

July 18, 2019

**Lake Shamineau Lake Improvement District**

RE: Petition to Terminate LID

To Whom It May Concern:

I have reviewed the County opinion that the 190 signatures on the petition to terminate your LID is sufficient pursuant to Minnesota Statute Section 103B.581 to terminate your LID. I disagree on several counts.

First of all, as I know the County agrees, a petition that meets the statutory requirements does not mandate termination. Even with a legal petition, the Board must still find that the LID's "existence is no longer in the public welfare or public interest". Although lake owners are not unanimous on what to do with the Lake's water table, it is clear to everyone that the Lake needs management. There has been large attendance at numerous meetings – it's clear that there is public interest in this Lake and its' management and a LID is the statutory tool designed to address this public interest.

Secondly, it appears the County has calculated a majority by counting parcels, not owners. Said statute clearly references property owners, not parcels and many owners own multiple lots. This is a clear misinterpretation of the statute. For further clarity, look at #10 of the Order that Establishes your LID that was approved by the County on June 9, 2015– it clarifies that a property owner gets one vote no matter how many owners own a certain parcel or how many parcels that property owner has. One owner get one vote, just like every other riparian owner. Giving an owner with multiple lots multiple votes is against the policy you set.

Finally, the statute clearly requires the required majority of signatures to be obtained within 30 days. That requirement was not met. I've heard the County argues that the period in said statute was misplaced. Without a clear contradiction to legislative history, I find it incredulous that someone would suggest the legislature has poor grammar. That statute is clear and the County's interpretation is simply contrary to state law.

Respectfully submitted,  
BREEN AND PERSON, LTD.



J. Brad Person