

**STATE OF MINNESOTA
CENTRAL LAKES REGION SANITARY DISTRICT, DOUGLAS COUNTY**

The Matter of the Dissolution of the
Central Lakes Region Sanitary District

**Second Resolution of Intent to
Dissolve**

Director Thoennes moved adoption of the following resolution:

Whereas, formation of the Central Lakes Region Sanitary District (CLRSD) was authorized by Minnesota Laws Chapter 127, Article 9 (2003) (the Enabling Legislation). The District was established by adoption and filing of resolutions by Brandon, Carlos, LaGrand, Leaf Valley, Miliona, and Moe Townships (Member Townships) pursuant to Section 23 of the Enabling Legislation and Minnesota Statutes Section 645.021. The last resolution was filed with the Secretary of State in November 2003; and

whereas, the purpose of the CLRSD was to develop and implement a “plan for the collection, treatment, and disposal of sewage within its boundaries.” Further, the CLRSD was to address “the preservation and best and most economic use of water and other natural resources; the preservation, use, and potential for use of lands adjoining public waters of the state to be used for the disposal of sewage; and the impact such a disposal system will have on present and future land use; ” and

whereas, in creating its plan, the CLRSD was authorized by its Enabling Legislation to “conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with the design, construction, and operation of the district disposal system;” and

whereas, after completing its planning for a disposal system, the CLRSD determined that the providing of a disposal system as called for in the Enabling Legislation was neither cost effective nor feasible for the community; and

whereas, after seeking alternative funding sources to defray the expense of a disposal system for the community, the CLRSD determined that alternative funding does not exist in sufficient amount to make a disposal system cost effective; and

whereas, as of the end of February, 2009, each Member Township adopted and delivered to the CLRSD a resolution of intent to withdraw from the CLRSD pursuant to the Enabling Legislation; and

whereas, pursuant to the Enabling Legislation, the CLRSD would have no jurisdiction over any territory after February, 2011; and

whereas, under those circumstances, there was little, further beneficial work or utility left for the CLRSD; and

whereas, the Enabling Legislation incorporated by reference the dissolution authority contained in Minnesota Statutes Section 115.21; and

whereas, pursuant to its authority in existing law, on March 05, 2009, the CLRSD adopted a first Resolution of Intent to Dissolve, setting forth a process by which winding up and dissolution would occur; and

whereas, since adopting its first Resolution of Intent to Dissolve, the CLRSD has followed the procedures adopted; and

whereas, subsequent to adopting its first Resolution of Intent to Dissolve, the CLRSD worked with the Townships and State Legislature to draft additional legislation to include the process adopted by the CLRSD for winding up and dissolving, as well as substantive, additional authorities for the Townships to facilitate their participation in the winding up and dissolution of the CLRSD; and

whereas, the legislation (the 2009 legislation) was approved by the Legislature, was signed by the Governor and was ratified by the Townships – becoming effective on June 13, 2009 (effective the day after all of the townships completed local approval as provided in Minnesota Statutes, section 645.021, subdivisions 2 and 3); and

whereas, the 2009 legislation is designated as 2009 Minnesota Laws Chapter 44 (SF 1489, Legislative Session 86, Revisor Number: 09-2583); and

whereas, the winding up and dissolution process adopted in the 2009 legislation is the same as the process adopted by the CLRSD in its first Resolution of Intent; and

whereas, in order to ensure that there is no confusion, and to eliminate any potential risks in proceeding in dissolution under its prior authorities, the CLRSD desires to further effect its dissolution under the provisions of the 2009 legislation.


Therefore, it is resolved:

1. The Board of Directors of the CLRSD intends to continue dissolution and comply with the provisions of the 2009 legislation by adopting this Second Resolution of Intent to Dissolve and by reinitiating notice and following the timelines provided in the 2009 legislation.
2. Dissolution shall occur after the winding up of the CLRSD's affairs, to include disposition of all assets and satisfaction of all liabilities.
3. Dissolution and winding up shall occur in a manner consistent with the Enabling Legislation and any amendments thereto, including the 2009 legislation.

The motion was seconded by Director Vollmers. After discussion and upon a vote, the Resolution was adopted by the following vote:


	Yes	No	Abstain	Absent
Mike Cleary	_____	_____	_____	<u> X </u>
Jerome Haggemiller	<u> X </u>	_____	_____	_____
Ted Steidl	<u> X </u>	_____	_____	_____
Bruce Strandskov	<u> X </u>	_____	_____	_____
Gary Thoennes	<u> X </u>	_____	_____	_____
Dale Vollmers	<u> X </u>	_____	_____	_____

The above resolution was adopted at a Special Meeting of the CLRSD on June 18, 2009, at the Leaf Valley Town Hall.



Jerome Haggemiller, Chairman

Attest:



Bruce Standskov, Vice-chairman/Acting Secretary