

**CITY OF ROCKVILLE  
RESOLUTION NO.  
2007-22**

**RESOLUTION ESTABLISHING THE GRAND LAKE IMPROVEMENT DISTRICT AND  
ADOPTING THE BOARD BYLAWS**

**WHEREAS**, pursuant to Minnesota Statutes 459.20 and Minnesota Statutes 103B.501-1038.581, the City of Rockville has the authority to establish a Lake Improvement District; and

**WHEREAS**, Grand Lake is located wholly within the boundaries of the City of Rockville; and

**WHEREAS**, pursuant to Minnesota Statute 1036.501 to 103B.581 and the Minnesota Department of Natural Resources rules part 6115.0900 to 6115.0980 the City of Rockville has prepared a document proposing the establishment and the administration of a Lake Improvement District with the purpose of improving and preserving the quality of water; and

**WHEREAS**, a public hearing for the establishment of the Grand Lake Improvement District was held on the 25th day of July, 2007 and again on September 5, 2007.

**NOW, THEREFORE, BE IT RESOLVED by the Rockville City Council**

1. That Attachment **A**, the Order Establishing the Grand Lake Improvement District, is hereby approved and made a part hereof.
2. That Attachment **B**, the Grand Lake Improvement District by Laws are hereby approved and made a part hereof.
3. That the boundaries for the Grand Lake Improvement District, are hereby approved and made a part hereof.

Adopted this 5th day of September, 2007

(SEAL)

ATTEST:

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**BRIAN HERBERG**

**MAYOR**

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**VERENA M. WEBER-CMC**

**ADMINISTRATOR/CLERK**

**ORDER ESTABLISHING THE GRAND LAKE IMPROVEMENT DISTRICT**

**1.0 WHEREAS**, the Rockville City Council has received a petition requesting the establishment of the Grand Lake Improvement District to establish the District and which directly or by incorporation of supporting data:

- A. the name of the proposed lake improvement district;
- B. the necessity of the proposed lake improvement district to promote the public health or public welfare;
- C. the benefits from the establishment of the proposed lake improvement district;
- D. the boundaries of the proposed district;
- E. a map of the proposed district;
- F. the number of directors proposed for the district;
- G. a request to establish the proposed lake improvement district.

**1.1 WHEREAS**, the petition was signed by the requisite number of property owners within the proposed district and was filed with the City Administrator; and

**1.5 WHEREAS**, a minor omission in the 25th of July, 2007 public hearing notice prevented the City Council from Ordering the Establishment of the Lake Improvement District without additional notice, and the City Council expressed its intent at the 25<sup>th</sup> of July meeting to proceed with the Establishment of the Lake Improvement District, and, through the original petition or other information, at the public hearing on the 5<sup>th</sup> of September, 2007:

- A. Specified the boundaries of the proposed District which were as consistent as practical with the natural hydrologic boundaries;
- B. Prescribed the water and related land resource management programs to be undertaken within the District;
- C. Stated the manner in which proposed programs would be financed;
- D. Designated the City officer or agency which would be responsible for supervising the programs; and
- E. Set a date for a hearing on the establishment of the proposed Lake Improvement District.

**2.0 WHEREAS**, a public hearing was held on the 25th day of July, 2007 in order to receive public comment as to whether the Grand Lake Improvement District should be established; and

**2.5 WHEREAS**, a public hearing, preceded by all notices required pursuant to Minnesota Statutes Chapter 103B.515 and Minnesota Rules 6115.0970, Subpart 3, was held on the 5th of September, 2007 in order to correct a minor omission of the 25th of July, 2007 public hearing notice and to receive further public comment as to whether the Grand Lake Improvement District should be established; and

**3.0 WHEREAS**, based upon all data submitted and on all comments received, the Rockville City Council has determined:

Attachment A

- A. That the proposed Lake Improvement District is necessary and that the public welfare will be promoted by the establishment of the Lake Improvement District;
- B. That the property to be included within the Lake Improvement District will be benefited by the establishment of the Lake Improvement District; and
- C. That the formation of the Lake Improvement District will not cause or contribute to long range environmental pollution.

**4.0 NOW, THEREFORE, the Rockville City Council hereby orders:**

- A. Name. The name of the Grand Lake Improvement District shall be the "Grand Lake Improvement District".
- B. Boundaries. The boundaries of the Grand Lake Improvement District shall be as described on Exhibit I attached hereto.
- C. Resource Management Programs. The water and related land resources management programs and services to be undertaken shall include the following:
  - 1. A water quality monitoring program.
  - 2. An education and information program for lakeshore property owners regarding shoreline management and the creation of adequate buffer zones to filter nutrient runoff.
  - 3. Programs to reduce the infestation of Curlyleaf pondweed and other exotic aquatic vegetation and to increase the abundance of tall aquatic plants which form natural habitat for aquatic wildlife.
  - 4. Programs which will reduce or treat the excess nutrient runoff from Ploof and Johannes Creeks.
- D. Financing of Programs. The manner of financing such programs and services shall initially consist of the levy of ad valorem taxes solely on property within the Lake Improvement District, but may also include the imposition of service charges, the issuance of obligations as provided in Minnesota Statutes, Chapter 429.091, levy of special assessments pursuant to Minnesota Statutes 429, or a combination of any of the above.
- E. Board of Directors. The Board of Directors of the Grand Lake Improvement District shall be an advisory body to the Rockville City Council. The Board shall make recommendations regarding the implementation of programs, projects and services but shall not have the authority to enter into contracts or levy taxes.

The Board shall consist of seven members initially appointed by the Rockville City Council. The Board shall be appointed to staggered terms so that no more than ~~two~~ three Board Members' terms will expire at one time. After the appointment of the initial Board, each Board Member shall serve a three year term subject to removal in the discretion of the City Council. ~~Board Members shall reside within the City of Rockville.~~ Five of the Board Members shall own property within the Grand Lake Improvement District.

**CITY OF ROCKVILLE**

Attachment A

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By: Brian Herberg, Mayor

**Dated the 5<sup>th</sup> day of September, 2007.**

ATTEST:

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Verena M. Weber-CMC, City Administrator

**GRAND LAKE IMPROVEMENT DISTRICT BYLAWS**

- 1.0 **Establishment of Board of Directors.** The Grand Lake Improvement District was established pursuant to Order of the City Council dated the 5th of September, 2007.
- 2.0 **Composition of Board of Directors.** The Grand Lake Improvement District Board of Directors shall consist of seven members initially appointed by the Rockville City Council and thereafter elected by qualified voters and owners of property within the Grand Lake Improvement District. ~~Board Members shall reside within the City of Rockville.~~ Five of the board members shall own property within the Grand Lake Improvement District.
- 3.0 **Terms of Office.** Board members shall be elected for a term of three years. The first appointed Board of Directors shall be composed of three members whose terms expire on the 31<sup>st</sup> day of December, ~~2008~~ 2009; ~~three~~ two members whose terms expire on the 31<sup>st</sup> day of December, ~~2009~~ 2010; and ~~one~~ two members whose term expires on the 31<sup>st</sup> day of December, ~~2010~~ 2011. Board members shall be elected at the annual meeting by a majority of the votes cast, one vote per property. ~~Voting shall be by secret ballot. Absentee ballots shall be received at the offices of the Rockville City Administrator, 229 Broadway Street East, Rockville, MN, 56369 no later than 3:00 p.m. on the date of the annual meeting or such ballots shall be void.~~
- 4.0 **Vacancies.** In the case of a vacancy during the term of a Board member, a majority of the remaining Board members shall declare a vacancy and appoint a new member who shall serve until the next annual meeting of the Grand Lake Improvement District. A vacancy shall exist if any ~~office~~ of the following events occurs:
  - A. Death of a Board member;
  - B. Inability to perform the duties of a Board member;
  - C. ~~Failure of a Board member to attend at least eighty (80%) percent of the meetings;~~ or; Resignation of a Board member.
  - D. ~~Loss of City residency by a Board member or~~ Sale of qualifying property within the Grand Lake Improvement District when the requirement that 5 of the 7 board members shall own property within the Grand Lake Improvement District cannot be met.
- 5.0 **Organization.** The Board of Directors shall annually elect one member to serve as chairperson. The chairperson is responsible for the agenda of the meetings, presiding at meetings, minutes of meetings, and reports and recommendations to the City Council. The Rockville Administration Department shall maintain all records of the Board.
- 6.0 **Meetings and Reports.** The Board of Directors shall hold at least one annual meeting. The first annual meeting of the elected Board shall be held during the months of July or August and in each July or August thereafter unless changed by vote at an annual meeting. The Board shall adopt Rules of Procedure for business and shall keep a public record of all motions, resolutions, findings, minutes and reports which shall be in writing and a copy forwarded to the City Council.

- 7.0 Duties and Functions.** The Grand Lake Improvement District Board of Directors shall serve in an advisory capacity to the Rockville City Council and shall make recommendations to the City Council regarding the following:
- A. The construction of projects to reduce or treat the excess nutrient runoff from Ploof and Johannes Creeks and reduce the infestation of Curlyleaf pondweed and other exotic aquatic vegetation in Grand Lake while increasing the abundance of tall aquatic plants which form natural habitat for aquatic wildlife.
  - B. The acquisition of property, equipment or other facilities as necessary to improve the navigation of the waters of Grand Lake.
  - C. The implementation of research projects, including a formal water quality monitoring program, to determine the condition and development of the waters of Grand Lake and the waters which enter Grand Lake.
  - D. The development and implementation of a comprehensive plan to educate and provide information to lakeshore property owners regarding shoreline management and the creation of adequate buffer zones to filter nutrient runoff from entering the waters of Grand Lake.
  - E. The development and implementation of a comprehensive program to eliminate pollution, improve and conserve the waters of Grand Lake and take such other steps as may be necessary from time to time to insure that the water quality in Grand Lake remains in the mesotrophic range as measured by the DNR.
  - F. Studying and locating sources of funding for various projects proposed by the Board of Directors.
  - G. The development and recommendation of an annual budget for the operation of the Grand Lake Improvement District, which annual budget may be modified, but not increased by the Rockville City Council.
  - H. The adoption of water surface use regulations for Grand Lake.
  - I. The amendment of Bylaws for the Grand Lake Improvement District.
- 8.0 Amendments.** Amendments to the Bylaws for the Grand Lake Improvement District shall be approved by a majority of the City Council.

CITY OF ROCKVILLE

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By: Brian Herberg, Mayor

**Dated the 5<sup>th</sup> day of September, 2007.**

ATTEST:

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Verena M. Weber-CMC, City Administrator