



**CITY OF ARDEN HILLS
COUNTY OF RAMSEY
STATE OF MINNESOTA
RESOLUTION NO. 03-60**

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

WHEREAS, pursuant to Minnesota Statutes 459.20 and Minnesota Statutes 103B.501-103B.581, the City of Arden Hills has the authority to establish a Lake Improvement District; and

WHEREAS, the engineering report prepared by the City's Consulting Engineer identified the need for the construction and maintenance of a lake elevation control structure for Karth Lake; and

WHEREAS, Karth Lake is located wholly within the boundaries of the City of Arden Hills; and

WHEREAS, pursuant to Minnesota Statute 103B.501 to 103B.581 and the Minnesota Department of Natural Resources rules part 6115.0900 to 6115.0980 the City of Arden Hills has prepared a document proposing the establishment and the administration of a Lake Improvement District with the purpose of constructing and maintaining a lake elevation control structure; and

WHEREAS, a public hearing for the establishment of the Karth Lake Improvement District was held on the 29th day of September, 2003.

NOW, THEREFORE, BE IT RESOLVED by the Arden Hills City Council

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

CITY OF ARDEN HILLS

By: _____
Beverly Aplikowski, Mayor

Dated the 29th day of September, 2003.

ATTEST:

Michelle Wolfe, City Administrator

ORDER ESTABLISHING THE KARTH LAKE IMPROVEMENT DISTRICT

- 1.0 WHEREAS**, the Arden Hills City Council initiated the establishment of the Karth Lake Improvement District by adopting Resolution No. 03-55 which declared the City's intent to establish the District and which directly or by incorporation of supporting data:
- 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, preceded by all notices required pursuant to Minnesota Statutes Chapter 103B.515 and Minnesota Rules 6115.0970, Subpart 3, was held on the 29th day of September, 2003 in order to receive public comment as to whether the Karth Lake Improvement District should be established; and
- 3.0 WHEREAS**, based upon all data submitted and on all comments received, the Arden Hills City Council has determined:
- 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 benefitted 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 Arden Hills City Council hereby orders:**
- A. Name. The name of the Karth Lake Improvement District shall be the "Karth Lake Improvement District".
 - B. Boundaries. The boundaries of the Karth Lake Improvement District shall be as described on **Exhibit 1** attached hereto.
 - C. Resource Management Programs. The water and related land resources management programs and services to be undertaken shall include the following:
 - 1. The construction and operation of a lake level control structure.

Attachment A

2. A water quality monitoring program.
- 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 Karth Lake Improvement District shall be an advisory body to the Arden Hills 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 five members initially appointed by the Arden Hills City Council. The Board shall be appointed to staggered terms so that no more than two 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. Each Board Member shall reside within the City of Arden Hills. A majority of the Board Members shall own property within the Karth Lake Improvement District.

CITY OF ARDEN HILLS

By: _____
Beverly Aplikowski, Mayor

Dated the 29th day of September, 2003.

ATTEST:

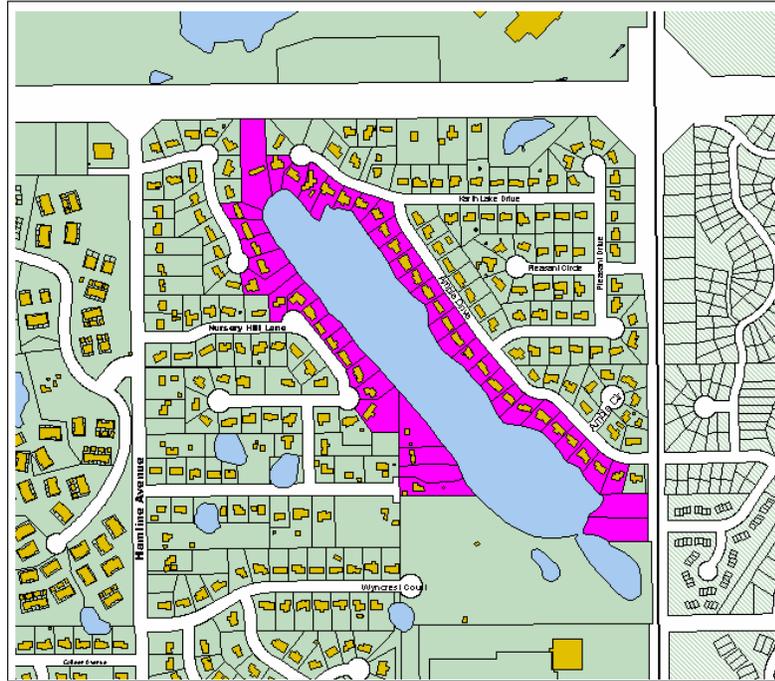
Michelle Wolfe, City Administrator

Exhibit 1: Karth Lake Improvement District Boundaries



City of Arden Hills
1245 Wiehl Highway SE
Arden Hills, MN 55112
Phone: 651.634.5133 Fax: 651.634.5137
www.cityofardenhills.mn.us

Karth Lake Improvement District Boundaries



Source: Ramsey County GIS Base Map - February, 2003.

This map is neither a legally recorded map nor a survey and is not intended to be used as one. The map is a compilation of records, information, and data located in various city, county, state, and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) data used to prepare this map is error free, and the City does not represent that the GIS data can be used for navigational, tracking, or any other purpose resulting in a determination of distance or direction or precision in the depiction of geographic features. Errors or discrepancies are found please contact 651-634-5133. The preceding disclaimer is provided pursuant to Minnesota Statute 466.03, Subd. 21 (C)(3), and the user of the map acknowledges that the City shall not be liable for any damages, and expressly waives all claims and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by the user, its employees or agents, or third parties which arise out of the user's access or use of data provided.

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KARTH LAKE IMPROVEMENT DISTRICT BYLAWS

- 1.0 **Establishment of Board of Directors.** The Karth Lake Improvement District was established pursuant to Order of the City Council dated the 29th day of September, 2003.
- 2.0 **Composition of Board of Directors.** The Karth Lake Improvement District Board of Directors shall consist of five members initially appointed by the Arden Hills City Council and thereafter elected by qualified voters and owners of property within the Karth Lake Improvement District. Board Members shall reside within the City of Arden Hills. A majority of the board members shall own property within the Karth 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 two members whose terms expire on the 31st day of December, 2004 ; two members whose terms expire on the 31st day of December, 2005 ; and one member whose term expires on the 31st day of December, 2006. Board members shall be elected at the annual meeting by a majority of the votes cast. Voting shall be by secret ballot. Absentee ballots shall be received at the offices of the Arden Hills City Administrator, 1245 west Highway 96, Arden Hills, MN, 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 Karth Lake Improvement District. A vacancy shall exist if any office following events occur:
 - 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 eight (80%) percent of the meetings;
or;
 - D. Loss of City residency by a Board member or sale of qualifying property within the Karth Lake Improvement District.
- 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 Arden Hills Operations and Maintenance 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 month of April and in each April 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.

Attachment B

- 7.0 Duties and Functions.** The Karth Lake Improvement District Board of Directors shall serve in an advisory capacity to the Arden Hills City Council and shall make recommendations to the City Council regarding the following:
- A. The construction and operation of water control structures as approved by the Commissioner of Natural Resources.
 - B. The construction of projects to change the course, current or cross-section of the waters of Karth Lake.
 - C. The acquisition of property, equipment or other facilities as necessary to improve the navigation of the waters of Karth Lake.
 - D. The implementation of research projects to determine the condition and development of the waters of Karth Lake and the waters which enter Karth Lake.
 - E. The development and implementation of a comprehensive plan to eliminate pollution of the waters of Karth Lake.
 - F. The development and implementation of a comprehensive program to improve and conserve the waters of Karth Lake.
 - G. The sources of funding for various projects proposed by the Board of Directors.
 - H. An annual budget for the operation of the Karth Lake Improvement District.
 - I. The maintenance of public beaches, docks, and other public facilities for access to the waters of Karth Lake.
 - J. The adoption of water surface use regulations for Karth Lake.
 - K. The amendment of Bylaws for the Karth Lake Improvement District.
- 8.0 Amendments.** Amendments to the Bylaws for the Karth Lake Improvement District shall be approved by a majority of the City Council.

CITY OF ARDEN HILLS

By: _____
Beverly Aplikowski, Mayor

Dated the 29th day of September, 2003.

ATTEST:

Michelle Wolfe, City Administrator