

## **CHISAGO COUNTY BOARD OF COMMISSIONERS**

### **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER REESTABLISHING THE CHISAGO LAKES LAKE IMPROVEMENT DISTRICT WITH AN ENLARGED BOUNDARY**

**WHEREAS**, the Chisago County Board of Commissioners established the Chisago Lakes Lake Improvement District on April 21, 1976 by a resolution and reactivated the Chisago Lakes Lake Improvement District on April 21, 1984 by a resolution; and

**WHEREAS**, the current boundary of the Chisago Lakes Lake Improvement District was approved in 1984 by the Chisago County Board of Commissioners based on recommendations of the Minnesota Department of Natural Resources; and

**WHEREAS**, on February 25, 2009, the Chisago County Board of Commissioners delegated to the Chisago Lakes Lake Improvement District and its board of directors the powers available to Lake Improvement Districts as set forth in Minnesota Stat. 103B.551, Subd. 3; and

**WHEREAS**, on April 6, 2009, the Chisago Lakes Lake Improvement District board of directors passed a motion adopting an official watershed map consistent with the Chisago Lakes Chain of Lakes Watershed boundary, as established by the Minnesota Department of Natural Resources, resulting in a watershed approach to projects rather than a taxation boundary approach in the District; and

**WHEREAS**, on December 1, 2014, the Chisago Lakes Lake Improvement District board of directors passed a motion recommending to the Chisago County Board of Commissioners to adjust the current taxation boundary to include the entire Chisago Lakes Chain of Lakes watershed; and

**WHEREAS**, the Chisago County Board initiated the reestablishment of the Chisago Lakes Lake Improvement District with an enlarged boundary via a Resolution of Intent to Reestablish the Chisago Lakes Lake Improvement District on May 20, 2015 (Resolution 15/0520-1) pursuant to Minn. Stat. Sections 103B.515 and 103B.575; and

**WHEREAS**, the Chisago County Department of Environmental Services submitted a certified copy of the Resolution of Intent to Reestablish the Chisago Lakes Lake Improvement District to the Commissioner of the Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency, and Minnesota Board of Water and Soil Resources as required by Minnesota Rule 6115.0970, Subp. 2A; and

**WHEREAS**, the proposed enlarged boundary of the reestablished Chisago Lakes Lake Improvement District lies within the City of Center City and Chisago County sent the City Council of Center City a copy of the Resolution of Intent more than 30 days in advance of the public hearing on this matter seeking their review and comment as required by Minnesota Stat. Section 103B.515, Subd. 2; and

**WHEREAS**, the proposed enlarged boundary of the reestablished Chisago Lakes Lake Improvement District lies within the City of Chisago City and Chisago County sent the City Council of Chisago City a copy of the Resolution of Intent more than 30 days in advance of the public hearing on this matter seeking their review and comment as required by Minnesota Stat. Section 103B.515, Subd. 2; and

**WHEREAS**, the proposed enlarged boundary of the reestablished Chisago Lakes Lake Improvement District lies within the City of Lindstrom and Chisago County sent the City Council of Lindstrom a copy of the Resolution of Intent more than 30 days in advance of the public hearing on this matter seeking their review and comment as required by Minnesota Stat. Section 103B.515, Subd. 2; and

**WHEREAS**, the proposed enlarged boundary of the reestablished Chisago Lakes Lake Improvement District lies within the City of Shafer and Chisago County sent the City Council of Shafer a copy of the Resolution of Intent more than 30 days in advance of the public hearing on this matter seeking their review and comment as required by Minnesota Stat. Section 103B.515, Subd. 2; and

**WHEREAS**, the proposed enlarged boundary of the reestablished Chisago Lakes Lake Improvement District lies within the Township of Chisago Lakes and Chisago County sent the Town Board of Chisago Lakes a copy of the Resolution of Intent more than 30 days in advance of the public hearing on this matter seeking their review and comment as required by Minnesota Stat. Section 103B.515, Subd. 2; and

**WHEREAS**, the proposed enlarged boundary of the reestablished Chisago Lakes Lake Improvement District lies within the Township of Franconia and Chisago County sent the Town Board of Franconia a copy of the Resolution of Intent more than 30 days in advance of the public hearing on this matter seeking their review and comment as required by Minnesota Stat. Section 103B.515, Subd. 2; and

**WHEREAS**, the proposed enlarged boundary of the reestablished Chisago Lakes Lake Improvement District lies within the Township of Lent and Chisago County sent the Town Board of Lent a copy of the Resolution of Intent more than 30 days in advance of the public hearing on this matter seeking their review and comment as required by Minnesota Stat. Section 103B.515, Subd. 2; and

**WHEREAS**, Chisago County has, at least 21 days prior, provided notice of a public hearing on the proposed Reestablishment of the Chisago Lakes Lake Improvement District to the DNR, MPCA, BWSR all owners and residents within the proposed District, local and regional units of government, special purposed district, development commissions, and corporations and utilities owning property within the proposed District and published notice of the public hearing in two successive issues of the Chisago County Press for Chisago County which is widely circulated in the proposed District and posted notice of the public hearing in public buildings and leading commercial establishments in or near the proposed District as required by Minnesota Rule 6115.0970, Subp. 3; and

**WHEREAS**, the Chisago County Board made the Resolution of Intent available for public viewing by concerned citizens at the Chisago County Government Center located at 313 North Main Street in Center City, Minnesota and also available online at <http://www.chisagocounty.us/300/Lake-Improvement-District> as required by Minnesota Rule 6115.0970, Subp. 4; and

**WHEREAS**, the Chisago County Board made a document containing the information required by Minnesota Rule 6115.0970 Subp. 4 available for public viewing by concerned citizens from July 10-12, 2015 at an Information booth at Karl Oskar Days; and

**WHEREAS**, the Chisago County Board made a document containing the information required by Minnesota Rule 6115.0970 Subp. 4 available for public viewing by concerned citizens on July 22, 2015 at an Information booth at Community Water Festival as part of Lindstrom Harmony in the Park; and

**WHEREAS**, the Chisago County Board made a document containing the information required by Minnesota Rule 6115.0970 Subp. 4 available for public viewing by concerned citizens on July 29, 2015 at an Open House at the Chisago Lakes Library; and

**WHEREAS**, the Chisago County Board made a document containing the information required by Minnesota Rule 6115.0970 Subp. 4 available for public viewing by concerned citizens on August 3, 2015 at an Open House prior to Chisago Lakes Lake Improvement District monthly meeting; and

**WHEREAS**, the Chisago County Board made a document containing the information required by Minnesota Rule 6115.0970 Subp. 4 available for public viewing by concerned citizens on August 22-23, 2015 at an Information booth at Ki-Chi-Saga Days; and

**WHEREAS**, the Chisago County Board of Commissioners convened the public hearing on the Resolution of Intent on August 19, 2015 at 7:00 P.M. at the Chisago County Government Center located at 313 North Main Street in Center City, Minnesota as required by Minnesota Stat. Section 103B.515, Subd. 3 and the report from the Commissioner of the Minnesota Department of Natural Resources was read into the record as required by Minnesota Rule 6115.0970, Subp. 7, and comments from person for and against the reestablishment of the District were received and considered; and

**WHEREAS**, the Chisago County Board of Commissioners convened September 16, 2015 at 6:30 P.M. at the Lindstrom City Hall located at 13292 Sylvan Ave, Lindstrom, MN 55045 to consider the record as established on August 19, 2015 and voted 3 – 2 in favor of a motion to reestablish the Chisago Lakes Lake Improvement District and adopted Findings of Fact, Conclusions of Law and Order authorizing the reestablishment of the Chisago Lakes Lake Improvement District which was more than 10 days, but within 30 days following the public hearing on the petition, as required by Minnesota Rule 6115.0970, Subp. 9; and

**NOW, THEREFORE BE IT RESOLVED THAT THE CHISAGO COUNTY BOARD ISSUES THE FOLLOWING FINDINGS OF FACT IN SUPPORT OF THEIR ORDER REESTABLISHING THE CHISAGO LAKES LAKE IMPROVEMENT DISTRICT WITH AN ENLARGED BOUNDARY:**

1. The Chisago Lakes Lake Improvement District was legally designated as a Lake Improvement District pursuant to Minnesota Statute on April 21, 1976 by a resolution of the Chisago County Board of Commissioners and was reactivated by resolution of the Chisago County Board of Commissioners on April 21, 1984.
2. The Chisago Lakes Outlet Project by the Chisago Lakes Lake Improvement District was undertaken in 1986 to provide an outlet from the Chisago Chain of Lakes to Green Lake, and from Green Lake to the Sunrise River. The purpose of the project was to alleviate extremely high lake levels that were experienced in the mid-1970's and again in the mid-1980's. As part of the Outlet Project, outlets installed at Lake Ellen and an outlet from Chisago Lake to Green Lake are controlled by weirs which are opened only during times of high water. Tributaries leaving Lake Ellen and Wallmark Lake eventually meet at Bloomquist Creek near the Sunrise River. Flowage easements are in place throughout the Chisago Lakes Chain of Lakes Watershed to support this flow of water.
3. All lakes and rivers within the Chisago Lakes Chain of Lakes Watershed are connected either through surface water tributaries or groundwater inflow/outflow.
4. The major lakes in the Chisago Lakes Chain of Lakes Watershed include Bloom, Chisago, Emily, Green, Kroon, Little, Little Green, Mattson, North Center, North Lindstrom, Ogren, Pioneer, School, South Center, South Lindstrom, Spider, Swamp, and Wallmark.
5. Emily, Linn, Little, North Center, Ogren, Pioneer, School, South Center, and Wallmark Lakes are listed as impaired for aquatic recreation (fishing, swimming, boating, and aesthetics) on the 2012 303(d) impaired waters list due to nutrient and eutrophication biological indicators. These lakes do not meet State water quality standards.
6. A Watershed Restoration and Protection Plan has been developed for the Chisago Lakes Chain of Lakes Watershed.
7. Urban and Rural Subwatershed Assessments have been completed within the Chisago Lakes Chain of Lakes Watershed by Chisago Soil and Water Conservation District. The Assessments have identified numerous water protection and restoration activities.
8. Aquatic Invasive Species such as Eurasian Water Milfoil and Curly Leaf Pondweed are common in most lakes in the Chisago Lakes Chain of Lakes Watershed.

9. Since April 6, 2009, the Chisago Lakes Lake Improvement District has adopted the official watershed map consistent with the Chisago Lakes Chain of Lakes Watershed boundary, as established by the Minnesota Department of Natural Resources, for project area locations.
10. The Chisago Lakes Chain of Lakes Watershed provides outstanding recreational activities. The rivers and lakes are a tremendous asset to the community and the reason many people live here and identify with the area. The rivers and lakes boost the local economy by boosting tourism and provide a sense of place and community.
11. All properties within the Chisago Lakes Chain of Lakes Watershed have a positive or negative effect on the water quality of nearby lakes and streams.
12. All properties within the Chisago Lake Chain of Lakes Watershed will benefit by the efficient and improved surface water quality efforts, opportunities and programs through expanding the boundary of the current Chisago Lakes Lake Improvement District to closely match the Chisago Lakes Chain of Lakes Watershed boundary.
13. There is no other unit of government with similar powers nor voluntary lake association able to satisfactorily accomplish the proposed purposes of the Chisago Lakes Lake Improvement District.
14. The proposed enlarged boundary of the Chisago Lakes Lake Improvement District is consistent with district boundaries as defined by Minnesota Rule 6115.0920 and includes all land and waters within the direct drainage basin of the Chisago Lakes Chain of Lakes Watershed. The proposed enlarged boundary includes a sufficient amount of the Chisago Lakes Chain of Lakes Watershed to develop and implement feasible solutions to the identified problems and includes those lands and waters which can reasonably be considered adversely affected by the proposed actions of the Chisago Lakes Lake Improvement District. The proposed enlarged boundary of the Chisago Lakes Lake Improvement District has been delineated so as to provide appropriate public representation and the equitable distribution of benefits and levying of costs.
15. The proposed purposes of the Chisago Lakes Lake Improvement District are consistent with existing state, federal, regional, and local laws, policies, objectives and plans pertaining to water and related land management, fish and wildlife habitat, surface and ground water quality, natural beauty and unique scientific values, economic and recreation values, and the quality of life and are consistent with the public rights in the public waters of the state.
16. The proposed enlarged Chisago Lakes Lake Improvement District has demonstrated the technical feasibility of the proposed plan and programs.
17. The proposed enlarged Chisago Lakes Lake Improvement District has demonstrated the capability of raising sufficient funds to meet District purposes, to ensure continuity of District operations, and the meet the requirements of Minnesota Rule 6115.0960.

18. The proposed enlarged Chisago Lakes Lake Improvement District assures consideration of the interests of concerned citizens both within and outside the boundaries of the proposed enlarged district. The proposal identifies the varying and often conflicting interests regarding water and related land management in and around the proposed enlarged Chisago Lakes Lake Improvement District, and procedures to assure the consideration of such diverse interests so that decision are made in the best overall interests of fairness and public health, safety, and welfare.
19. The proposed enlarged Chisago Lakes Lake Improvement District has demonstrated an understanding of potential environmental effects of the proposed District plans and programs, and provides for long-range monitoring of such effects.
20. The proposed enlarged Chisago Lakes Lake Improvement District has demonstrated how it will coordinate programs with existing special purposed districts formed for water and related land management.

**THE CHISAGO COUNTY BOARD ISSUES THE FOLLOWING CONCLUSION OF LAW IN SUPPORT OF THEIR ORDER REESTABLISHING THE CHISAGO LAKES LAKE IMPROVEMENT DISTRICT WITH AN ENLARGED BOUNDARY:**

1. Chisago County finds it is necessary to reestablish the Chisago Lakes Lake Improvement District with an enlarged boundary to promote the public health and public welfare as set forth in Minnesota Stat. Section 103B.515, Subp. 4(a)(1) as it will benefit all users of the lakes and rivers within the Chisago Lake Chain of Lakes Watershed through the efficient and improved surface water quality efforts, opportunities and programs to protect and restore surface water resources of the Chisago Lakes Chain of Lakes Watershed.
2. Chisago County finds it is necessary to reestablish the Chisago Lakes Lake Improvement District with an enlarged boundary to promote the public health and public welfare as set forth in Minnesota Stat. Section 103B.515, Subp. 4(a)(2) as it will benefit the owners of the properties in the District through the efficient and improved surface water quality efforts, opportunities and programs to protect and restore surface water resources of the Chisago Lakes Chain of Lakes Watershed.
3. Chisago County finds that the reestablishment of the District with an enlarged boundary will not cause or contribute to long-range environmental pollution as required by Minnesota Stat. Section 103B.515, Subd. 4(a)(3) and will provide an opportunity to address environmental concerns and limit pollution within the District to protect and restore surface water resources of the Chisago Lakes Chain of Lakes Watershed.
4. Lake Improvement Districts are authorized by Minnesota Stat. Sections 103B.501 – 103B.581.

**THE CHISAGO COUNTY BOARD ISSUES THE FOLLOWING ORDER PURSUANT TO MINNESOTA STATUTE SECTION 103B.535:**

1. The name of the reestablished District with an enlarged boundary shall be “Chisago Lakes Lake Improvement District”.
2. The boundaries of the District shall be as set forth on the map of the District which is attached hereto as Exhibit A. For parcels where the hydraulic boundary of the Chisago Lakes Chain of Lakes Watershed includes 50% or more of the parcel, the entire parcel shall be included in the Chisago Lakes Lake Improvement District. For parcels where the hydraulic boundary of the Chisago Lakes Chain of Lakes Watershed includes less than 50% of the parcel, the entire parcel shall NOT be included in the Chisago Lakes Lake Improvement District.
3. The Chisago County Board authorizes the exercise of general powers of the District authorized in Minnesota Stat. Section 103B.551, Subd. 3 including, but not limited to water and related land resource management programs that may be undertaken to:
  - a. Preserve, protect and enhance water quality within the District.
  - b. Maintain the ditch and weir system in order to control water levels during high water events.
  - c. Encourage environmentally sound land use practices for urban and agricultural areas to protect water quality within the District.
  - d. Support safe and balanced recreational use of surface water.
  - e. Restore, improve and maintain navigation channels between the lakes.
  - f. Protect, encourage and restore native shoreline to improve fish and wildlife habitat.
  - g. Promote environmental education, awareness and stewardship within the District.
  - h. Promote the reduction of non-native aquatic invasive species.

Water and related land resource management programs of the District shall continue to include those previously delegated to the Chisago Lakes Lake Improvement District and its board of directors on February 25, 2009, as set forth in Minnesota Statutes 103B.551, Subdivision 3, (1) through (14), specifically:

- a. Acquire by gift or purchase an existing dam or control works that affects the level of waters in the district;
- b. Construct and operate water control structures that are approved by the commissioner of natural resources under section 103G.245;
- c. 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;
- d. Acquire property, equipment, or other facilities, by gift or purchase to improve navigation;
- e. 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 Minnesota Statutes Chapters 103C and 103D;
- f. 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;
  - g. Develop and implement a comprehensive plan to eliminate water pollution;
  - h. Conduct a program of water improvement and conservation;
  - i. Construct a water, sewer, or water and sewer system in the manner provided by Minnesota Statutes 444.075 or other applicable laws;
  - j. 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;
  - k. Make cooperative agreements with the United States or state government or other counties or cities to effectuate water and related land resource programs;
  - l. Maintain public beaches, public docks, and other public facilities for access to the body of water;
  - m. 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; and
  - n. Regulate water surface use as provided in Minnesota Statutes 86B.205, 103G.605, and 103G.621.
2. The Chisago County Board authorizes the exercise of financial powers of the District to include those authorized in Minnesota Stat. Section 103B.555 and consistent with the powers stated in the Resolution establishing Chisago Lakes Lake Improvement District, April 21, 1976, allowing programs in the District to be financed by grants made available from state and federal governments, an ad valorem tax levied within the District, and special assessments upon benefitted property. Consistent with Resolution No. 09-0225-1 of the Chisago County Board of Commissioners, the Chisago Lakes Lake Improvement District by and through its Board of Directors shall continue to have the authority to enter into all necessary contracts for the purchase of capital, real estate, and services, under the value of \$5,000 per contract or transaction.
  3. The initial number, qualifications, terms of office and method of election, removal and filling of vacancies of the board of directors for the Chisago Lakes Lake Improvement District were adopted by the Chisago County Board of Commissioners on April 21, 1976. These by-laws have been subsequently amended by the Chisago County Board of Commissioners on August 5, 1985, August 21, 1987, August 10, 1992, August 3, 2009, March 16, 2011, May 16, 2012 and most recently on February 2, 2015. A copy of the current adopted bylaws of the Chisago Lakes Lake Improvement District are attached hereto as Exhibit B. These bylaws are hereby adopted and the sitting Board of Directors are appointed to fulfill their terms to govern these operations of Chisago Lakes Lake Improvement District with the enlarged boundary effective January 1, 2016. Monthly

meetings of the sitting Lake Improvement Board of Directors may continue on schedule, as may be adjusted by the Board of Directors, and pursuant Minnesota Stat. 103B.571 the first annual meeting of the enlarged and adjusted District shall be scheduled during the month of July or August. The bylaws of the Chisago Lakes Lake Improvement District attached hereto as Exhibit B. shall be amended to include a method of property owners not present at the annual meeting to participate in the election of the Chisago Lakes Lake Improvement District Board.

4. The Director of the Chisago County Department of Environmental Services & Zoning or his/her designee shall be responsible for directing the programs of the Chisago Lakes Lake Improvement District. The Director of the Chisago County Department of Environmental Services & Zoning shall execute such agreements as are necessary to implement the work of the District. The staff of Chisago County is authorized to furnish any assistance requested by the District. However, Chisago County shall be reimbursed for any staff support to be provided to the District upon terms to be determined by the Chisago County Board of Commissioners. The provision of any staff support for the District shall also be subject to Chisago County's determination that it has sufficient staff resources available to support the District.
5. This Order shall be published once in the Chisago County Press and a copy of the Order shall be filed with the Minnesota Secretary of State, the Minnesota Pollution Control Agency and the Minnesota Department of Natural Resources as required by Minnesota Stat. Section 103B.541. The Chisago Lakes Lake Improvement District shall be formally established as of January 1, 2016. However, in the event a verified referendum election petition meeting the required 26% threshold is submitted by December 31, 2015 at 4:00 P.M., the Chisago County Board shall issue an order staying the establishment of the Chisago Lakes Lake Improvement District with the enlarged and adjusted boundary pending the outcome of the referendum election of all qualified voters and property owners within the proposed enlarged and adjusted District to be held in July or August 2016. In the event a referendum petition is received prior to the effective date, the Chisago County Auditor shall determine whether or not a conforming referendum petition has been submitted and shall notify the Chisago County Board. If a conforming referendum petition has been submitted, the Chisago County Board shall issue a subsequent resolution setting forth the details for conducting this election after consultation with the Chisago County Auditor.

**I CERTIFY THAT** the above **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** was adopted by the Chisago County Board of Commissioners on September 16, 2015.

Dated: September 16, 2015

**CHISAGO COUNTY BOARD OF  
COMMISSIONERS**

BY:   
Richard Greene, Chair

**ATTEST:**

  
Chase Burnham, Clerk to the Board

