

Amendments - Pelican Group of the Lakes Improvement District

Chairman of the PGOLID, H.R. Lund, briefed the County Board regarding what the district has done in the past and future goals of the district. He stated that the LID includes approximately 1,200 property owners. Currently, the LID is researching the establishment of a sewer system and he spoke in favor of approving the proposed amendments. Property owner on Pelican Lake, Rod Smith, spoke against the proposed amendments and requested that the Board not give the PGOLID additional authority. Lengthy discussion followed regarding the proposed ballots for the sewer system project and authority for specific projects. County Attorney, David Hauser, acknowledged receipt of two additional letters regarding the proposed amendments. Discussion took place regarding the option to approve the proposed amendments with a change to require the LID to receive authority from the County Board for the sewer project. Motion by Lee, second by Mosher, to approve the following proposed amendments with added language (as represented in italics) in Paragraph 25.c.iv. and 25.c.xv:

STATE OF MINNESOTA OTTER TAIL COUNTY

In the Matter of the Pelican Group of
Lakes Improvement District

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**AMENDED ORDER ESTABLISHING
DISTRICT**

The Board of County Commissioners for Otter Tail County, Minnesota, at a public hearing to consider amending the order establishing the Pelican Group of Lakes Improvement District, made the following:

FINDINGS OF FACT

1. The Otter Tail County Board (the "Board") adopted a resolution of intent to establish the Pelican Group of Lakes Improvement District (the "District") on August 7, 1993.
2. The Board held a public hearing on August 28, 1993, within the proposed district regarding whether the district should be established.
3. On October 5, 1993, the Board ordered that the proposed district be established effective June 6, 1994.
4. The Board of Directors of the District (the "Directors") has asked the Board to consider amending the order establishing the District to include delegation of powers and authorities specifically allowed by Minnesota Statutes Section 103B.551.

5. The Directors make their request in order to clarify the District's role and function and in order to simplify the processes by which the District undertakes to implement programs and projects.
6. The Board is authorized by Minnesota Statutes Section 103B.551 to, by order, delegate powers to the board of directors of a district to be exercised within the district.
7. The Board may also delegate to the District, by order identifying each specific improvement to which the delegation applies, financing authority for improvements under chapter 429 and section 444.075, including, but not limited to: (1) the levy of special assessments; (2) the imposition of rates and charges; and (3) the issuance of bonds to finance improvements that the District may undertake.
8. The District has undertaken to study the feasibility and public health, economic and environmental benefit of constructing a joint water and sewer system within the District.
9. The District has undertaken its study with approval from the Board and from the District's constituents, but without a specific delegation of authority from the Board.
10. Similarly, the District has undertaken other projects and programs with approval from the Board and from the District's constituents without a specific delegation of authority from the Board.
11. The Directors have also asked the Board to clarify or provide a procedure for adding formerly agricultural land to the District.
12. The Board's original Order establishing the District excepted from the District certain agricultural lands otherwise located within the boundaries of the District.
13. Many of those agricultural lands are no longer in a primary agricultural use and many more of those lands are in transition to non-agricultural uses.
14. It is the intent of the Board that all non-agricultural lands within the boundaries of the District, as described in the Order originally establishing the District, be included in the District.
15. The Directors may, by confirming the changed land use with the County Auditor and Assessor, and by notifying the owner of the lands and the Administrator of the Otter Tail County Department of Land and Resource Management, add those lands no longer in agricultural use to the District.
16. The Board adopted a resolution of intent to consider amending the Order establishing the District on August 14, 2001.
17. The Board finds that an amendment to the order establishing the District, delegating specific powers and authorities to the District, clarifying the financing means and authorities of the District, and providing a procedure for the inclusion of properties within the District that are no longer of primarily agricultural use, would be beneficial to the efficient function of the District.
18. The Board published notice of a public hearing on a proposed amendment to the order establishing the District. The affidavit of publication is attached to and incorporated into these findings by reference.
19. The Board provided written notice to Dunn and Scambler Townships, Otter Tail County, Minnesota, of the proposed amendment to the order establishing the District and encouraged each to comment on the proposed amendment.
20. The Board held its public hearing on December 18, 2001, to take public comment on the proposed amendment to the order establishing the District.
21. The Board allowed for written comments regarding the proposed amendment to the order establishing the District to be received and considered by the Board.
22. After considering the comments of those present at the hearing and the written comments presented to the Board, the Board finds that the functions and authorities delegated to the District by the proposed amendment are necessary and beneficial for the continued improvement of the Pelican Group of Lakes; that the public welfare will be promoted by the delegation of the functions and

authorities contained in the proposed amendment; that property within the District will benefit from the District's prudent exercise of the functions and authorities contained in the proposed amendment; and that the delegation of the functions and authorities contained in the proposed amendment will not cause or contribute to long-range environmental pollution, but rather, will improve the long-range environmental and economic condition of the District and the region.

23. The delegation of the functions and authorities contained in the proposed amendment will benefit the public welfare by enabling residents of the District to efficiently and effectively plan for, construct and finance projects and programs to address issues of water quality, related land resources and water surface use.
24. The delegation of the functions and authorities contained in the proposed amendment will benefit the property values and quality of life within the district by providing a means of establishing and financing economically and environmentally beneficial improvements that enhance and maintain the environmental quality of the Pelican Group of Lakes and the surrounding land areas.

Therefore, the Board makes the following:

ORDER

25. The order establishing the Pelican Group of Lakes Improvement District is amended as indicated below in bold:
 - a. The boundaries of the Pelican Group of Lakes Improvement District shall encompass all parcels of real property, any part of which is located within 500 feet of the ordinary high water mark of Bass, Big Pelican, Fish and Little Pelican Lakes in Scambler and Dunn Townships of Otter Tail County, to include the entire tax parcels, except for all such parcels classified for agricultural use. **As the use of agricultural lands within the 500 foot boundary of the District changes to non-agricultural use, the District may, by confirming the change of use to the County Auditor and Assessor, and by notifying the owner of the property and the Administrator of the Otter Tail County Department of Land and Resource Management, include those formerly agricultural lands in the District.**
 - b. The water and related land resource management programs to be undertaken in the district include the following:
 - i. develop and implement a comprehensive plan to eliminate water pollution;
 - ii. receive financial assistance from and participate in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and related demonstration programs;
 - iii. undertake research to determine the condition and development of the body of water included within the lake improvement district and to transmit the studies to the Department of Natural Resources, the Minnesota Pollution Control Agency and other interested authorities;
 - iv. make cooperative agreements with the United States or state government or other county or city to effectuate water and related land resource programs;
 - v. conduct programs of water improvement and conservation;
 - vi. implement a water monitoring system;
 - vii. serve as local sponsor for state and federal projects or grants;
 - viii. regulate water surface use as deemed necessary and reasonable; or
 - ix. such other programs, plans, studies, developments and implementations as are allowed or permitted by law, and approved by the County Board from time to time.

- c. The Board delegates to the Pelican Group of Lakes Improvement District the power and authority to:
- i. acquire by gift or purchase an existing dam or control works that affects the level of waters in the district;
 - ii. construct and operate water control structures that are approved by the commissioner of natural resources under section 103G.245;
 - iii. undertake projects to change the course current or cross section of public waters that are approved by the commissioner of natural resources under section 103G.245;
 - iv. acquire property, equipment, or other facilities, by gift or purchase to improve navigation;
 - v. contract with a board of managers of a watershed district within the lake improvement district or the board of supervisors of a soil and water conservation district within the district for improvements under chapters 103C and 103D;
 - vi. undertake research to determine the condition and development of the body of water and the water entering it and to transmit the results of the studies to the pollution control agency and other interested authorities;
 - vii. develop and implement a comprehensive plan to eliminate water pollution;
 - viii. conduct a program of water improvement and conservation;
 - ix. *with the specific approval of the County Board for a particular project*, construct a water, sewer, or water and sewer system in the manner provided by section 444.075 or other applicable laws;
 - x. receive financial assistance from and participate in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and related demonstration programs;
 - xi. make cooperative agreements with the United States or state government or other counties or cities to effectuate water and related land resource programs;
 - xii. maintain public beaches, public docks, and other public facilities for access to the body of water;
 - xiii. provide and finance a government service of the county or statutory or home rule city that is not provided throughout the county or, if the government service is provided, the service is at an increased level within the district;
 - xiv. regulate water surface use as provided in sections 86B.205, 103G.605, and 103G.621;
 - xv. *with the specific approval of the County Board for a particular project*, finance sewer, water, joint sewer and water, storm water and related improvement programs and projects as provided in chapter 429 and section 444.075; and
 - xvi. exercise those related functions necessary to effectuate the powers and authorities listed above.
- d. The programs and projects of the lake improvement district will be financed by:
- i. assessing the costs of projects upon benefited property within the district in the manner provided under chapter 429;
 - ii. imposing service charges on the users of lake improvement district services within the district;
 - iii. issuing obligations as provided in section 429.091;

- iv. **levying an ad valorem tax solely on property within the lake improvement district, to be appropriated and expended solely on projects of special benefit to the district;**
 - v. **imposing or issuing any combination of service charges, special assessments, obligations, and taxes; or**
 - vi. **imposing any of the finance mechanisms provided for in section 444.075.**
 - e. The Administrator of the Otter Tail County Department of Land and Resource Management shall be responsible for supervising the programs of the District.
 - f. The Board of Directors of the Pelican Group of Lakes Improvement District shall consist of nine members, who must be owners of property located within the district. The initial director shall be appointed to alternating terms of one, two and three years each. Thereafter, three directors shall be elected each year to serve three year terms. No director may serve more than two successive complete terms. An individual shall be eligible for re-election to the Board of Directors after three years absence.
 - g. Directors may be removed by a two-thirds vote of the remaining board members or by a vote of the majority of the property owners present at an annual meeting. Vacancies in the Board of Directors may be filled by a majority vote of the remaining directors, subject to approval by a majority vote of the property owners present at the next annual meeting. A director elected to fill a vacancy shall serve the unexpired term.
26. This Order shall be published once in the official newspaper of the county.
27. The effective date of the amendment to the order establishing the lake improvement district shall be 30 days from the date of publication.
28. A copy of this Order shall be filed with the Secretary of State, the Pollution Control Agency, and the Commissioner of Natural Resources.

Adopted this 27th day of December, 2001.

Dated: _____

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: _____

Dennis Mosher, County Board Chair

Attest: _____

Larry Krohn, Clerk

Chair Froemming called for a roll call vote:

Commission District 3	Mosher	Yea
Commission District 1	Nelson	Nay
Commission District 4	Froemming	Nay
Commission District 2	Lee	Yea
Commission District 5	Block	Yea

Motion carried 3-2.