

DRAFT BY-LAWS Revision 1.0  
Mink-Somers Lake Improvement District (MSLID)  
Pending approval at Annual Meeting August 2022

**Article 1: Establishment**

Section 1: Established under Minnesota Statute 103B.535 by the Wright County Board of County Commissioners resolution #07-27 and its order establishing the Mink-Somers Lake Improvement District, adopted May 22, 2007, and revised August 2022. Filed with the Minnesota Office of Secretary of State, Minnesota Pollution Control Agency, and Minnesota Department of Natural Resources

103B.535 ORDER ESTABLISHING DISTRICT.

An order establishing a district must state the:

- (1) name of the district;
- (2) boundaries of the district, which are encouraged to be as consistent as practical with natural hydrologic boundaries;
- (3) water and related land resources management programs and services to be undertaken;
- (4) manner of financing programs and services; and
- (5) number, qualifications, terms of office, and method of election, removal, and filling of vacancies of the board of directors, including a method for property owners not present at the annual meeting to participate in the election of the district board.

**Article 2: Name of District**

The name of this organization is Mink-Somers Lake Improvement District and may be referred to as MSLID.  
The principal office will be located at the discretion of the Board of Directors.

Definition of the Mink-Somers Lake Improvement District

The MSLID is a nonprofit organization subject to applicable county, state, and federal laws.

#### 103B.505 DEFINITIONS

Subdivision 1.Applicability. The definitions in this section apply to sections [103B.505](#) to [103B.581](#).

Subd. 2.Board. "Board" means county board.

Subd. 3.Commissioner. "Commissioner" means the commissioner of natural resources.

Subd. 4.District. "District" means a lake improvement district.

Subd. 5.Joint county authority. "Joint county authority" means a joint county authority formed by county boards under section [103B.525](#).

Subd. 6.Property owner. "Property owner" means the owner of real property within the district or the buyer under contract for deed of property in the district.

#### **Article 3: Purpose**

Stat. 103B.511, Subd.1, Purpose

<https://www.revisor.mn.gov/statutes/cite/103B.511>

1. Preserve and protect the lake(s)
2. Increase and enhance the use and enjoyment of the lake(s)
3. Preserve the natural character of the lake(s) and their shoreland environment
4. Provide for reasonable assurance of water quantity in the Lake(s)
5. Protect the lake(s) from detrimental effects of human activities and certain natural processes

#### **Article 4: Goals**

Rule 6115.0940 Goals For Lake Improvement Districts

<https://www.revisor.mn.gov/rules/6115.0940/>

1. Protection and rehabilitation of the lake(s)
2. Prevent degradation of fish and wildlife habitat
3. Prevent degradation of surface and ground water quality
4. Prevent degradation of natural beauty and unique scientific values
5. Prevent degradation of recreational values
6. Prevent degradation of the quality of life generally

7. Preserve public rights to public waters
8. Ensure local involvement and commitment to future lake management
9. Ensure conformity with federal, state, regional, and local laws, rules and water related land management policies
10. Promote fair and objective resolution of conflicts between competing lake related interests in and around the District

#### **Article 5: Board of Directors**

Stat.103B.551 BOARD OF DIRECTORS.

##### Subdivision 1. Membership.

After a lake improvement district is established, the county board, joint county authority, or commissioner that established the district shall appoint persons to serve as an initial board of directors for the district. Subsequent board members must be elected by persons owning property in the district at the annual meeting of the district. The number, qualifications, terms of office, and method of election, removal, and filling of vacancies of directors shall be as provided in the order creating the board of directors. The initial and all subsequent boards of directors must include persons owning property within the district, and a majority of the directors must be residents of the district.

##### Subd. 2. Compensation.

The directors shall serve with compensation as determined by the property owners at the annual meeting and may be reimbursed for their actual expenses necessarily incurred in the performance of their duties in the manner provided for county employees.

##### Subd. 3. Powers.

County boards, joint county authorities, statutory and home rule cities, and towns may, by order, delegate the powers in this section to the board of directors of a district to be exercised within the district. Programs and services undertaken must be consistent with the statewide water and related land resources plan prepared by the commissioner of natural resources and with regional water and related land resources plans. A body of water may not be improved by using authority granted under this section unless the public has access to some portion of the shoreline. County boards, joint county authorities, statutory and home rule cities, and towns may delegate their authority to a district board of directors to:

- (1) acquire by gift or purchase an existing dam or control works that affects the level of waters in the district;
- (2) construct and operate water control structures that are approved by the commissioner of natural resources under section [103G.245](#);
- (3) 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](#);
- (4) acquire property, equipment, or other facilities, by gift or purchase to improve navigation;
- (5) 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 chapters 103C and 103D;
- (6) 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;
- (7) develop and implement a comprehensive plan to eliminate water pollution;
- (8) conduct a program of water improvement and conservation;
- (9) construct a water, sewer, or water and sewer system in the manner provided by section [444.075](#) or other applicable laws;
- (10) 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;
- (11) make cooperative agreements with the United States or state government or other counties or cities to effectuate water and related land resource programs;
- (12) maintain public beaches, public docks, and other public facilities for access to the body of water;
- (13) 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

1. Amy Young

July 14, 2022 at 7:29:23 PM  
copied from our prior draft

2. Doug Lawman

December 3, 2021 at 9:57:00 AM  
Needs to be open to potentially more consecutive terms due to the fact of non-interested members of the association. I propose removing "no more than two consecutive terms".

government service is provided, the service is at an increased level within the district; and

(14) regulate water surface use as provided in sections [86B.205](#), [103G.605](#), and [103G.621](#).

1 Subdivision 4. Board composition

Insofar as there are qualified individuals willing to serve on the Board, the Board shall consist of a minimum three Members from Mink Lake and a minimum three Members from Somers Lake. The majority of the Directors must be residents of the District. If there is not a qualified person willing to serve to balance representation targets for each lake, qualified members may disrupt the target minimums. Directors will be required to attend the Annual and Special District Meetings and at least 50% of regular scheduled meetings. Directors failing to meet the attendance requirement may be removed by a two-thirds vote of the remaining Board members. The vacancy may be filled by a majority vote of the remaining directors subject to approval by a majority vote of the Members at the next Annual or Special District meeting.

2 Subdivision 5. Terms

*After the initial election, vacant positions shall be elected each year to serve open term limit seats. Board members may not serve more than two consecutive three year terms. An annual term year shall be from annual meeting to annual meeting. In the case that there are no qualified members to fill vacancies existing board members may serve an additional term(s) subject to a majority approval by the remaining board members.*

*Subdivision 7. Vacancies*

*Vacancies in the Board of Directors may be filled by a majority vote of the remaining Directors, subject to approval by a majority vote of the Members present at the next annual District meeting, as outlined in Article 7, Director elected to fill a vacancy shall serve the unexpired term.*

*Subdivision 8. Removal of Directors*

*Directors may be removed by a two-thirds vote of the remaining Board members.*

*Subdivision 9. Board of Directors Officers*

*Section 1: Officers*

*All officers of the Mink-Somers Lake Improvement District shall be Directors.*

*Section 2: Officer Positions*

*The officers shall consist of, Chair, Vice-Chair, Secretary, and Treasurer. One Director may hold two officer positions, except for the Chair position. These officers are the Executive Committee. The Executive Committee may meet from time to time without notice to the other Board members for planning purposes and to facilitate the activities of the Board.*

*Section 3: Election of Officers*

*Officers will be elected by the Board of Directors from among their number at the first board meeting following any annual meeting at which new Directors are elected. Elections will be by a secret ballot if more than one person is nominated for any office.*

*Section 4: Duties of Officers*

- a. The Chair shall preside over all of the District Board meetings and the MSLID Annual Meeting*
- b. The Vice-Chair shall preside in the absence of the Chair and perform duties normally associated with this office*
- c. The Secretary shall keep accurate records of all meetings of the Board of Directors, regularly submit minutes to the Board of Directors, and perform all other duties normally associated with this office*

d. *The Treasurer shall present a financial statement at each meeting and shall perform all other duties normally associated with this office. Two signatures shall be required on all MSLID checks or vouchers.*

#### *Subdivision 10. Directors Meetings*

##### *Section 1: Meetings*

*Directors are to hold meetings at least every other month, in addition to the Annual Meeting of the Membership, as shall be scheduled by the Chair, or in the Chair's absence, by a majority of the remaining members of the Executive Committee. Special meetings may be called by the Chair, or Vice-Chair as directed by the Chair, or by three members of the Board of Directors, as may be from time to time required to carry out the activities of the Board. All meetings are open to all MSLID members.*

##### *Section 2: Notice of Meetings*

*There shall be at least fourteen days prior notice given in writing or by email to each Director for any regularly scheduled meeting. In the case of special meetings, written or electronic notice shall be given to Directors not less than three days previously. Special meetings are to have the meeting topic clearly identified. In either case, any Director may waive such notice by written or electronic notice to the Secretary.*

##### *Section 3: Quorum*

*A majority of the Board of Directors duly serving shall constitute the necessary quorum for the transaction of business.*

#### **Article 6: Committees**

##### *Section 1: Appointment and records*

*The Chair with the approval of a majority of the members of the Board of Directors at any regular or special meeting may create and appoint such committees as deemed necessary. The Chair of each such committee or*

*committee Chair shall report to the Board of Directors their committee's progress.*

## **Article 7: Financing**

Stat. 103B.555 FINANCING.

Subdivision 1.Revenue.

The county board or joint county authority may undertake projects of improvement consistent with purposes of the district. To finance projects and services of the district, the county board or joint county authority may, only after seeking other sources of funding:

(1) assess the costs of the projects upon benefited property within the district in the manner provided under chapter 429;

(2) impose service charges on the users of lake improvement district services within the district;

(3) issue obligations as provided in section [429.091](#);

(4) levy an ad valorem tax solely on property within the lake improvement district, to be appropriated and expended solely on projects of special benefit to the district; or

(5) impose or issue any combination of service charges, special assessments, obligations, and taxes.

Subd. 2.Tax additional to other levies.

A tax under subdivision 1 may be in addition to amounts levied on all taxable property in the county for the same or similar purposes.

Subd. 3.Budgeting for operations.

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.

Subd. 4.District obligations.



The district, with approval of the county board or joint county authority, expressed in a resolution identifying each specific improvement to which the approval applies, may exercise the powers of a city under chapter 429 and section [444.075](#), including, but not limited to:

- (1) the levy of special assessments;
- (2) the imposition of rates and charges; and
- (3) the issuance of bonds to finance improvements that the district may undertake.

#### **Article 8: Annual Meeting**

##### Stat. 103B.571 Annual Meeting of the District

Section 1: Time. A district must have an annual meeting. The first annual meeting shall be scheduled during the month of July or August and be held annually in that period unless changed by vote of the previous annual meeting.

Section 2: Notice. The annual meeting shall be preceded by two weeks' published notice and written notice mailed at least ten days in advance of the meeting to the county board or joint county authority, town boards and statutory and home rule charter cities wholly or partially within the district, the Pollution Control Agency, commissioner of natural resources, and if there is a proposed project by the district having a cost in excess of \$5,000, all property owners within the assessment area.

Section 3: Agenda.

(a) At the annual meeting the district property owners present shall:

- (1) elect one or more directors to fill any midterm vacancies in the board of directors;
- (2) approve a budget for the fiscal year;

3. Amy Young

July 14, 2022 at 7:15:06 PM  
not a required section per MN  
statues on LIDS

4. Amy Young

July 14, 2022 at 7:15:34 PM  
not a required section per MN stat.

(3) approve or disapprove proposed projects by the district having a cost to the district in excess of \$5,000; and  
(4) take up and consider other business that comes before them.

(b) At the annual meeting all district property owners, including absent members as provided in the order establishing the district, shall elect one or more directors for board positions with expiring terms.

Section 4: Annual Report

Annual report. Each year the board of directors shall prepare and file a report of the financial conditions of the district, the status of all projects in the district, the business transacted by the district, other matters affecting the interests of the district, and a discussion of the directors' intentions for the succeeding years. Copies of the report shall be transmitted to the county board or joint county authority, town boards and city councils of statutory and home rule charter cities wholly or partially within the district, the commissioner of natural resources, and the Pollution Control Agency by four months after the annual meeting.

**3 Article 9: Parliamentary Procedure**

Section 1: The rules contained in the current edition of Robert's Rules of Order (Revised) shall govern the convention in all cases to which they are applicable and which are not governed by the By-Laws of the District.

**4 Article 10: Liabilities**

Section 1:

It is implicitly understood that the MSLID Board of Directors assumes no responsibility or liability for the well-being of any member or representative of a member attending, managing, or participating in meetings or any other functions of the District.

Section 2:

No Director, former Director, nor any authorized agent of the District shall be liable in any manner to the District or any person or group for any loss or damage sustained as a result of action taken or omitted by said Director or agent in good faith, if he/she/they exercised or used the same degree of care and skill as a prudent person would have exercised or used under the circumstances in the conduct of his/her/their own affairs.

### **Article 11: Enforcing Ordinances**

Stat. 103B.565 enforcing ordinances

If a lake improvement district has been established by joint county action under section [103B.525](#) or order of the commissioner of natural resources under section [103B.531](#), ordinances and regulations adopted by joint action of the affected county boards may be enforced in any part of the lake improvement district by personnel of any of the affected counties.

### **Article 12: Expanding the LID**

103B.575 EXPANDING LAKE IMPROVEMENT DISTRICT.

The boundary of a district may be enlarged by complying with the procedures to establish a district under sections [103B.511](#) to [103B.541](#).

### **Article 13: Termination**

103B.581 TERMINATION.

Subdivision 1. Petition. Termination of a district may be initiated by petition requesting the termination of the district. The petition must be signed by a majority of the property owners in a district within 30 days after receiving a petition. The county board or joint county authority must set a time and place for a hearing on terminating the district.

Subd. 2. Findings and order. If the board or joint county authority determines that the existence of the district is no longer in the public welfare or public interest and it is not needed to accomplish the purpose of the Lake Improvement District Law, the board or joint county authority shall make the

findings and terminate the district by order. On filing a certified copy of the findings and order with the secretary of state, Pollution Control Agency, and commissioner of natural resources the district is terminated and ceases to be a political subdivision of the state.

Subd. 3. District financing. If a district is terminated under subdivision 2, additional water and related land resource management programs may not be undertaken with money raised by a special tax within the district, and additional special water and related land resource management taxes may not be levied within the district. If money raised by past special tax levies within the district has been exhausted, further operation and maintenance of existing programs may be financed by appropriations from the general revenue fund of an affected county.

Addendum:       Addresses for mailings

Wright County Board of Commissioners  
10 2nd St. NW.  
Buffalo, MN 55313

Minnesota Department of Natural Resources  
500 Lafayette Rd.  
St. Paul, MN 55155

Minnesota Pollution Control Agency  
520 Lafayette Rd.  
St. Paul, MN 55155

Maple Lake Messenger  
218 Division St.  
Maple Lake, MN 55358

MSLID  
PO Box 81  
Maple Lake MN 55358