



*Gerald J. Amiot*

**POLK COUNTY AUDITOR-TREASURER**

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June 8, 1998

The Honorable Joan Anderson Growe  
Secretary of State  
State of Minnesota  
100 Constitution Avenue  
180 State Office Building  
St. Paul, MN 55155-1299

Dear Ms. Growe:

Pursuant to Minnesota Statutes 103B.541 and on behalf of the Polk County Board of Commissioners, I hereby submit to you a certified copy of the resolution and order establishing the "Union/Lake Sarah Improvement District". The order establishing the district was published on June 1, 1998.

If you should have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,

*Gerald J. Amiot*

Gerald J. Amiot  
Polk County Auditor-Treasurer

Enclosure



9801770

RESOLUTION OF THE POLK COUNTY  
BOARD OF COMMISSIONERS

The following resolution (98-5-53) was offered by Commissioner Syverson:

WHEREAS, on April 10, 1997, a Petition for the establishment of the Union/Lake Sarah Improvement District was filed with the Polk County Auditor in accordance with Minn. Stat. § 103B.521; and

WHEREAS, a certified copy of said Petition was provided to the Commissioner of Natural Resources and the Minnesota Pollution Control Agency as required by applicable rules; and

WHEREAS, notice as required by statute has been sent to the property owners within the proposed District, all local and regional units of government, special purpose districts and development commissions within and adjacent to the boundaries of the proposed District, and all corporations and utilities owning real estate or corporate property within the proposed District, and said notice being published in the Thirteen Towns and the Erskine Echo and posted in public buildings and leading commercial establishments in or near the proposed District, at least 21 days prior to public hearing, and

WHEREAS, on May 5, 1998, a public hearing was held on the question of whether the requested Lake Improvement District should be established; and

WHEREAS, on May 19, 1998, more than ten days but less than thirty days following said public hearing, the County Board formally convened to approve or disapprove said Petition,

WHEREAS, it appeared to the Board, after consideration of all the testimony, correspondence will be promoted by the establishment of the District, that the property to be included in the District will be benefited by the establishment thereof, and

NOW, THEREFORE, THE POLK COUNTY BOARD, BY FORMAL ORDER DECLARES THE FOLLOWING:

1. That the Union/Lake Sarah Improvement District, should be, and the same is, hereby established pursuant to Minnesota Statutes, and the same is hereby declared to be organized, upon the effective date of this Order.
2. The name of the District shall be "Union/Lake Sarah Improvement District."
3. The boundaries of the "Union/Lake Sarah Improvement District" shall be as follows: all parcels adjacent to and abutting the lakeshore of Little Lake Sarah, Lake Sarah, Union Lake and Anderson Lake. Legal descriptions of the properties included within the District are on file with the Polk County Auditor-Treasurer.
4. Water and related land resources management programs and services to be undertaken are as follows:

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- a. Maintenance of existing programs established by the Union Lake / Lake Sarah Improvement Association which include lake directory, fire numbers, buoys, aeration, siren, rearing pond, and educational programs.
  - b. Undertake research to determine the condition and development of Union Lake, Anderson Lake, Little Lake Sarah and Lake Sarah, the water entering it and exiting it, and transmit the results of the studies and make recommendations to the appropriate authorities.
  - c. 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.
  - d. To enter into cooperative agreements with the United States or State government, local government or special purpose districts to effectuate water and related land resource programs.
  - e. Maintain public beaches, public docks and other public facilities for access to Union Lake and Lake Sarah.
  - f. To monitor water quality and identify sources of water quality problems, and other areas of concern such as water levels, shoreline erosion, fish and wildlife habitat, population density, and to develop recommendations for submission to appropriate agencies.
  - g. To provide a forum for public discussion and dispute resolution and establish programs to educate the public in regard to issues critical to preservation of the lake system.

5. Manner of financing programs and services:

The administrative budget of the Union/Lake Sarah Improvement District shall be financed as provided in Minn. Stat. § 103B.555 through user fees, special assessments or ad valorem tax. Each improved lot or parcel within the District shall be assessed at a uniform rate. An improved lot is defined as a platted or unplatted tract which contains a permanent or seasonal dwelling, mobile home, trailer or other occupiable structure as further defined by the By-laws of the District. The Directors shall have the authority to determine whether a tract is subject to assessment as an improved lot. Special research projects may also be funded through grants and other resources when available.

6. Number, Qualifications, Terms of Office, Removal and Filling of Vacancies of the Board of Directors:

- a. The Board of Directors of the Union/Lake Sarah Improvement District shall have five directors.
- b. Each Director shall be a property owner of the Improvement District of lawful voting age.
- c. The first Board of Directors shall be appointed by the Board of Commissioners to hold office until the first annual meeting of the members. At the first annual meeting, the members of the District

shall elect a Board of Directors which shall have two members, with a term of office of three years, two members with a term of office of two years, and one member with a term of office of one year. Subsequent elected directors shall have terms of three years.

- d. Directors may be removed by a majority vote of the property owners attending an annual meeting upon resolution for removal, but a resolution for removal may be considered at an annual meeting only upon receipt of a petition, submitted to the Board of Directors 15 days prior to the annual meeting bearing the signatures of 25% of the property owners.
  - e. Vacancies from the Board of Directors shall be filled by appointment by a vote of a majority of the remaining Board of Directors, with said appointee to serve for the remainder of the unexpired term of the director whose vacancy is being filled. Directors may not serve more than three full consecutive terms in office. Appointments must be made in a manner which will retain the composition of the Board as required by this order and Minnesota Statutes.
7. The improvement district shall develop and maintain cooperative relationships with the Watershed Districts and other agencies such as the DNR to address any issues beyond the lakeshore area. The By-laws of the District shall include a provision for providing notice of each regularly scheduled meeting or public hearing to the Sand Hill Watershed District, East Polk County Soil and Water Conservation District, the Polk County Board of Commissioners, the surrounding Townships, and the area office for the Department of Natural Resources.
  8. For each research project initiated by the district, notice to the public shall be provided and public meetings will be held both at the beginning and conclusion of each project to solicit comments and concerns from all parties interested in and affected by the issue which is the subject of study. The notification procedures will specifically encourage concerned citizens from both within and without the boundaries of the proposed district to identify conflicting interests regarding water and related land management so that full consideration of their concerns will be included in the decision-making process. The first Board of Directors will enact by-laws to formalize such notification procedures that will protect the public interest.
  9. The Improvement District shall maintain an orderly system of minutes, financial information and other records. Any data gathered in relation to water quality, water levels, ground water quality, fish and wildlife habitat, shorelines or other lake preservation issues shall be maintained in a permanent format accessible to the public.
  10. The Improvement District shall have the power to receive and own property, both real and personal, including grants, private contributions, and other sources of funding for the benefit of the public interest in preserving and enhancing the lake system.
  11. The Secretary of the Improvement District shall maintain a list of all owners of property within the boundaries of the Improvement District who are registered with the Polk County Auditor-Treasurer which shall constitute the voting

members of the Improvement District. Persons not on said list who wish to be included shall submit proof of ownership to the Board of Directors for review. Attendance at an annual or special meeting of the members of 5% of said registered landowners shall constitute a quorum.

12. Membership. Members eligible to vote at the annual meeting shall be "property owners" as defined by Minn. Stat. Section 103B.505, subd. 6 (1998) who are 18 years or older. Each registered member shall receive notice at their last known address of each meeting of the members. Notice of regularly scheduled meetings of the Board of Directors shall be published in advance in the Erskine Echo or other newspaper of general circulation in the lake improvement district area. The By-laws of the Improvement District shall include procedures to satisfy the notice requirements set forth above.

13. Annual meeting. The Improvement District must have an annual meeting of its members as set forth in Minn. Stat. Section 103B.571 (1998). The first annual meeting shall be scheduled in July or August of 1998 and held annually in that period unless changed by vote of the previous annual meeting.

A. The annual meeting shall be preceded by two weeks' published notice and 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, commissioner of natural resources, and if there is a proposed project by the district having a cost in excess of \$5,000, all property owners within the assessment area.

B. Agenda. At the annual meeting the district property owners present shall:

1. Elect one or more directors to fill vacancies in the board of directors.
2. Approve a budget for the fiscal year;
3. Approve or disapprove proposed projects by the district having a cost to the district in excess of \$5,000; and
4. Take up and consider other business that comes before them.

C. Annual Report. Each year the board of directors shall prepare and file a report of the financial conditions of the district, the status of all projects in the district, the business transacted by the district, other matters affecting the interests of the district, and a discussion of the directors' intentions for the succeeding years. Copies of the report shall be transmitted to the county board or joint county authority, town boards and city councils of statutory and home rule charter cities wholly or partially within the district, the commissioner of natural resources, and the pollution control agency by four months after the annual meeting.

Pursuant Minnesota Statute 103B.541, the Polk County Auditor is hereby directed

