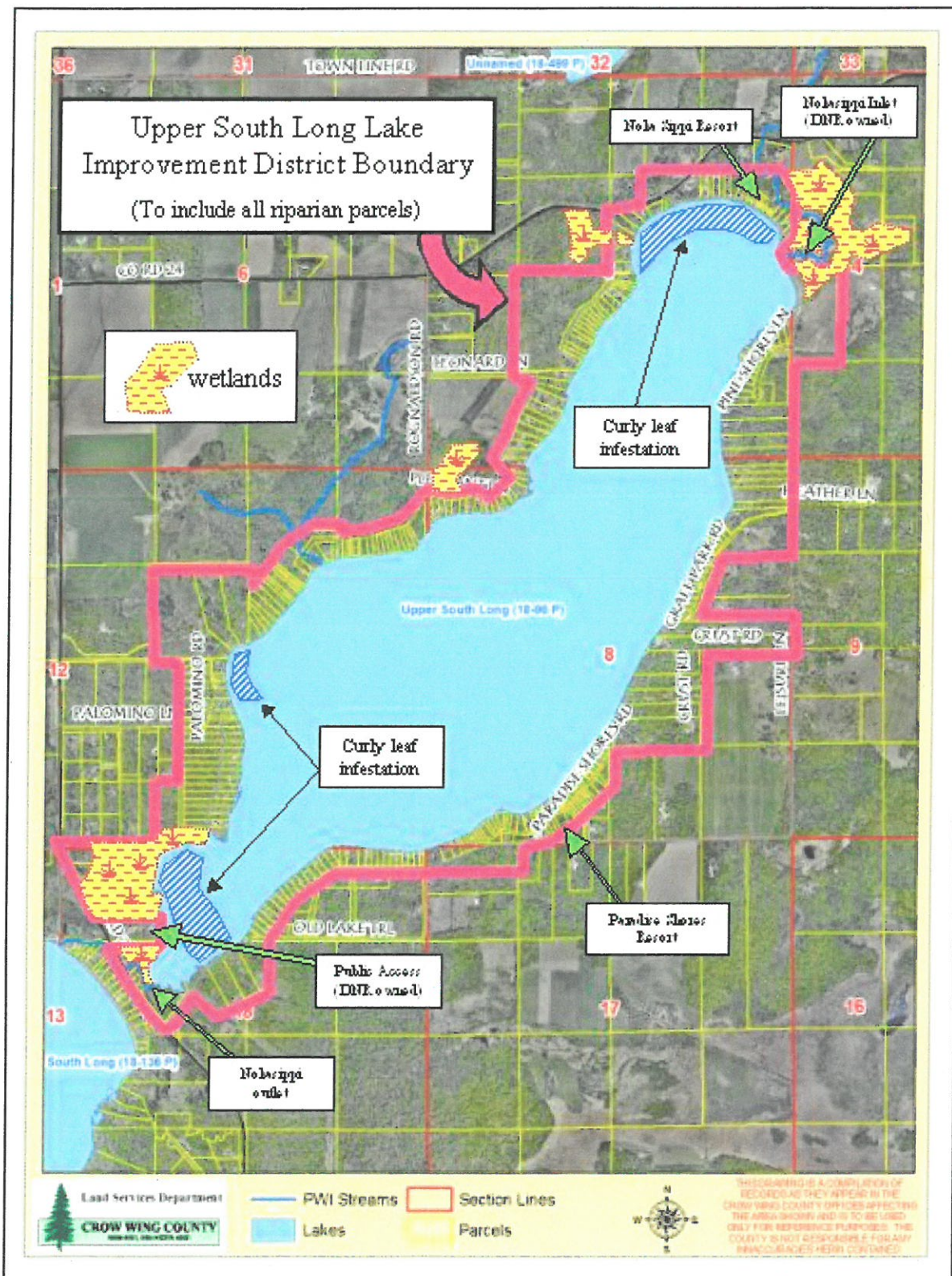
When we met with Phil Trusty (our representative) last December, we expressed a desire for a clear and consistent LID process. We were very pleased to see the new LID processes quickly emerge in March, 2010. They look excellent!

Kudos to the County Staff in creating the new processes and to the County Board for their input and quick approval.

We look forward to working with you in coming months as we create our LID proposal.

Best regards,

Ron Trosvig – USLLIA BOD President



# Upper South Long Lake Facts and Description

## **Lake Characteristics:**

- ID #18-0096
- Area 802 acres
- Mean Depth 19 feet
- Maximum Depth 47 feet
- Volume 15,006 acre-feet
- Shoreline Approx. 6.5 miles

## **Demography:**

- There are 219 property owners on the lake.
- Property classifications are interspersed around the lake as follows:
  - 71 (32%) are classified as permanent residents.
  - 127 (58%) are classified as seasonal residents.
  - 21 (10%) are in a miscellaneous category.
- There are two resorts on the lake:
  - Nokasippi Resort offers seasonal rentals and permanent town homes.
  - Paradise Shores Resort offers seasonal rentals.
- There is one public access and no public beaches, camp grounds or RV parks.

## **Taxable Market Property Values:**

- Estimated total land value: \$45,167,500
- Estimated building value: \$17,468,400
- Total Market Value: \$62,635,900



# L I D

Upper South Long Lake Proposed Lake Improvement District  
Crow Wing County - Brainerd, Minnesota

## MISSION STATEMENT

It shall be the mission of the Upper South Long Lake Improvement Association to work together with others to use, enjoy and maintain our lake wisely while protecting it for our children, grandchildren and generations to come.

## BACKGROUND

Upper South Long Lake has enjoyed excellent stewardship from the Lake Association since its inception in the late 1970s. The Association participates in a Lake Management program but has struggled recently in attempts to control a Curly Leaf Pondweed invasion. It has already abandoned the weed cutting operation. And reliance on funding from a few generous association members has not kept up with the need. The association can no longer assume full responsibility for protecting our lake.

**Anticipating its inability to continue controlling Curly Leaf Pondweed and concern about other threats to the water quality and condition, the association initiated the organizing of a Lake Improvement District as a way to more fairly fund solutions to its growing concerns.**

It is determined that A Lake Improvement District (LID) is the only practical way to generate enough funding to manage, maintain and assure the quality of the lake that our property owners demand.

# **DOCUMENTATION**

## **NAME AND PURPOSE OF THE LAKE IMPROVEMENT DISTRICT**

The official name of the LID shall be "Upper South Long Lake Improvement District".

The purpose of the LID is to improve the quality of water in Upper South Long Lake and to educate adjoining landowners in good stewardship of its watershed. This will be accomplished through a management plan. There is a serious need for long term planning and funding for long term environmental projects. The long term control of Curly Leaf Pondweed is a major problem at the present time.

## **BENEFITS TO PROPERTY FROM A LID**

The property around the lake will benefit because property will not decrease in value due to the lake's condition. It will also help maintain Lower South's property values and those adjacent to the Nokasippi River. The river empties into the Mississippi near Fort Ripley.

## **HOW THE PROGRAM WILL BE FINANCED**

The programs to maintain and improve the health of Upper South Long Lake will be financed through a \$75 fee added to each property owners tax statement. LID will encompass only those property owners immediately adjacent to the lake. Owners of more than 1 parcel shall pay the fee only once.

## **NECESSITY OF A LID TO PROMOTE PUBLIC HEALTH AND WELFARE**

This LID will not only benefit this immediate generation of citizens but also children and grandchildren who will follow. Public health and welfare will benefit through the improvement of improved water quality. The LID will surely be considered a contribution to the health and welfare of the greater public because water quality will be improved for navigation, boating, fishing, swimming and other recreation. Many individuals who do not live on or near the lake use the bridge area for swimming. The water should be as clean as possible. Lakeshore owners will not have to scoop up piles of vegetation as the Curly Leaf Pondweed releases from the bottom of the lake, floats up and rots. This vegetation impedes navigation in Upper and Lower South Long Lakes and could affect navigation in the Nokasippi as well. The lake water provides groundwater recharge for many wells.

It will benefit the County with its implementation of Land Service Department objectives. The State of Minnesota itself, realizing that it cannot assure healthy individual lakes in the foreseeable future, will find this citizen-driven initiative in its best interests. Cooperation with the Nokasippi Watershed Group and the Lower South Long Lake will result in a much better coordinated effort.

## **MAP OF BOUNDARIES OF THE LID**

The map with the boundaries boldly outlined is found on Page 6

## **CHARACTERISTICS OF THE LAKE IMPROVEMENT DISTRICT**

Characteristics and demographics can be found on Page 7

## **PROBLEMS AND SOLUTIONS**

### **DESCRIPTION OF WATER AND LAND PROBLEMS**

The USSLIA believes that a Lake Improvement District is the best way to fairly and effectively confront our existing and potential lake problems. Such a mechanism will be able to recognize lake problems – and act to correct them without relying on unpredictable voluntary funding. Obvious threats like Curly Leaf Pondweed, Eurasian Milfoil, Mussels, Pollution, Heavy Metal Accumulation, etc. are threats which should be dealt with early, before they become a serious problem. The LID will be working with water oriented businesses as well as all levels of government officials to find solutions to these problems.

A LID could provide a holistic approach to maintenance and correction. It could continue and expand the work begun by the lake association when it becomes impossible to manage to fund this essential work.

But more than that, a LID for Upper South Long Lake could supplement the efforts of the Nokaissippi Watershed Group and particularly the Lower South Long Lake in their efforts to assure healthy lakes and rivers.

### **ESTABLISHING AND FUNDING GOALS AND OBJECTIVES**

This proposed LID has 13 specific projects that clearly demonstrate the district's goals and objectives. Each project is manageable and attainable. Projects will be monitored and measured. Each can be adequately funded within the limits of the proposed five-year budget.

Included in the budget is the required Liability Insurance Coverage and \$1000 escrow fund to pay for County administration of the LID.

The LID committee is confident that these projects will produce tremendous positive effects on the continued good health of our lake.

### LID PROJECTS AND BUDGET - Proposed, tentative

	Project	Description	Budget \$
1	Comprehensive Water Condition Project	Contract with specialists to prepare a report of the overall "water condition" at the lake inlet, outlet, streams and springs. This technical information will be shared with all interested parties and <u>provide a basis for immediate corrective action</u> and continuing study.	1500.00
2	Wetlands Condition Study	Map, identify ownership, and prepare a report of the condition of wetlands within 1000 feet of the lakeshore and make recommendations for their perpetuation. Cooperate with County Land Services Department and other agencies.	900.00
3	Purchase Liability Insurance	(as required by the County)	1500.00
4	Pay Administration Fee	(as required by the County)	1000.00
5	Heavy Metals Test Result Project	Determine in a continuing study if heavy metals affect water quality at the North end of the lake attributable to Twisty's Salvage, recommend corrective action and cooperative with the Land Service Dept. if necessary.	250.00
6	Curly Leaf Control	Continue treatment of this invasive species according to recommendations of the control specialists. Costs could vary from 14 acres to 40 acres. For year 2012 the estimated acres to be treated is 30. The cost estimate was derived using the 2010 price of \$275.00 per acre + 10% for price increase or \$302.50 per acre.	9075.00 Estimate
7	Informational Meeting	Conduct a meeting of affected taxpayers in spring 2011 to provide information on LID status and objectives. Use mailed notices in cooperation with the Lake Association.	125.00
8	Informational Mailing	Organize and communicate with all taxpayers in the fall of 2011 regarding update of the LID project. Provide education. Invite cooperative, voluntary action and involvement.	200.00
9	Threats to Lake Project	Appoint and finance a committee to formally anticipate, monitor, alert and educate LID members of threats from any source which could affect lake quality (such as mussels, invasive fish species, floods, drought, pollution sources, buffer mismanagement, etc)	300.00
10	Public Access Cooperative Project	Appoint and finance a committee to cooperate with DNR and other agencies which would enhance the effectiveness of public access programs.	900.00
11	Lake Buffer Zone Demonstration Project	Provide an example of proper shoreline management. Utilize Extension Service and provide incentives. Educate citizens.	300.00
12	Rain Garden Demonstration Project	Provide an example of this pollution prevention practice. Utilize Extension Service and provide incentives. Educate citizens.	150.00
13	Wildlife Inventory Project	Appoint and finance a committee to inventory area wildlife (otters, beavers, birds, turtles, loons, eagles, etc.) and initiate a long-term monitoring program in cooperation with DNR and other agencies and organizations. Provide education.	300.00
	<b>Budget Available</b>	219 +- taxed parcels X \$75.00 = \$16425.00	\$16,425.

NOTE: a carryover of funds from year to year may be allowed to accommodate cash flow.

### LID SCORECARD - MONITORING AND MEASURING PROGRES

To ensure that there is sufficient progress the LID Board will monitor and report to citizens, CWC and other agencies on the following metrics.

	Key Measure	Benefit	How measured	Target 2012	2013	2014..
1	Comprehensive Water Monitoring Project	Providing a record of the condition of all waters entering the lake including Heavy Metal Accumulation	Use standard water testing techniques	Prepare a data set for use in comparing trends. Record data as basis for corrective action	Continue monitoring	Continue monitoring
2	Curly Leaf Management	To prevent further spread of this invasive species	Inspection by contractor and DNR	Control to less than 40 acres	Control to less than 30 acres	Control to less than 20 acres
3	Wetlands Condition Study	To retain the natural filtration of the lake	Cooperate with Land Services to develop a plan to maintain wetlands	Maintain a healthy wetlands system	-same-	-same-
4	Buffer Zone and Rain Garden Demonstration	Provide an example of correct methods of installation. Demonstrate by example.	Visual inspection and photo documentation	Increase in the percentage of participants	-same-	-same-
5	Education	Improve the understanding of property owners regarding how their actions affect the lake	Show Increased interest in projects	Improving the percentage of participants in lake activities	-same-	-same-
6	Public Access Cooperative Project	To prevent further increase of invasive species	Increase the degree of cooperation among involved agencies	To form a committee to organize the effort to monitor the access.	-continue-	-continue-
7	Wildlife Inventory Project	To improve interest of property owners in conservation and providing and maintaining habitat	The number of observations recorded and extent of communications	To maintain records and publicize the project	-same-	-same-
8	Threat to Lake Project	To anticipate and prepare for unique Threats. To assure property owners that there is a mechanism to warn if threats occur.	Produce and distribute technical reports as needed	Alert all involved organizations	-same-	-same-

## MONITORING AND MEASURING PROGRESS

The LID organization will produce records of accomplishments and distribute these as well as the financial reports to the Crow Wing County Commissioners and other appropriate officials, the USLLIA (Lake Association) and public in general if requested.

Upper South Long Lake Improvement District objectives and goals include the required measurement of its progress from year to year. The proposed objectives are defined so that they can be easily monitored and reviewed with annual reports submitted to Crow Wing County. Information from this LID can be compared to data obtained from other agencies and organizations in a formal, coordinated process.

## COOPERATING WITH OTHER ORGANIZATIONS

It is a fact that Crow Wing County, the Soil and Water District, MPCA, Minnesota DNR and other entities have been generally very helpful to lake property owners who are concerned about protecting the lake and its environment. It is also a fact that even with this assistance, the protection of Upper South Long Lake has not been assured.

The newly formed Nokasippi Watershed Group (organized by 3 of our lake association members) and the Lower South Long Lake Improvement District will be considered a part of the long range and overall lake management efforts of a LID.

The association by itself can no longer assume the full responsibility of protecting and improving our lake's water condition. Voluntary contributions will not fund the work that must be done to assure a continued healthy lake. USLLIA (Lake Association) is nearly broke.

The citizens who are the most involved and have the most at stake must act in whatever way is necessary. Thus the creation of a LID may be the only solution at this time. The support from property owners for this LID is overwhelming.

## RECOGNIZING CONFLICTING INTERESTS

There are no local (township) ordinances affecting lake management. There are no construction projects planned at this time. Any lands that may be adversely affected are presently under the scrutiny of the County, e.g. Trusty's Salvage and wetlands.

**If there is any objection to form a LID, it can best be expressed by the only letter we received. See the attached letter from the Worwa Family (page 14)**

There is overwhelming support to form a LID from citizens of the lake area.

# UPPER SOUTH LONG LAKE IMPROVEMENT DISTRICT

## PROPOSED BYLAWS

### Article 1: Establishment

Established under Minnesota Statute 103B.501 by the Crow Wing County Board of County Commissioners.

### Article 2: Name of District

The name of this organization is: Upper South Long Lake Improvement District.

### Article 3: Definition of the Upper South Long Lake Improvement District

The Upper South Long Lake Improvement District is a nonprofit organization subject to applicable county, state, and federal laws.

### Article 4: Purpose

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

### 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 Upper South Long 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 2 – 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 3 – Initial Board of Directors

The initial Board of Directors of the District shall consist of five members as outlined within MN Resolution No. 200857 and approved by the County. The initial Directors shall be split into two groups; two serving a one year term and three serving a two year term at the discretion of the initial Board of Directors.

#### Section 4 – 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 5 – Nomination of Directors

Directors for open Board positions will be nominated at the Annual Meeting by any Member of the Upper South Long 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 6 – Election of Directors

Directors shall be elected by majority vote of the Members present at the Annual Meeting of the Upper South Long 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 7 – 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 8 – Removal of Directors

Directors may be removed at any time by a two thirds-2/3- 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 9 – 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 Upper South Long Lake Improvement District shall be Directors.

#### Section 2 – Officer Positions

The officers shall consist of 4 officers: 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 Upper South Long 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 shall keep accurate records of all meetings of the Board of Directors, and regularly submit minutes to the Board of Directors.
- d. The Treasurer shall generate an annual financial statement of District expenditures, keep records of income and disbursement and send Crow Wing County approved bills to pay. He/She will 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. 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 Upper South Long 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 1<sup>st</sup> and ending July 31<sup>st</sup>. July 4 and Dec 2 are the dates the county collected taxes are distributed. The county uses the Jan1- Dec 30 calendar year.

## **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



# L I D

Upper South Long Lake Proposed Lake Improvement District  
Crow Wing County Brainerd, Minnesota

## REQUEST FOR A LID

Please see page 3 for the official request from the Upper South Long Lake Association for a Lake Improvement District.

### PETITION

#### Signatures

To the Commissioners:

This petition document was prepared before the current Policy and Procedure Manual was published but has been reviewed and accepted by Crow Wing County staff members.

The petition specifically states:

*"Each owner of lands abutting Upper South Long Lake will be assessed for one (1) parcel*

*"The lake improvement district is for an estimated \$16,800 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 estimate of \$75.00 for each property owner with lands immediately adjacent to Upper South Long Lake."*

The LID committee estimates that there are 219 taxable properties in the district with 154 petitions herein submitted as of the date of this request.

We have already exceeded the 60% requirement by  
reaching our goal of 70.3%.



Land Services Department

**CROW WING COUNTY**

BRAINERD, MINNESOTA 56401

## Lake Improvement District (LID) PRE-PETITION MEETING CHECKLIST

### PROPOSED LID CONTACT INFORMATION (PRIMARY):

NAME:

MAILING ADDRESS:

PHONE:

EMAIL:

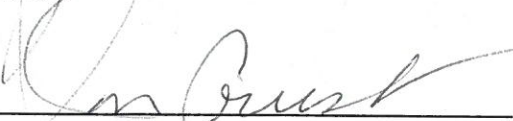
### Other Association Members Present:

Name:	Address:	Phone:	Email:
* Ben Trosvig	2620 Brookridge Ave W.	763 257-2182	rantrosvig@comcast.net
Mary Jane Reetz	11338 Silver Bay Rd Brainerd	218-828-4271	mary.reetz@mn.usma.gov
Don Crust	2531 Ridge Drive S Brd.	218 831 6637	crustnet@brainerd.net

### In the packet:

- ☒ LID Contacts
- ☒ Petition checklist
- ☒ Annual checklist
- ☒ County policies
- ☒ LID evaluation criteria
- ☒ Timeline
- ☒ Copy of the MN statutes / rules for LIDs
- ☒ Example Petition
- ☒ Auditor's request for information form
- ☒ Example DNR advisory report
- ☒ LID factsheets

I hereby acknowledge that I have received and understand all information presented to me in the pre-petition packet.

  
LID representative:

3/26/2010  
Date

   
Crow Wing County Staff:

3/26/2010  
Date

### Shaded boxes indicate CWC use only:

Date of meeting:	3-26-10
Staff present:	Mitch Brinks, Chris Pence, Tracy Giza, Mark Liedl, Tim Houle, Roberta Vikerman

↳ took minutes

Mike Carlson  
Jeanne Aske



Land Services Department

**CROW WING COUNTY**

BRainerd, MINNESOTA 56401

## Lake Improvement District (LID)

### PETITION CHECKLIST

#### PROPOSER INFORMATION

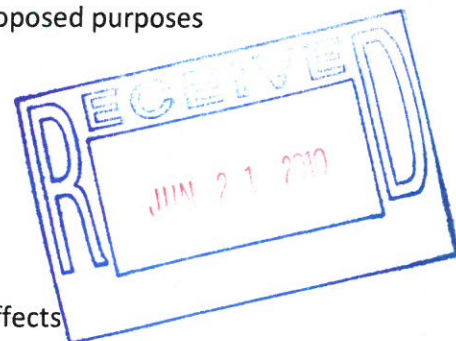
NAME: Don Crust, Mary Reetz, Dan Martonik

MAILING ADDRESS: Box 201, Brainerd MN 56401

PHONE: 218 831 6637

EMAIL: crustnet@brainerd.net

- ☒ Name of proposed LID
- ☒ Document including:
  - ☒ Explanation of the lake's problems
  - ☒ Need for the district and why another unit of government with similar powers, or a voluntary lake association, cannot or will not satisfactorily accomplish the district's proposed purposes
  - ☒ Necessity of the district to promote public health or welfare
  - ☒ Objectives of proposed LID
  - ☒ Benefits to property within the proposed district
  - ☒ Intended studies
  - ☒ Management programs
  - ☒ Remedial actions
  - ☒ Construction projects (inc. technical feasibility)
  - ☒ Analysis of and monitoring plan for potential long-term environmental effects
  - ☒ Explanation of coordination among other special purpose districts
  - ☒ Identification and consideration of conflicting interests
  - ☒ Information about adequacy of public accesses, public lands, and beaches
  - ☒ Statement explaining the financing of the programs/projects & info on outside funding
  - ☒ Request for establishing the district as proposed
- ☒ Map showing boundaries of proposed LID as well as the number and location of permanent homes and seasonal dwellings and other relevant geographic information
- ☒ Number of Directors proposed for the district
- ☒ Copies of local Ordinances which regulate use of the lake or any public accesses
- ☒ Information indicating the degree of local interest and commitment to future management
- ☒ Identification of any lands and waters which may be adversely affected by the implementation of district purposes, and a preliminary assessment of those adverse effects
- ☒ Estimate of the total equalized valuation of the property within the proposed district
- ☒ Insurance information showing liability coverage to the current tort limits
- ☒ A procedure in place with the Auditor's office as to how the financial transactions of the district will occur
- ☒ Signatures along with name, address, phone number, and email of signers (local gov't parcels are eligible)



**Please remember: Before LID activities can be paid for, they need to be on the tax rolls (often a 1 year delay)**

**Also, the proposer must notify the DNR et. al. within 5 days of the petition being officially certified below**

Shaded boxes indicate CWC use only:

Date petition received:	6-21-10	Submitted by:	Don Crust
Petition received by:	Mitch	Petition reviewed by:	Mitch / Jeannie K.
Date of pre-petition meeting:	3-26-10	Notes / Other Info:	Signatures delivered to Jeannie on 6-16-10

I hereby acknowledge that the information required above has been provided and is accurate to the best of my knowledge and the number of signatures represents a majority of landowners in the proposed LID.

Donald Crust Don Crust

Applicant

Mitch Brinks (Mitch Brinks)

Crow Wing County Staff

6/21/10

Date

6-21-10

Date

## Board of Commissioners

Historic Courthouse • 326 Laurel Street, Suite 13 • Brainerd, MN 56401 • 218-824-1067

COUNTY COMMISSIONERS  
PAUL M. THIEDE, CHAIR • DOUG HOUGE, VICE CHAIR  
PHILIP J. TRUSTY • RACHEL REABE NYSTROM • ROSEMARY FRANZEN



## CROW WING COUNTY

BRAINERD, MINNESOTA 56401

November 22, 2011

Upper South Long Lake Improvement District  
Bruce Dybvig  
P.O. Box 201  
Brainerd, MN 56401

### RE: MCIT Sponsorship for LID Insurance

I am writing on behalf of the Crow Wing County Board of Commissioners requesting that the Upper South Long Lake Improvement District be admitted into membership with MCIT for purposes of obtaining general liability insurance for your lake improvement district pursuant to Crow Wing County Policy. Please consider this letter as Crow Wing County's willingness to sponsor your membership.

Sincerely,

Paul Thiede  
Chair, Crow Wing County Board

#### OUR MISSION:

To provide high quality, cost-effective public services in a friendly and respectful manner.

AN EQUAL OPPORTUNITY EMPLOYER

# USLLIA

UPPER SOUTH LONG LAKE IMPROVEMENT ASSOCIATION  
Box 201, Brainerd, MN, 56401 <http://usllia.org/>

March 30, 2010

**To:** Mitch Brinks

**CC CWC Staff:** Chris Pence, Debby Erickson, Jeanne Aske, Jeanie Kuebelbeck, Kathi Sharp, Mark Liedl, Mike Carlson, Roberta Vickerman, Tim Houle, Tracy Giza, Stella Hegg

**CC CWC Board:** Phil Trusty, Paul Thiede, Rachel Nystrom, Rosemary Franzen, Doug Houge

**CC USLLIA BOD:** Don Crust, Mary Reetz

**Re:** Upper South Long Lake Pre-Petition LID Meeting March 26, 2010

On behalf of the Upper South Long Lake Improvement Association (USLLIA) board of directors, I would like to thank you for hosting our Pre-Petition LID Meeting. The meeting was well organized and knowledgeable staff were in attendance to walk us through the new process and answer any questions.

When we met with Phil Trusty (our representative) last December, we expressed a desire for a clear and consistent LID process. We were very pleased to see the new LID processes quickly emerge in March, 2010. They look excellent!

Kudos to the County Staff in creating the new processes and to the County Board for their input and quick approval.

We look forward to working with you in coming months as we create our LID proposal.

Best regards,

Ron Trosvig – USLLIA BOD President

# Minnesota Department of Natural Resources

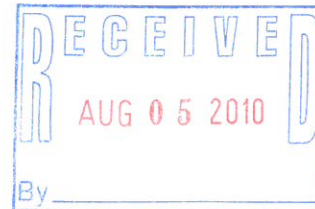
## Division of Waters

500 Lafayette Road • St. Paul, MN • 55155-4032



August 2, 2010

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



Dear Ms. Erickson:

### DNR ADVISORY REPORT ON THE FORMATION OF UPPER SOUTH LONG LAKE (DNR ID #18-0096) IMPROVEMENT DISTRICT, CROW WING COUNTY

Pursuant to Minnesota Rules 6115.0970, Subp. 5, Minnesota Department of Natural Resources (DNR) has reviewed the information provided for the formation of Upper South Long Lake Improvement District, and offers the following comments:

1. A map of the Upper South Long Lake watershed is provided. Upper South Long Lake has an area of 795 acres. The littoral or area capable of supporting the growth of rooted aquatic vegetation is 283 acres and the maximum depth is 47 feet. The lake's immediate watershed is 5.2 square miles. The contributing upstream watershed is 62.1 square miles.
2. Pollution Control Agency water clarity records, an indication of water quality, have been taken through the Citizen Lake Monitoring Program since 1973 (information available through Lake Finder on DNR website). Over that time period, lake clarity has averaged around six feet. Based on limited water quality data, the lake is classified as eutrophic. The DNR Fisheries Report (2007) posted on Lake Finder notes that the lake is heavily developed with an average of 31 homes/cabins per shoreline mile. Shallow water substrate consists of sand and gravel with areas of rubble, marl and muck. There is a diverse aquatic plant community consisting of 43 species of plants that are critical to maintaining healthy fish populations, water quality, food, spawning habitat and cover. Emergent vegetation such as bulrush and water lilies are still relatively common along the shoreline, but in diminished numbers.
3. Both Upper and Lower South Long Lake are classified as General Development in shoreland management and have a required structure setback of 75 feet.

[www.dnr.state.mn.us](http://www.dnr.state.mn.us)



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PRINTED ON RECYCLED PAPER CONTAINING A MINIMUM OF 10% POST-CONSUMER WASTE

## **Recommendation**

The DNR acknowledges the presence of curly-leaf pondweed in Upper South Long Lake and the petitioners' desire to manage it through the formation of a lake improvement district. Curly-leaf pondweed was first noted in Minnesota lakes around 1910; it is by no means a recent arrival to Minnesota.

Since 2004, the DNR and its partners have conducted lake-wide control of curly-leaf pondweed in attempts to increase water clarity in about 20 Minnesota lakes. Overall, there did not appear to be a consistent trend of increasing Secchi disk depth in a sub-set of these lakes for which observations have been analyzed. Based on these observations, reductions in curly-leaf do not appear to easily and reliably lead to increases in water clarity in lakes where clarity is low to medium—i.e., less than ~six feet Secchi depth. Overall, results to date suggest that curly-leaf pondweed may be a symptom of low water clarity, rather than a determinant or 'driver' of low water clarity. Accordingly, there is no indication that removing curly-leaf pondweed, per se, will improve the water quality of a lake.

As with other recently formed LIDs including Lower South Long LID, a primary purpose of the proposed LID is to manage invasive aquatic vegetation, and the proposed boundaries of the proposed LID include only properties that are riparian to Coon Lake. Minnesota Rules, part 6115.0920, subpart 5, require that the LID boundaries include all lands and waters within the direct drainage basin of the lake. However, this rule also allows the Board 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.

In accordance with these rules and on behalf of the Commissioner of Natural Resources, I hereby approve the proposed boundaries identified in the petition. However, we ask that the Board of Commissioners consider limiting the authority of the LID to matters that can be addressed by the riparian property owners, such as aquatic plant control and other in-lake studies and activities. Water quality protection and improvement will be extremely difficult to handle with only riparian properties located within the LID boundaries.

The DNR notes positively that the LID's projects and goals extend beyond just the management of invasive species and include items like lake buffer and rain garden demonstration projects, a wildlife inventory and other measures to increase landowner awareness of the natural resource systems of the lake and how they can be protected. Also noted is the emphasis upon cooperation with related groups to achieve common goals. Working together with the newly formed Nokasippi Watershed Group and the existing Lower South Long LID should be particularly effective on future projects where public education and demonstration projects may be part of the plan.

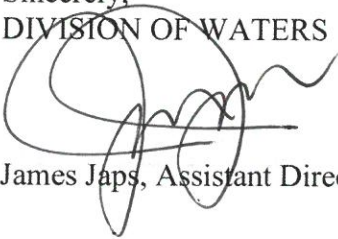
The DNR also commends Crow Wing County for the guidance it has developed to assist groups like Upper South Long Lake assess the need for and develop proposals for lake improvement

districts. This guidance has made it easier for a potential LID to put together the information required for the County to make an informed decision on the proposed LID.

In accordance with Minnesota Rules part 6115.0970, Subpart 7, this report must be entered into the record at the public hearing.

Thank you for your consideration of these comments. Please contact Peder Otterson, DNR Lake Improvement District Coordinator at 651-259-5697, with any questions.

Sincerely,  
DIVISION OF WATERS

A handwritten signature in black ink, appearing to read 'James Japs', is written over the typed name and title.

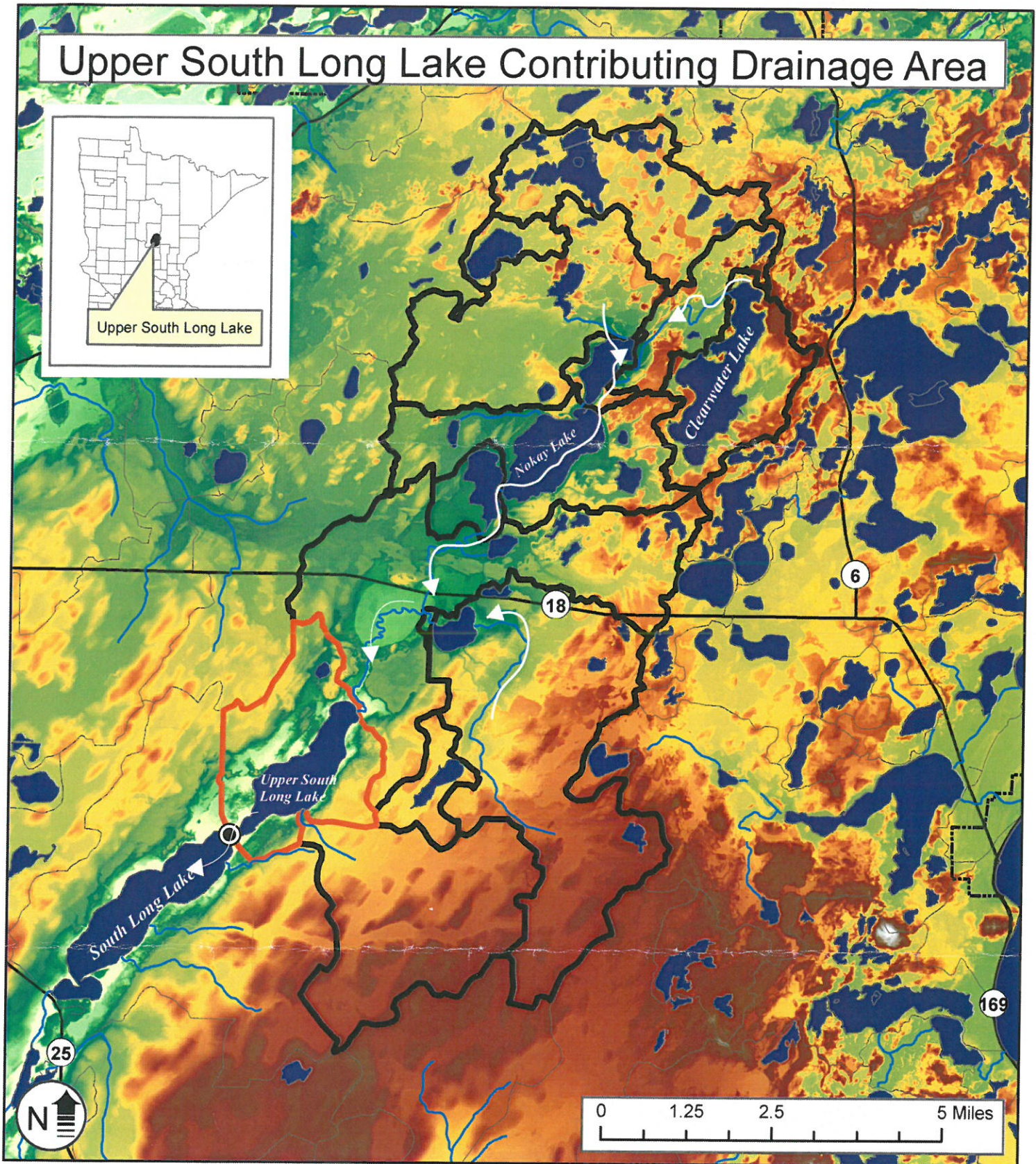
James Japs, Assistant Director

- c: Mike Peloquin, DNR Regional Hydrologist  
Joe Oschwald, DNR Area Hydrologist  
Chip Welling, DNR Eurasian Watermilfoil Coordinator  
Johanna Schussler, MPCA

# Upper South Long Lake Contributing Drainage Area

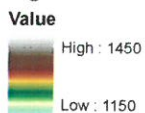


Upper South Long Lake



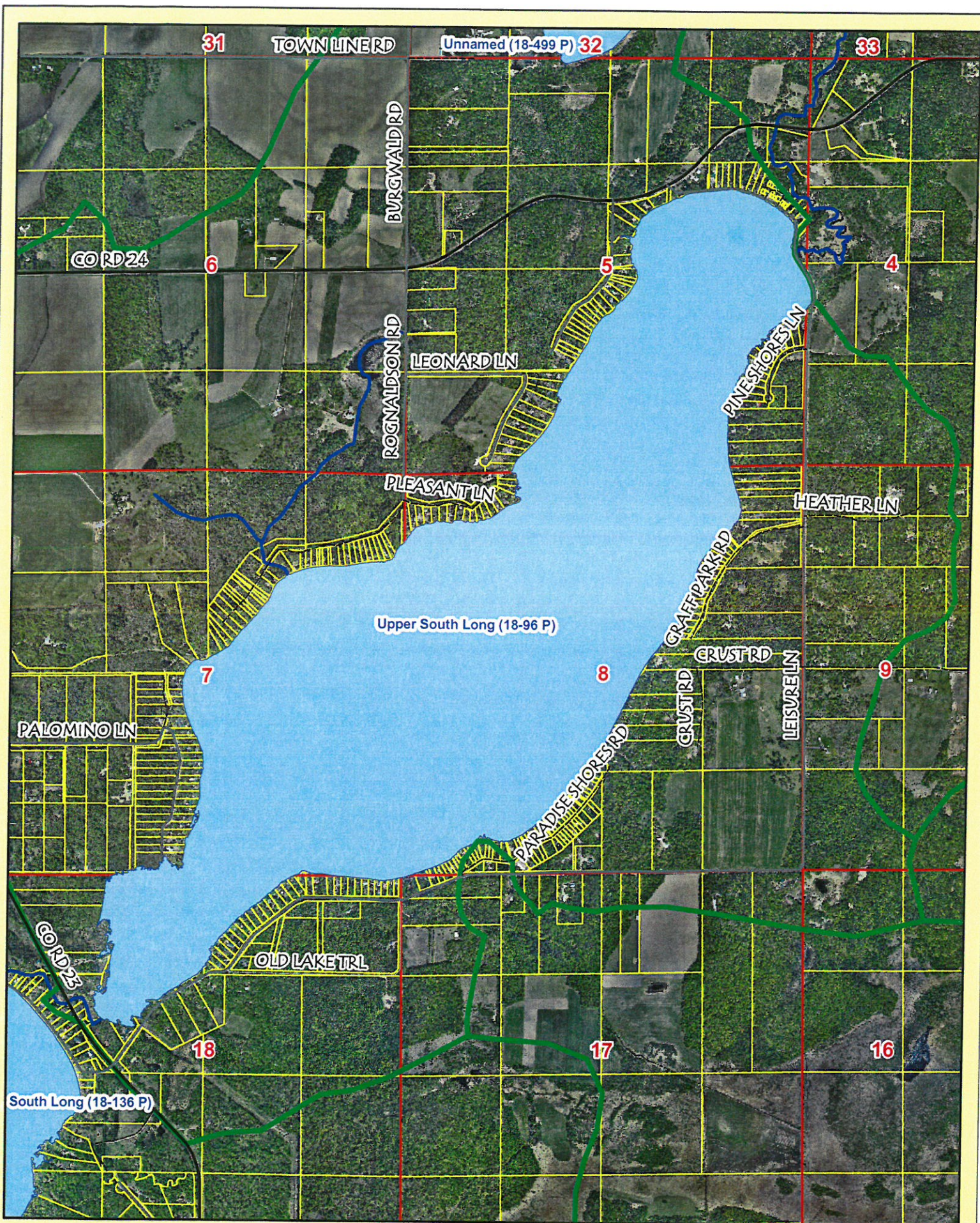
- Upper South Long Lake Outlet
- DNR Watersheds - DNR Level 08 - All Catchments
- Upper South Long Lake Direct Catchment
- Upper South Long Lake Contributing Area

## Digital Elevation Data

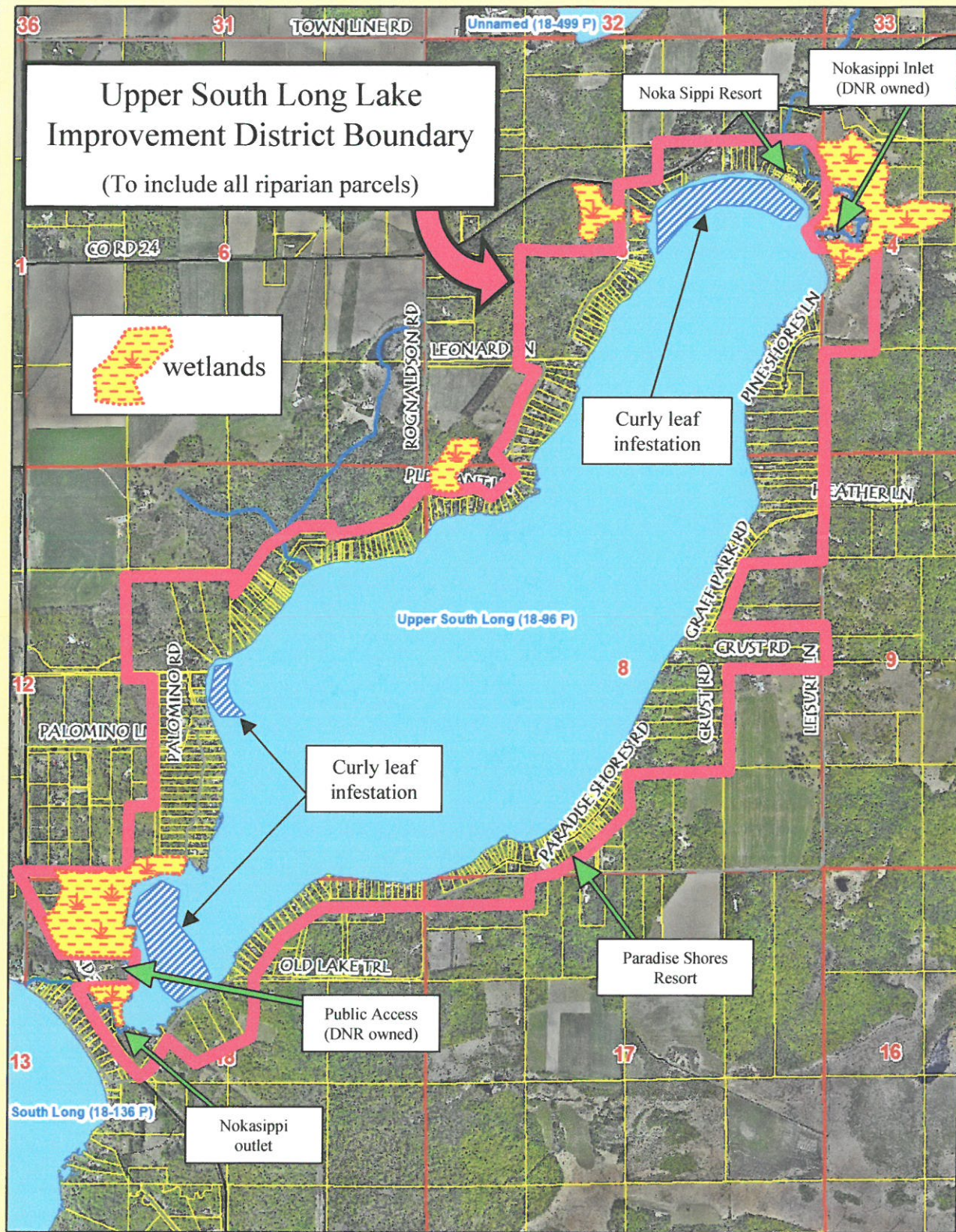


Upper South Long Lake Watershed Data	Area	
	Acres	Square Miles
Upper South Long Lake (DOWLKNUM = 18-9600)	795	1.24
Upper South Long Lake Immediate Watershed	3353	5.24
Upper South Long Lake Upstream Contributing Watershed(s)	39750	62.1
Lake Shoreline	6.2 miles	
Maximum Lake Depth	47 feet	





# Upper South Long Lake Improvement District Boundary (To include all riparian parcels)



- PWI Streams
- Lakes
- Section Lines
- Parcels



THIS DRAWING IS A COMPILATION OF RECORDS AS THEY APPEAR IN THE CROW WING COUNTY OFFICES AFFECTING THE AREA SHOWN AND IS TO BE USED ONLY FOR REFERENCE PURPOSES. THE COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

**PETITION FOR CREATION OF  
UPPER SOUTH LONG LAKE IMPROVEMENT DISTRICT**

TO: CROW WING COUNTY BOARD OF COMMISSIONERS  
CROW WING COUNTY COURTHOUSE  
BRainerd, MN 56401

The undersigned, being owners of real property within the proposed Upper South Long Lake Improvement District or buyers under contract for deed of property in the proposed district hereby petition the Crow Wing County Board for establishment of "Upper South Long Lake Improvement District" pursuant to Minn. Stat. §103B.521. Attached hereto and incorporated herein by reference is an Upper South Long Lake Improvement District Plan.

The name of the proposed district is Upper South Long Lake Improvement District. The establishment of the district is necessary for the promotion of public health and public welfare, and the lands to be included in the district will be benefited by the establishment of a lake improvement district through projects to maintain and improve the quality of the Upper South Long Lake and surrounding environs and through programs and services undertaken as authorized by applicable Minnesota statutes.

The boundaries of the territory to be included in the proposed district are the tracts of real estate surrounding and abutting Upper South Long Lake. Attached as Exhibit "A" is a map of the proposed district depicting the boundaries of the proposed district.

It is proposed that there shall be five directors for the district.

**Proposed Management Programs:** Water and related land resources management programs and services, as follows:

- To monitor and test for curlyleaf pondweed, and to organize and finance such treatment of curlyleaf pondweed as is necessary to eliminate its destructive effects on the lake.

- To receive financial assistance from and participate in projects or enter into contracts with federal and state agencies for the study of pollution problems and related demonstration programs.
- To enter into cooperative agreements with the United States or State government, or other counties or cities to effectuate water and related land resource programs.
- To monitor water quality and identify sources of water quality problems, pollution and eutrophication, to act upon such information and solve such problems related to water quality as are deemed to exist, and to develop recommendations for submission to appropriate agencies.

**How the Programs will be financed:** Programs to be undertaken by the Upper South Long Lake Improvement District shall be financed as provided in Minn. Stat. §103B.555 through special assessments or ad valorem tax. Special research projects may also be funded through grants and other resources where possible.

**Parcels in district, by classification:**

**Number of Permanent Homes:**

**Number of Seasonal Dwellings:**

(Note: There are      owners of record for the above properties.)

**Lands which may be adversely affected:** None known.

**Adequacy/Ownership of Public Accesses:** The State of Minnesota owns the public access for Upper South Long Lake.

**Total Equalized Valuation of property within district:\***

(\*Based upon      records from the Crow Wing County Auditor's office)

Upper South Long Lake:	\$	EMV (estimated market value)
	\$	TMV (taxable market value)

The undersigned petitioners, all of which own property in the proposed Upper South Long Lake Improvement District, request establishment of the Upper South Long Lake Improvement District as proposed above, pursuant to Minnesota Statutes, to

develop and provide a program of water and related land resources management as well  
as for all purposes contemplated by Minnesota law.

(Published in the Brainerd Dispatch, September 22, 2010, 11.)  
Commissioner Franzen offered the following resolution and moved its adoption:

#### RESOLUTION #2010-65

#### ORDER ESTABLISHING UPPER SOUTH LONG LAKE IMPROVEMENT DISTRICT

Based upon testimony received at a public hearing held at the Crow Wing County Courthouse in Crow Wing County, Minnesota, on August 10, 2010, the comments of the Minnesota Department of Natural Resources, the recommendations of staff, and upon all files, records, and proceedings herein, the Crow Wing County Board of Commissioners makes the following:

#### Findings

Crow Wing County recognizes that its lakes and rivers are important natural resources. Various state and local government programs have encouraged lake lot owners and lake associations to manage water quality and exotic vegetation in the county lakes.

Curly-leaf pondweed is a non-native form of vegetation that has invaded Upper South Long Lake. Because of its invasive nature, this type of vegetation can choke out native vegetation and some forms of aquatic life.

In late 2009, representatives of the Upper South Long Lake Improvement Association asked the County about the possibility of establishing a Lake Improvement District as a means of supporting past efforts by the association to improve lake water quality. The County was officially notified on January 10, 2010 of the Association's intent to petition the Crow Wing County Board of Commissioners to establish the district.

To show support for a lake improvement district, letters of support were signed by approximately 70% of the owners of property adjoining the lake and were submitted to the County asking that a lake improvement district be established for Upper South Long Lake. In addition, Maple Grove Township submitted a letter in favor of the district.

The requested budget for the district for lake management, aquatic vegetation control, demonstration sites and other water quality initiatives on Upper South Long Lake is \$16,425 per year, based on an assessment of \$75 per eligible property owner per year.

On July 13, 2010, the Crow Wing County Board of Commissioners passed a resolution giving notice of its intent to establish the Upper South Long Lake Improvement District and setting a public hearing to obtain input about the district.

Notice of the public hearing was sent to the Department of Natural Resources, the Pollution Control Agency, local units of government, and all riparian landowners. Notice was published and posted as required by law. On August 10, 2010, the Crow Wing County Board of Commissioners conducted a public hearing at the Crow Wing County Courthouse concerning the creation of an Upper South Long Lake Improvement District. Oral and written comments were received by the board.

A DNR Lake Advisory Report was submitted by Peder Otterson of the DNR which acknowledged the presence of curly-leaf pondweed in the lake and also approved the proposed boundaries of the LID to be those parcels riparian to Upper South Long Lake. The DNR was in support of the other efforts and projects that are proposed by the LID.

The DNR Lake Advisory Report was incorporated into the record.

The record reflected a range of views both supporting and not supporting the creation of the lake improvement district.

Efforts made to date to control Curly-leaf pondweed have been unsuccessful at eliminating the nuisance and have relied on voluntary contributions of interested individuals.

The district is intended to contribute to the health and welfare of the greater public by improving water quality.

The district has 13 specific projects that clearly demonstrate the district's goals and objectives. Each project is manageable and attainable. Projects will be monitored and measured. Each can be adequately funded within the limits of the proposed five-year budget.

The program will be financed by special assessments imposed on riparian landowners.

The lake management program will be done under the direction of the Minnesota Department of Natural Resources and will not cause or contribute to long-range environmental pollution.

The primary program to be undertaken by the district will be long-term aquatic plant management but the district will also focus on improving the quality of water in Upper South Long Lake and educating adjoining landowners in good stewardship of its watershed.

Crow Wing County Environmental Services will be the primary office responsible for supervising programs of the lake improvement district. Delegation of the powers stated below to the district will assure that representatives of the people most directly affected by the actions of the district will determine its management.

The directors listed below meet the requirements of Minnesota Statute 103B.551.

Because of the county's residual financial responsibility under Minnesota Rule 6115.0980, the district will be required to maintain insurance and follow standard government accounting principles.

#### Conclusion

The establishment of a Lake Improvement District for Upper South Long Lake in Crow Wing County is warranted.

Wherefore, the Crow Wing County Board of Commissioners makes the following Order:

Upper South Long Lake Improvement District is hereby established.

The District shall include all riparian properties to Upper South Long Lake pursuant to County policies.

The lake improvement district is authorized to undertake long-term non-native aquatic plant management as outlined in the LID's foundational documents and as determined necessary and appropriate by its board of directors and in cooperation with the Minnesota Department of Natural Resources and Crow Wing County.

Projects of the lake improvement district will be financed by special assessments imposed on riparian landowners pursuant to County policies.

The initial assessment shall be set at \$75 per eligible property owner. The Board of Directors of the Upper South Long Lake Improvement District may,

## Affidavit of Publication

of Minnesota)

of Crow Wing)

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

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

inted Resolution which is attached was cut from the columns of said newspaper, and d and published once each week, for 1 successive weeks; it was first published on ay the 22nd day of September, 2010, and was thereafter printed and published on to and including the day of , 2010; and printed below is a copy r case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the nd of type used in the composition and publication of the notice.

abcdefghijklmnopqrstuvwxyz

By:

Title: Agent

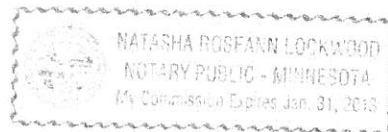
and sworn to before me on this 22nd day of September, 2010

Natasha Roseann Lockwood  
Notary Public, Minnesota

Seal)

My Commission Expires

n Fee \$378.00



## RATE INFORMATION

vest classified rate paid by  
mercial users for com-  
able space \$9.45 /column inch

ximum rate allowed by law  
the above matter \$13.90 /column inch

e actually charged for the  
ve matter \$9.45 /column inch

lower or raise the annual assessment as long as the maximum assessment does not exceed the initial assessment of \$75 per eligible property owner. The lake improvement district will be managed by a five (5) person board of directors. Directors shall be property owners in the lake improvement district and a majority of the directors shall be residents of the district. The terms shall be staggered, two (2) year terms after the initial year.

The following individuals shall serve as directors for one (1) year beginning upon adoption of this order and continuing until the 2011 Upper South Long Lake Improvement District annual meeting: Don Crust, Ron Trosvig.

The following individuals shall serve as directors for two (2) years beginning upon adoption of this order and continuing until the 2012 Upper South Long Lake annual meeting: Mary Reetz, Dan Martonik, Bruce Dybvig.

Directors shall be elected at the annual meeting to be held in July or August of each year on a date set by the board of directors. Changes to the date of the annual meeting may be changed at the previous year's annual meeting. Directors may be removed at any time by a two thirds (2/3) 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.

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 Directors they are replacing.

Individuals whose names appear as owners of Upper South Long Lake riparian property on the records of the Crow Wing County Recorder are eligible to cast votes for board members and on other lake improvement district matters. In addition, Common Interest Communities (CICs) and Planned Unit Developments (PUDs) have only one (1) vote, pursuant to County policies.

Voting for directors will be by secret ballot. Ballots shall be mailed to each property owner within the district at least three (3) weeks prior to the annual meeting. Ballots may be sent or delivered to the clerk of the board prior to or on the date of the annual meeting, pursuant to County policies.

Directors may receive compensation for their services as determined by district members at the annual meeting and may be reimbursed for actual expenses necessarily incurred in the performance of their duties in the manner provided for county employees.

The following powers are hereby delegated to the Upper South Long Lake Improvement District:

- to undertake research to determine the condition and development of Upper South Long Lake and the water entering it and to transmit the results of the studies to the pollution control agency and other interested authorities;
- to conduct a program of water improvement and conservation, focused on improving the quality of water in Upper South Long Lake and educating riparian landowners in good stewardship of its watershed. Non-native aquatic nuisance control is allowed upon consent by the Minnesota Department of Natural Resources;

- to make cooperative agreements with the United States or state government or other counties or cities to effectuate authorized water and related land resource programs;

- to take actions necessary for the administration of the lake improvement district;

- to levy special assessments to finance implementation of the powers identified in this order pursuant to Minnesota Statutes 103B.555, subd. 4.

The Upper South Long Lake Improvement District shall maintain general liability insurance in the amount of tort limits established by Minnesota Statute 466 and shall name Crow Wing County as an additional insured on such insurance policy. A copy of the insurance policy shall be filed annually with the Crow Wing County Auditor.

The County Auditor, or their designee, shall annually review the financial records for completeness, accuracy, and to ensure that expenses paid out are consistent with the terms of this Order, Minnesota Statutes, and Minnesota Rules governing lake improvement districts.

The lake improvement district shall, within four months after its annual meeting or November 1st (whichever is earlier), file an annual report with the Crow Wing County Board of Commissioners, the Minnesota Department of Natural Resources, and the Minnesota Pollution Control Agency.

The duration of the district shall be five (5) years, pursuant to County policies.

The County Board will consider termination of the lake improvement district upon receipt of a petition signed by the majority of property owners in the district.

The lake improvement district shall operate in accordance with Minnesota Statutes 103B.501 to 103B.581, Minnesota Rules 6115.0900 to 6115.0980, Crow Wing County Policies, and within the limitations of this order.

This order will become effective thirty (30) days after its publication in Crow Wing County's official publication of record.

If any part of this Order is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Order.

This order was approved by the Crow Wing County Board of Commissioners at its meeting on August 24, 2010.

Resolution seconded by Commissioner Nystrom, all aye, except Commissioner Houge nay. Resolution declared adopted.

/s/

Timothy J. Houle, County Administrator

**BOARD OF COUNTY COMMISSIONERS**  
***Crow Wing County, Minnesota***

**DATE: August 24, 2010**

**RESOLUTION #2010-65**

**OFFERED BY COMMISSIONERS: Franzen and Nystrom**

**ORDER ESTABLISHING UPPER SOUTH LONG LAKE IMPROVEMENT DISTRICT**

Based upon testimony received at a public hearing held at the Crow Wing County Courthouse in Crow Wing County, Minnesota, on August 10, 2010, the comments of the Minnesota Department of Natural Resources, the recommendations of staff, and upon all files, records, and proceedings herein, the Crow Wing County Board of Commissioners makes the following:

**Findings**

1. Crow Wing County recognizes that its lakes and rivers are important natural resources. Various state and local government programs have encouraged lake lot owners and lake associations to manage water quality and exotic vegetation in the county lakes.
2. Curly-leaf pondweed is a non-native form of vegetation that has invaded Upper South Long Lake. Because of its invasive nature, this type of vegetation can choke out native vegetation and some forms of aquatic life.
3. In late 2009, representatives of the Upper South Long Lake Improvement Association asked the County about the possibility of establishing a Lake Improvement District as a means of supporting past efforts by the association to improve lake water quality. The County was officially notified on January 10, 2010 of the Association's intent to petition the Crow Wing County Board of Commissioners to establish the district.
4. To show support for a lake improvement district, letters of support were signed by approximately 70% of the owners of property adjoining the lake and were submitted to the County asking that a lake improvement district be established for Upper South Long Lake. In addition, Maple Grove Township submitted a letter in favor of the district.
5. The requested budget for the district for lake management, aquatic vegetation control, demonstration sites and other water quality initiatives on Upper South Long Lake is \$16,425 per year, based on an assessment of \$75 per eligible property owner per year.
6. On July 13, 2010, the Crow Wing County Board of Commissioners passed a resolution giving notice of its intent to establish the Upper South Long Lake Improvement District and setting a public hearing to obtain input about the district.
7. Notice of the public hearing was sent to the Department of Natural Resources, the Pollution Control Agency, local units of government, and all riparian landowners. Notice was published and posted as required by law.
8. On August 10, 2010, the Crow Wing County Board of Commissioners conducted a public hearing at the Crow Wing County Courthouse concerning the creation of an Upper South Long Lake Improvement District. Oral and written comments were received by the board.
9. A DNR Lake Advisory Report was submitted by Peder Otterson of the DNR which acknowledged the presence of curly-leaf pondweed in the lake and also approved the proposed boundaries of the LID to be those parcels riparian to Upper South Long Lake. The DNR was in support of the other efforts and projects that are proposed by the LID.
10. The DNR Lake Advisory Report was incorporated into the record.
11. The record reflected a range of views both supporting and not supporting the creation of the lake improvement district.
12. Efforts made to date to control Curly-leaf pondweed have been unsuccessful at eliminating the nuisance and have relied on voluntary contributions of interested individuals.
13. The district is intended to contribute to the health and welfare of the greater public by improving water quality.
14. The district has 13 specific projects that clearly demonstrate the district's goals and objectives. Each project is manageable and attainable. Projects will be monitored and measured. Each can be adequately funded within the limits of the proposed five-year budget.
15. The program will be financed by special assessments imposed on riparian landowners.
16. The lake management program will be done under the direction of the Minnesota Department of Natural Resources and will not cause or contribute to long-range environmental pollution.
17. The primary program to be undertaken by the district will be long-term aquatic plant management but the district will also focus on improving the quality of water in Upper South Long Lake and educating adjoining landowners in good stewardship of its watershed.
18. Crow Wing County Environmental Services will be the primary office responsible for supervising programs of the lake improvement district.
19. Delegation of the powers stated below to the district will assure that representatives of the people most directly affected by the actions of the district will determine its management.

20. The directors listed below meet the requirements of Minnesota Statute 103B.551.
21. Because of the county's residual financial responsibility under Minnesota Rule 6115.0980, the district will be required to maintain insurance and follow standard government accounting principles.

### **Conclusion**

The establishment of a Lake Improvement District for Upper South Long Lake in Crow Wing County is warranted.

**Wherefore, the Crow Wing County Board of Commissioners makes the following Order:**

1. Upper South Long Lake Improvement District is hereby established.
2. The District shall include all riparian properties to Upper South Long Lake pursuant to County policies.
3. The lake improvement district is authorized to undertake long-term non-native aquatic plant management as outlined in the LID's foundational documents and as determined necessary and appropriate by its board of directors and in cooperation with the Minnesota Department of Natural Resources and Crow Wing County.
4. Projects of the lake improvement district will be financed by special assessments imposed on riparian landowners pursuant to County policies.
5. The initial assessment shall be set at \$75 per eligible property owner. The Board of Directors of the Upper South Long Lake Improvement District may, with the consent of the membership voting at the District's Annual Meeting, lower or raise the annual assessment as long as the maximum assessment does not exceed the initial assessment of \$75 per eligible property owner.
6. The lake improvement district will be managed by a five (5) person board of directors. Directors shall be property owners in the lake improvement district and a majority of the directors shall be residents of the district. The terms shall be staggered, two (2) year terms after the initial year.
7. The following individuals shall serve as directors for one (1) year beginning upon adoption of this order and continuing until the 2011 Upper South Long Lake Improvement District annual meeting: Don Crust, Ron Trosvig.
8. The following individuals shall serve as directors for two (2) years beginning upon adoption of this order and continuing until the 2012 Upper South Long Lake annual meeting: Mary Reetz, Dan Martonik, Bruce Dybvig.
9. Directors shall be elected at the annual meeting to be held in July or August of each year on a date set by the board of directors. Changes to the date of the annual meeting may be changed at the previous year's annual meeting.
10. Directors may be removed at any time by a two thirds (2/3) 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.
11. 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 Directors they are replacing.
12. Individuals whose names appear as owners of Upper South Long Lake riparian property on the records of the Crow Wing County Recorder are eligible to cast votes for board members and on other lake improvement district matters. In addition, Common Interest Communities (CICs) and Planned Unit Developments (PUDs) have only one (1) vote, pursuant to County policies.
13. Voting for directors will be by secret ballot. Ballots shall be mailed to each property owner within the district at least three (3) weeks prior to the annual meeting. Ballots may be sent or delivered to the clerk of the board prior to or on the date of the annual meeting, pursuant to County policies.
14. Directors may receive compensation for their services as determined by district members at the annual meeting and may be reimbursed for actual expenses necessarily incurred in the performance of their duties in the manner provided for county employees.
15. The following powers are hereby delegated to the Upper South Long Lake Improvement District:
  - a. to undertake research to determine the condition and development of Upper South Long Lake and the water entering it and to transmit the results of the studies to the pollution control agency and other interested authorities;
  - b. to conduct a program of water improvement and conservation, focused on improving the quality of water in Upper South Long Lake and educating riparian landowners in good stewardship of its watershed. Non-native aquatic nuisance control is allowed upon consent by the Minnesota Department of Natural Resources;
  - c. to make cooperative agreements with the United States or state government or other counties or cities to effectuate authorized water and related land resource programs;
  - d. to take actions necessary for the administration of the lake improvement district;
  - e. to levy special assessments to finance implementation of the powers identified in this order pursuant to Minnesota Statutes 103B.555, subd. 4.
16. The Upper South Long Lake Improvement District shall maintain general liability insurance in the amount of tort limits established by Minnesota Statute 466 and shall name Crow Wing County as an additional insured on such insurance policy. A copy of the insurance policy shall be filed annually with the Crow Wing County Auditor.
17. The County Auditor, or their designee, shall annually review the financial records for completeness, accuracy, and

to ensure that expenses paid out are consistent with the terms of this Order, Minnesota Statutes, and Minnesota Rules governing lake improvement districts.

18. The lake improvement district shall, within four months after its annual meeting or November 1<sup>st</sup> (whichever is earlier), file an annual report with the Crow Wing County Board of Commissioners, the Minnesota Department of Natural Resources, and the Minnesota Pollution Control Agency.
19. The duration of the district shall be five (5) years, pursuant to County policies.
20. The County Board will consider termination of the lake improvement district upon receipt of a petition signed by the majority of property owners in the district.
21. The lake improvement district shall operate in accordance with Minnesota Statutes 103B.501 to 103B.581, Minnesota Rules 6115.0900 to 6115.0980, Crow Wing County Policies, and within the limitations of this order.
22. This order will become effective thirty (30) days after its publication in Crow Wing County's official publication of record.
23. If any part of this Order is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Order.

This order was approved by the Crow Wing County Board of Commissioners at its meeting on August 24, 2010.

STATE OF MINNESOTA )  
COUNTY OF CROW WING) ss

I, Timothy J. Houle, County Administrator, 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 August 24, 2010, 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 14<sup>th</sup> day of September 2010.

TIMOTHY J. HOULE  
COUNTY ADMINISTRATOR

	<u>YES</u>	<u>NO</u>
DISTRICT #1 – TRUSTY	<u>X</u>	<u>          </u>
DISTRICT #2 – THIEDE	<u>X</u>	<u>          </u>
DISTRICT #3 – NYSTROM	<u>X</u>	<u>          </u>
DISTRICT #4 – FRANZEN	<u>X</u>	<u>          </u>
DISTRICT #5 – HOUGE	<u>          </u>	<u>X</u>