

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners      Date: October 12, 2012

Via: Patrick Wussow, County Administrator

From: Terry Neff, Environmental Services Director

Title of Item:

Lake Improvement District Policy

Requested Meeting Date: October 23, 2012      Estimated Presentation Time: 20 min

Presenter: Terry Neff

**Type of Action Requested** (check all that apply)

- For info only, no action requested       Approve under Consent Agenda
- For discussion only with possible future action       Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion       Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
- Request to schedule public hearing or sale       Other (please list) \_\_\_\_\_
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) Proposed Policy, Supporting Documents

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

**Aitkin County Environmental Services Planning and Zoning**  
**209 Second Street NW**  
**Room 100**  
**Aitkin, MN 56431**  
Phone: 218-927-7342  
Fax: 218-927-4372



**MEMORANDUM**

**DATE:** October 12, 2012  
**TO:** Aitkin County Board of Commissioners  
**FROM:** Terry Neff, Environmental Services Director  
**RE:** Lake Improvement District (LID) Policy

A handwritten signature in black ink, appearing to be 'T. Neff', written in a cursive style.

In previous meetings there has been discussion on LIDs and the need to establish a policy. Over the past several weeks we (Patrick W., Kirk P., Jim R., Steve H, Pete G. and myself) met with Crow Wing County staff to get feedback on their policy and procedures. It was the group consensus that Crow Wing County had plenty of experience in dealing with LIDs, they have a good policy and procedure in place, and there was little they would change with their existing policy. Enclosed is a copy of a proposed LID Policy and supporting documents that are based on Crow Wing County's.

At the October 23, 2012, Aitkin County Board of Commissioner meeting, I will be requesting guidance on how the Board wishes to proceed with the LID policy.

If you have any questions prior to the meeting, please contact me at 218-927-7342 or by e-mail at [tneff@co.aitkin.mn.us](mailto:tneff@co.aitkin.mn.us).

enclosures

c:\ctybrd\ctybrd2012



## Lake Improvement District (LID) AITKIN COUNTY POLICIES

In addition to the established rules and regulations by the state of Minnesota, Aitkin County has adopted the following policies for Lake Improvement Districts (LIDs):

### 1. LID Voting Procedures

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. Please refer to item #9 of this policy for information on eligible voters.

*This is in addition to the statutory requirement of 2 weeks. Contact the Auditor's office for assistance with obtaining current addresses.*

### 2. Liability Coverage

The LID shall maintain general liability insurance in the amount of tort limits established by Minnesota Statute 466 and shall name Aitkin County as an additional insured on such insurance policy. A copy of the insurance policy shall be filed annually with the Aitkin County Auditor.

*For questions on insurance, please contact Aitkin County SWCD Manager, Steve Hughes.*

### 3. Financial Records

The County Auditor, or their designee, shall handle the financial transactions of the LID.

*Contact the Aitkin County Auditor's Office at [www.co.aitkin.mn.us](http://www.co.aitkin.mn.us).*

### 4. Annual Administrative Fee

MN Statute 103B.555 subd. 3 states that "the county board or county boards forming the joint county authority shall include appropriate provisions in their budget for the operation of a lake improvement district." Accordingly, the application fee for a new LID shall be \$500.00 plus a \$2500.00 escrow account (part or all may be refunded based on staff time and expenses). An annual fee of \$250.00 shall be required to cover county costs related to the administration of the LID.

*The amounts listed above shall be subject to any updates to the county fee schedule as approved by the County Board of Commissioners. Any additional staff time necessary for processing a late or incomplete annual report will be added to the annual fee of the LID for the following year. These additional expenses will be billed at the administrative rate according to the county fee schedule.*

## **5. Annual Reporting Deadline**

MN Statute 103B.571 subd. 4 requires LIDs to provide an annual report to the proper entities no later than 4 months after the annual meeting. Aitkin County has set an annual reporting deadline of November 1<sup>st</sup> (not to exceed the 4 month requirement). Annual reports shall meet the reporting requirements set forth in 103B.571, and clearly identify the objectives the LID is attempting to achieve, the activities during the year to achieve those goals and the results of those activities in achieving the objectives. In addition, annual reports shall identify the goals for the upcoming year and actions the LID proposes to take to achieve them. A template and checklist for the annual report will be provided by the Aitkin County Environmental Services or Aitkin County SWCD, which LIDs shall follow in preparing and submitting the annual report.

*Reports should be submitted to Steve Hughes, SWCD Manager. A brief meeting may be required to make sure all information has been submitted.*

## **6. Herbicide Application**

Herbicide treatment authorizations, consistent with Minnesota Department of Natural Resources permit application requirements, shall be on file as required by the Minnesota Department of Natural Resources

*For questions on herbicide, please contact the Department of Natural Resources.*

## **7. Super Majority**

A 60% 'Super Majority' of property owner support is intended for the establishment of an LID.

*This is above and beyond the statutory requirement of a simple majority (50% + 1).*

## **8. Duration of LIDs to be 5 Years**

LIDs shall initially be established for a period of 5 years. After the 5<sup>th</sup> year, a comprehensive report shall be prepared that details the results, analysis, and conclusions from LID activities conducted during the previous 5 years. This report should include measurable data regarding the impact of LID activities and current state of the lake with respect to invasive species and water quality. In addition the report shall outline goals and action steps for the next 5 years. A template and checklist for the 5 year report will be provided by the Aitkin County Environmental Services or Aitkin County SWCD, which LIDs shall follow in preparing and submitting the 5 year report. This report shall be presented to the Aitkin County Environmental Services or Aitkin County SWCD for review by the County Board of Commissioners. Upon consent of the County Board, no other petitions, signatures, or public hearings would be required to continue the LID.

*For questions on the 5 year report, please contact Aitkin County SWCD Manager, Steve Hughes.*

## **9. Clarification of Eligible Landowners within Boundaries of LID**

Riparian property owners per taxable parcel identification are eligible to sign the petition and vote on LID matters. Riparian, contiguous lots in common ownership shall be allowed 1 vote if the lots are un-improved. All improved riparian, contiguous lots in common ownership shall be allowed 1 vote for each improved lot. If the LID is approved, the number of assessments per property owner shall be consistent with the number of votes per property owner as listed above. For the purpose of this policy, an improved lot shall be defined as having a structure that meets the requirements of a dwelling per the land use ordinance.

*Common interest communities, PUDs, campgrounds, and resorts have one vote. Flexibility for unique situations can be granted if agreed to by the LID and Aitkin County (and within statutory guidelines).*

## **10. Public Hearing for establishment of a LID**

The public hearing to establish an LID should be conducted in a timely manner according to all applicable statutes and rules, with a strong preference for being held during the summer months as to allow maximum participation by property owners.

*Given local and statutory timelines, in order to get the assessment for approved LIDs on the tax roles for the following year, LIDs should plan to apply by no later than June 15.*

## **11. Pre-petition Meeting**

A pre-petition meeting with the Aitkin County Environmental Services and Aitkin County SWCD is required to discuss the submittal requirements, timeline, and other information relating to the establishment of a LID. This meeting and subsequent hearings shall be held on a timeline conducive to promoting landowner participation while meeting administrative and statutory deadlines.

*Any lake association interested in LIDs should contact Aitkin County SWCD Manager, Steve Hughes.*

## **12. Designate a staff person to administer and coordinate the LID's in the County (other than where designated by Statute/Rule, such as the Auditor)**

Steve Hughes of the Aitkin County Soil & Water Conservation District is delegated the responsibilities of coordinating LID duties.

## **13. Aquatic Invasive Species**

Minnesota Statutes 84D.02 Subdivision 1 states that the Department of Natural Resources (DNR) is responsible for controlling invasive species in public water.

**Subdivision 1 Establishment.** The [DNR] commissioner shall establish a statewide program to prevent and curb the spread of invasive species of aquatic plants and wild animals. The program must provide for coordination among governmental entities and private organizations to the extent practicable. The [DNR] commissioner shall seek available federal funding and grants for the program

However, this is not effectively being accomplished. Therefore, some lakeshore property owners view Lake Improvement Districts as an alternative to achieve this statutory responsibility of the DNR.

## **14. Lake Management Plan**

To ensure the purposes of MN Statutes 103B.511 are being fulfilled, A Minnesota Department of Natural Resource approved lake management plan, for the requested LID, must accompany the application for a LID.

## **15. Board of Directors**

The Aitkin County Board of Commissioners shall appoint persons to serve as the initial Board of Directors for the district (see MN Statutes 103B.551 for additional requirements). At least one member of the Board of Directors shall be a non-lake association member, and in the event a non-lake association member can't be found then the Aitkin County Board of Commissioners shall appoint the member.



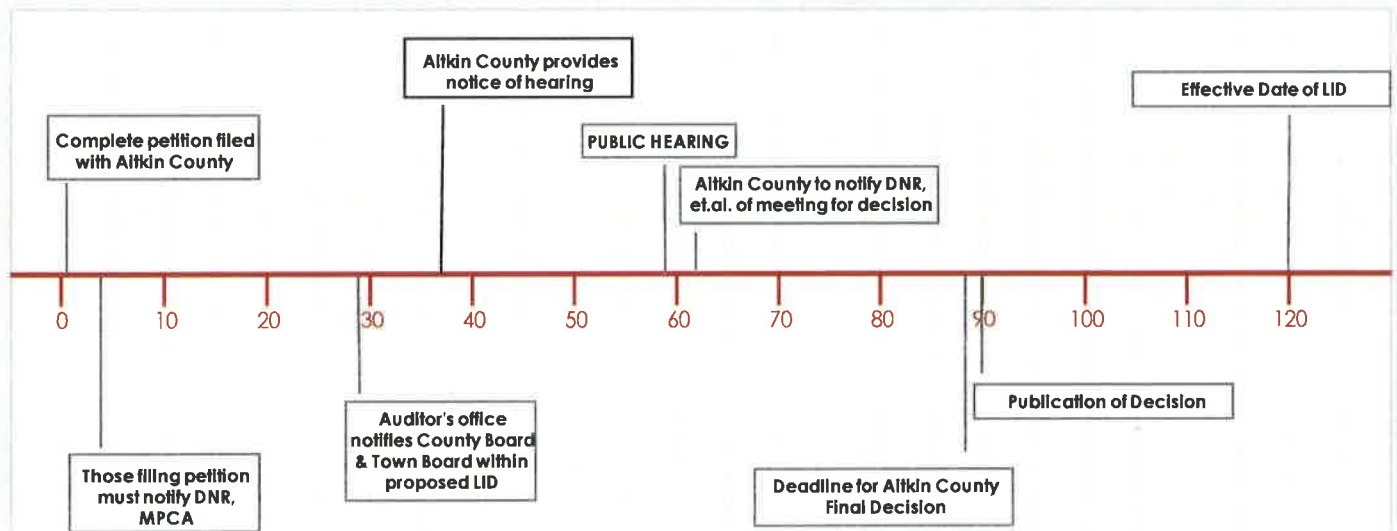
## Lake Improvement Districts: Timelines

### Timeline for establishing an LID

1. Pre-petition meeting held by County staff.
2. Petition & supporting documentation is received by Auditor's office.
3. Auditor's office (with help from Environmental Services) reviews petition & supporting documentation for completeness.
4. Auditor's office verifies signatures on petition.
5. Those filing the petition must notify the DNR & MPCA within 5 days of the petition being officially filed.
6. After verifying signatures, the County Auditor officially notifies the County Board.
7. County Board sets a date for the public hearing. (date must be within 30 days of #6)\*
8. County must provide proper notice at least 21 days before the public hearing.
9. At least 10 days (but not more than 30 days) after the public hearing, the county board shall, by order, make a decision to establish or deny the establishment of the LID.
10. After the public hearing, the County must notify the DNR of the date/time of the decision (#9) on the need for an LID within 10 working days.
11. The decision shall be published soon after the decision is made.
12. Establishment of the lake improvement district is effective 30 days after publication or at a later date, if specified in the establishment order.
13. Downloads must be reviewed and submitted to Auditor's office by Nov. 30<sup>th</sup> to get on next tax year.

\* The County Board may grant requests by citizens, the DNR, or MPCA for postponement or continuance of the public hearing to a time more than 30 days after receipt of the petition and verification of the signatures thereon.

### Minimum Timeline (in days) from Filing of Petition



### Timeline for an existing LID

1. Mail out notice and ballots at least 3 weeks prior to annual meeting.
2. Hold Annual Meeting. (July or August unless officially changed previously)
3. Annual report submitted to County within 4 months of annual meeting or by Nov. 1<sup>st</sup> (whichever is later).
4. Review of downloads to Auditor's Office by Nov. 30<sup>th</sup>.



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

**PROPOSED LID CONTACT INFORMATION (PRIMARY):**

NAME: \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**Other Association Members Present:**

<i>Name:</i>	<i>Address:</i>	<i>Phone:</i>	<i>Email:</i>

**In the packet:**

- ) LID Contacts
- ) Petition checklist
- ) Annual checklist
- ) County policies
- ) LID evaluation criteria (see MN Rules 6115.0960)
- ) 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:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Aitkin County Staff:

\_\_\_\_\_  
Date

**Shaded boxes indicate Aitkin County use only:**

<i>Date of meeting:</i>	
<i>Staff present:</i>	



## Lake Improvement District (LID)

### PETITION CHECKLIST

#### PROPOSER INFORMATION

**NAME:**

**MAILING ADDRESS:**

**PHONE:**

**EMAIL:**

- ) 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
- ) MN DNR approved Lake Management Plan.
- ) 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
- ) Financial information in place with Auditor's office
- ) 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**

Shaded boxes indicate Aitkin County use only:

<i>Date petition received:</i>		<i>Submitted by:</i>	
<i>Petition received by:</i>		<i>Petition reviewed by :</i>	
<i>Date of pre-petition meeting:</i>		<i>Notes / Other Info:</i>	

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.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Aitkin County Staff

\_\_\_\_\_  
Date





## Lake Improvement District (LID)

### ANNUAL CHECKLIST

#### CONTACT INFORMATION

NAME:

MAILING ADDRESS:

PHONE:

EMAIL:

- Name of LID.
- Date of annual meeting.
- Copies of published and written notice that was available 3 weeks in advance of the annual meeting.
- Evidence that election ballots were mailed out to all property owners in the LID at least 3 weeks prior to the annual meeting.
- Insurance information showing liability coverage to the current tort limits.
- Proof of permission from neighboring landowners if herbicide was being applied to lake.
- Annual report submitted that includes:
  - Intended studies and management programs.
  - Remedial actions and construction projects (must be in accordance with original order), including specific details on such activities.
  - Monitoring report (to prevent long-term environmental effects).
  - Financial report (including approved budget).
  - Membership and elected officers (LID Board of Directors should be distinct from Lake Association's).
  - Plans for the future.
  - Summary of interaction/coordination with public and other agencies during the year.
  - Other information relevant to the goals and accomplishments of the LID.
- Annual report submitted to Aitkin County and other entities no later than 4 months after the annual meeting or by November 1<sup>st</sup>, whichever comes first.
- Review process for putting LID on taxes roles completed with Auditor's Office (deadline Nov. 30<sup>th</sup>).
- Review of Aitkin County administrative costs & money in accounts (inc. escrow).
- Review of signatures (for signing checks) with Auditor's Office.

**Shaded boxes indicate Aitkin County use only:**

<i>Date report received:</i>		<i>Submitted by:</i>	
<i>Report received by:</i>		<i>Report reviewed by :</i>	
<i>Notes / Other info:</i>		<i>Date of Review:</i>	

I hereby acknowledge that all information required above has been provided and is accurate to the best of my knowledge.

\_\_\_\_\_  
LID representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Aitkin County County Staff

\_\_\_\_\_  
Date