

BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA

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Date February 17, 1981

Resolution No. 81016

Motion by Commissioner Koniarski Seconded by Commissioner Mertz

RESOLUTION NO 81016, FOR THE CREATION OF THE
CEDAR LAKE IMPROVEMENT DISTRICT IN SCOTT COUNTY

WHEREAS, Minnesota State Statute 378.43 states that a County Board may establish a lake improvement district in a portion of the County by adoption of an appropriate resolution, and

WHEREAS, it is the purpose of lake improvement districts to preserve and protect lakes within such established districts, and to increase and enhance the use and enjoyment of these lakes, and

WHEREAS, the Minnesota Department of Natural Resources has promulgated Rules for the Establishment of Lake Improvement Districts, and

WHEREAS, an amended petition signed by more than 51 percent of the resident owners within the proposed lake improvement district have addressed a petition to the County Board requesting the establishment of a lake improvement district, and

WHEREAS, said petition was found to meet the requirements of Minnesota Statute 378.43 and the signatures have been verified by the County Auditor, and

WHEREAS, Cedar Lake is currently displaying a state of accelerated eutrophication, and

WHEREAS, this eutrophication is typified by large amounts of submergent and emergent weed growth, algae blooms, murky waters due to siltation, oxygen depletion during the late summer and winter months, and the dominance of rough fish species over game fish, and

WHEREAS, the present level of Cedar Lake has been maintained through the use of a diversion system constructed within County Ditch No. 2, (Sand Creek), and

WHEREAS, operation of this diversion system may have impacted the benefited landowners within that ditch system, and

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WHEREAS, the objective of the lake improvement district will be to initiate a comprehensive investigation to determine the source and potential solution to the problems of both Cedar Lake and County Ditch No. 2, and

WHEREAS, there exists a high degree of public interest and commitment to the preservation and restoration of Cedar Lake and its use, and

WHEREAS, Cedar Lake is an important lake resource in the lower Minnesota River watershed, and

WHEREAS, all of the above statements and reasons indicate that the establishment of a lake improvement district for Cedar Lake is needed to protect this valuable resource, to provide continued enjoyment to the many benefited users of Cedar Lake, and to help preserve Cedar Lake for the many future users of Cedar Lake, and

WHEREAS, the lands proposed for inclusion in the lake improvement district as amended are shown on the map set forth at the required public hearing, and

WHEREAS, these lands within the district will be benefited by the establishment of the lake improvement district and the public welfare will be promoted by the establishment of the district and the formation of the district will not cause or contribute to long range environmental pollution, and

WHEREAS, the County Board has held the Public Hearing on September 23, 1980, October 14, 1980, January 13, 1981, January 27, 1981, on the question of whether or not the requested lake improvement district shall be established as the Cedar Lake Improvement District in accordance with Minnesota Statute 378.43 which boundaries are set forth as Exhibit "A" to this resolution.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners in and for the County of Scott, Minnesota, that with the understanding that any comprehensive study include the impact of the diversion system upon the benefited landowners of County Ditch No. 2, the establishment of the requested lake improvement district be and hereby is approved.

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Motion by Commissioner Konjarski Seconded by Commissioner Mertz

BE IT FURTHER RESOLVED that the Lake Improvement District shall be known as the Cedar Lake Improvement District.

BE IT FURTHER RESOLVED that the Lake Improvement District Board of Directors be comprised of five (5) members which shall be appointed by the County Board at a later date from a list of ten (10) nominees as submitted by the resident members of the proposed lake improvement district. The initial Board of Directors shall include persons owning property within the district, at least two (2) of which are residents of the district.

BE IT FURTHER RESOLVED that only the following powers and duties of the County Board under Minnesota Statute 378.31 are delegated to the Board of Directors and they shall have and exercise no others:

- A. The Board of Directors shall have the power to undertake research, subject to the funding limitations set forth below, to determine the condition and development of Cedar Lake as well as determine the possible sources and potential solutions to the problems of Cedar Lake and County Ditch No. 2 to determine if future action is feasible but shall have no power to implement any recommendations which result from said studies.
- B. The Board of Directors shall have the power to apply for, receive, and disburse Federal or State funds available under programs set forth at (a) and (b) below for said research.

BE IT FURTHER RESOLVED that the comprehensive study and research undertaken by the Cedar Lake Improvement District be financed, if at all, solely through the following means:

- (a) Federal grant money made available through the Environmental Protection Agency (EPA) 314 Clean Lakes Program.
- (b) State grant money made available through the Pollution Control Agency (PCA) to supplement the EPA 314 Clean Lakes Program.
- (c) Existing funds of the Cedar Lake Improvement Association to be incorporated into the District.

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(d) There is hereby levied and established an ad valorem tax solely on property situated within the Cedar Lake Improvement District in the total amount of Five Thousand Dollars (\$5,000.00) to be appropriated and expended solely on projects of special benefit to the area. Appropriations of funds collected or to be collected under this tax may be made by the County Board to the Cedar Lake Improvement District upon a showing that such funds are needed to carry out research which will be of special benefit to the area.

BE IT FURTHER RESOLVED in light of the MCAR S.15056 (B) (3) placing final liability on the County in the event of termination or failure of the district to meet its obligation that the existing Improvement Association file proof of all its existing or reasonably anticipated assets and liabilities and of its intention to contribute all its funds and assets to the Cedar Lake Improvement District.

Upon such filing BE IT FINALLY RESOLVED that the Administrator is directed to cause this resolution to be published in the official newspaper and filed with the Secretary of State, Pollution Control Agency, and the Commissioner and Natural Resources. The Lake Improvement District shall be deemed established thirty (30) days after such publication.

YES

NO

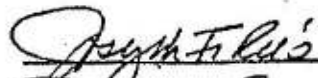
Koniarski X
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Hafermann X
Boegeman X

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Boegeman _____

State of Minnesota }
County of Scott } ss.

I, Joseph F. Ries, duly appointed, qualified and acting County Administrator for the County of Scott, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Scott County, Minnesota, at their session held on the 17 day of Feb. 19 81 now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Shakopee, Minnesota, this 17th day of February, 1981


County Administrator