

Site

RESOLUTION NO. 2009-13
TOWNSHIP OF CARLOS

**Resolution for Debt Servicing and Allocation of Costs Related to Central Lakes Region
Sanitary District (CLRSD)**

WHEREAS, Carlos Township is currently a member township of the Central Lakes Region Sanitary District (hereinafter CLRSD); and

WHEREAS, Carlos Town Board supervisors exercised their right to withdraw from CLRSD by Resolution No. 2009 dated February 12, 2009, received by CLRSD Chair March 5, 2009, for an effective date of March 5, 2011; and

WHEREAS, the Carlos Town Board supervisors have received written notice from Attorney John Kolb, attorney for CLRSD, of CLRSD costs allocated to Carlos Township pursuant to CLRSD Resolution D-2009-06, Affirming Method of Allocation of Costs and Directing Notice of Allocation, consistent with Section 8 of Laws 2003, Chapter 27 (the "Enabling Legislation"), in the amount of \$127,840.00 (CLRSD Cost Allocation) payable by November 1, 2009; and

WHEREAS, the Carlos Town Board supervisors, with the advice of their legal counsel, have determined that Carlos Township is obligated to pay said allocation of costs noticed by CLRSD by November 1, 2009; and

WHEREAS, the Carlos Town Board supervisors, with the advice of their legal counsel, have considered various alternatives for payment of the CLRSD Cost Allocation, consistent with the Enabling Legislation and Laws 2009, Chapter 44; and

WHEREAS, the Carlos Town Board supervisors have held multiple open meetings to share and gather input from affected landowners and interested parties.

The Carlos Town Board Supervisors make the following FINDINGS:

1. Protecting the lake water and managing sewer systems within Carlos Township provides benefit to all real properties within Carlos Township. However, the primary intended purpose and anticipated benefit for which the above-referred allocated costs were incurred was for the real properties within the CLRSD designated area as currently defined (the "CLRSD Area").
2. The survey presented to the Carlos Town Board supervisors requesting Carlos Township's participation and membership within CLRSD was primarily if not entirely signed by owners of real property within the CLRSD Area.
3. Carlos Township has paid and continues to pay miscellaneous administrative and legal CLRSD costs from Carlos Township general funds, which are collected on an ad valorem basis from all taxable properties within Carlos Township.
4. Carlos Township general funds are currently sufficient to pay the CLRSD Cost Allocation on a timely basis without costs associated with seeking separate financing, including bonding.

5. Use of general funds for payment of the allocation of costs related to CLRSD limits the availability of general funds for other township projects.
6. Requiring payment by landowners of the entire CLRSD Cost Allocation in one year is likely to create hardships for many landowners.
7. Only charges based on ad valorem tax potentially qualify for property tax refunds.
8. It is most equitable considering the balance of interests of all township members to
 - a) pay general administrative and legal expenses directly incurred by Carlos Township related to CLRSD with Carlos Township general funds;
 - b) initially pay the entire Carlos Township \$127,840.00 CLRSD Cost Allocation with Carlos Township general funds;
 - c) seek reimbursement of \$127,840.00 of the general fund expenditure related to the \$127,840.00 CLRSD Cost Allocation by ad valorem tax from all taxable parcels within the CLRSD Area;
 - d) spread collection of reimbursements equally over a period of three (3) years; and
 - e) not charge any interest over the three-year collection period.

NOW THEREFORE, BE IT RESOLVED:

That the Carlos Town Board supervisors make the following determinations:

1. All miscellaneous administrative and legal CLRSD costs incurred by the township to date, and future payment of such similar miscellaneous and administrative legal costs, shall be paid through the Carlos Township general funds without reimbursement from other sources.
2. All costs directly allocated to Carlos Township by CLRSD for payment due November 1, 2009, shall be initially paid with Carlos Township general funds.
3. The Carlos Town Board shall take all reasonable and necessary actions to obtain reimbursement, to the Carlos Township general funds account for its payment of the entire \$127,840.00 CLRSD Cost Allocation, by ad valorem tax of the taxable properties within the CLRSD Area, in three equal annual installments, without interest.

Adopted by the Carlos Town Board of Supervisors this 27th day of August, 2009.

By the following vote:

Dwayne Waldorf	<u>yes</u>
Ted Steidl	<u>yes</u>
Rod Meyers	<u>yes</u>

ATTEST: Rebecca Anderson
Rebecca Anderson, Town Clerk

Dwayne Waldorf
Dwayne Waldorf, Town Chair

TOWN TAXES VOTED
Town of Carlos, Douglas County, Minnesota

To: Thomas E. Reddick, Douglas County Auditor
305 8th Avenue West, Alexandria, Minnesota, 56308

I hereby certify that the Annual Town Meeting held in the Town of Carlos (12) on the date of March 17, 2009, the following amounts were voted to be raised by taxation of said Town for the year 2009 payable 2010. (2008/2009 payable Levy is provided for comparison)

Rate #/Description	2008-2009 Payable Levy	2009/2010 Payable Levy
1 Revenue	\$ 35,000	\$ 30,000
2 Road & Bridge	\$400,000	\$350,000
22-1 Fire - Alexandria	\$ 16,402	\$ 18,050
22-2 Fire - Carlos	\$ 32,780	\$ 32,780
5 Blacktop	\$ -0-	\$ -0-
34 Parks & Recreation	\$ 5,135	\$ 5,135
39 Economic Develop	\$ 18,838	\$ 18,049
59 First Development	\$ 3,000	\$ 3,000
63 Little League	\$ -0-	\$ -0-
74 Parks & Trails	\$ 1,000	\$ -0-
Total Levy w/o ALASD	\$512,155	\$457,014
6 ALASD	\$117,247	
Total Levy w/ALASD and w/o Debt Servicing of CLRSD	\$629,402	

I hereby certify that by majority vote of the Town of Carlos (12) Board of Supervisors and adoption of Resolution No. ~~2009~~¹³, Resolution for Debt Servicing and Allocation of Costs Related to Central Lakes Region Sanitary District (CLRSD), dated 8/27, 2009, attached and incorporated herein by reference, as authorized by MN Sessions Laws Chapter 44 - S.F. No. 1489, the following amount was voted to be raised by taxation for the year 2009-payable 2010, solely within CLRSD area, as defined in 2009, of said Township.

Debt Servicing of CLRSD	\$NA	\$127,840 [#] 42,614.00
Total Levy w/o ALASD and Debt Servicing of CLRSD		\$757,742 [#] 672,016.00

Dated this 27th day of August, 2009

Rebecca Anderson Town Clerk