

**CROW WING COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES**

Historic Courthouse  
Brainerd, Minnesota

July 14, 2009

Chair Franzen called the meeting to order at 9 a.m. and called for participation in reciting the Pledge of Allegiance followed by a moment of silence.

Present:            District 1            Philip Trusty  
                      District 2            Paul Thiede  
                      District 3            Rachel Reabe Nystrom  
                      District 4            Rosemary Franzen  
                      District 5            Doug Houge

Others Present: County Administrator Timothy Houle, County Auditor Deborah Erickson, County Attorney Donald Ryan, staff and citizens.

**OPEN FORUM** – None.

**APPROVAL OF MINUTES AND AGENDA**

Moved by Commissioner Thiede seconded by Commissioner Houge to approve the minutes of the June 23, 2009 regular County Board meeting, all aye. Motion carried.

Moved by Commissioner Trusty seconded by Commissioner Nystrom to approve the minutes of the June 13 and June 23, 2009 Board of Equalization as amended, all aye. Motion carried.

Moved by Commissioner Thiede seconded by Commissioner Nystrom to approve the agenda of the July 14, 2009 meeting with one addition, all aye. Motion carried.

**CONSENT AGENDA**

Moved by Commissioner Houge seconded by Commissioner Thiede to approve the following consent agenda, all aye. Motion carried.

1. Accepted a donation of \$500 from Crow Wing Power for the Crow Wing County Mounted Patrol.
2. Approved the 2009 Tobacco License application of Crow Wing County Golf Partners, L.P. for Deacon's Lodge Golf Course, City of Nisswa as approved by the County Attorney and County Sheriff subject to any delinquent taxes being paid and authorized the County Auditor to issue said License.
3. Approved the renewal On-Sale and Sunday Liquor License Application of The Lodge at Piney Ridge, LLC in Ideal Township as approved by the County Attorney, County Sheriff and appropriate Town Boards, subject to all State Requirements and any delinquent taxes being paid and authorized the County Auditor to issue said License.
4. Upon recommendation of the Waste Management Director authorized the County Auditor to release the performance and payment bonds posted by Pratt's Affordable Excavating, Inc. for the construction of MMSW-376 Leachate Land Application project and the bonds are to be released based on the contract agreement.

5. Approved the following expenditure listing for July 17, 2009, with the full listing available on file in the Office of the County Auditor:

General	215,972.15
Reserved & Designated Funds	30,351.52
Road and Bridge	1,088,149.19
Social Services	23,518.02
Score	19,873.53
Grants Land	3,122.25
Forfeited Tax Sale	4,190.97
Capital Notes	17,666.44
Solid Waste	123,256.94
CWC Sanitary Mgt District	42.08
Total	\$1,526,143.09

6. Entered into an agreement with Morrison County to define shared maintenance and billing procedures for the county line road identified as Morrison County Road 275/Crow Wing County Road 129 and the Chair and County Administrator are authorized to sign said agreement, subject to review by the County Attorney as to form and execution.
7. Approved an amendment to the agreement between South Country Health Alliance and Crow Wing County Social Services to include Mental Health Targeted Case Management services and authorized the Community Services Director to sign said agreement.
8. Entered an agreement with South Country Health Alliance (SCHA) and the Crow Wing County Health Department for professional covered health care services to SCHA enrollees and authorized the Community Services Director to sign said agreement.
9. Approved **Resolution No. 2009-63**: Joint Powers Agreement with the State of Minnesota, Commissioner of Public Safety, City of Brainerd and Crow Wing County for bomb squad services and reimbursement within the state.

### **MISCELLANEOUS BUSINESS**

### **COMMITTEE REPORTS**

Crow Wing County Attorney Don Ryan is currently reviewing the revised joint powers agreement regarding Central Minnesota Community Corrections.

Committee appointments to the Human Rights Commission will be made at the next regular county board meeting.

### **ADDITIONAL BUSINESS**

Moved by Commissioner Houge seconded by Commissioner Trusty to enter an agreement with RT Vision for electronic time cards in the amount of \$18,030 to be paid from the 2009 technology funds and the Chair and County Auditor are authorized to sign said agreement subject to review by the County Attorney as to form and execution, all aye. Motion carried.

### **COUNTY ENGINEER**

Moved by Commissioner Thiede seconded by Commissioner Houge to approve **Resolution No. 2009-64:** 2009-2013 Highway Improvement Plan, all aye. Motion carried.

Moved by Commissioner Thiede seconded by Commissioner Trusty to accept the low bid of Anderson Brothers in the amount of \$190,093.95 for project SP 18-648-08, the recreational trail from College Road in Baxter to SW 4<sup>th</sup> Street in Brainerd, and to award the contract and the Chair and County Administrator are authorized to execute the contract, subject to review by the County Attorney as to form and execution, and contingent on final real estate acquisition from the BNSF Railroad and further, the County Auditor is authorized to return sureties to the unsuccessful bidders, all aye. Motion carried.

The Board will consider adoption of a county policy for the installation and maintenance of mailbox supports on county road and county state aid highways as recommended by the Transportation Advisory Committee at the September 22, 2009 regular county board meeting.

### **MINNESOTA 100 CLUB PRESENTATION**

Chair Franzen presented an award on behalf of the Minnesota 100 Club to retired Crow Wing County Deputy Sheriff Harold Holk for injuries received in the line of duty.

### **PUBLIC HEARING – ESTABLISHMENT OF SERPENT LAKE IMPROVEMENT DISTRICT (LID)**

Chair Franzen opened the public hearing at 9:38 a.m.

Public comment was heard from the following citizens in support of the LID: Clark Marshall, Audrey Birklid, Martha Knoll, Wayne Brezina, Arlen Bowen, Steve Crum, Deb Weide, and Ken Treloar.

Public comment was heard from the following citizens in opposition to the LID: Bob Ferrari, James Wojcik, Delores Waffensmith, Sandra Wojcik, Steve Van Oss, Jim Traylor and Bob Geske.

The County Administrator noted the following written correspondence that was received in support of the LID: Steve Crum on behalf of the LID committee and Robert and Barbara Hoeft.

One anonymous letter was received in opposition to the LID.

Moved by Commissioner Thiede seconded by Commissioner Houge to close the Public Hearing at 10:32 a.m., all aye. Motion carried.

### **COMMUNITY SERVICES DIRECTOR**

Moved by Commissioner Nystrom seconded by Commissioner Houge to approve a revised Emergency Assistance Program policy as on file in the Community Services Office and further, authorized the Community Services Director to adjust the eligibility levels as needed, all aye except Thiede, nay. Motion carried.

Moved by Commissioner Thiede seconded by Commissioner Houge to authorize Financial Assistance Supervisor Dale Parks to attend the Big Ten Food Support Conference in Milwaukee, WI on July 22 – 24, 2009 with all expenses to be paid by the Minnesota Department of Human Services, all aye. Motion carried.

Moved by Commissioner Thiede seconded by Commissioner Houge to approve a grant agreement with the Minnesota Department of Health for a Statewide Health Improvement Program grant for the period

July 1, 2009 through June 30, 2011, and further, authorized the Community Services Director to sign said agreement, all aye. Motion carried.

The Board received the Community Services Director's report.

### **COUNTY SHERIFF**

Moved by Commissioner Nystrom seconded by Commissioner Houge to enter a Joint Powers Agreement with the State of Minnesota, Commissioner of Public Safety, Bureau of Criminal Apprehension effective April 1, 2009 through September 30, 2010 for assistance in investigations of the Child Sexual Predator Program, all aye. Motion carried.

Moved by Commissioner Nystrom seconded by Commissioner Thiede to approve **Resolution No. 2009-65: 2009-2010 Authorized Signatures for the Safe and Sober Grant**, all aye. Motion carried.

### **HUMAN RESOURCE DIRECTOR**

Moved by Commissioner Thiede seconded by Commissioner Nystrom to approve the following hiring request, all aye. Motion carried.

Sheriff, Jail Division – Sr. Technical Clerk: Salary: \$2,449 - \$3,282 per month

Moved by Commissioner Nystrom seconded by Commissioner Houge to approve the following hiring request, all aye. Motion carried.

Community Services – Financial Worker: Salary \$2,830 - \$3,987 per month

Moved by Commissioner Trusty seconded by Commissioner Nystrom to approve the following hiring requests; all aye. Motion carried.

Highway – County Engineer: Salary: \$84,016 - \$105,020 annually

Moved by Commissioner Thiede seconded by Commissioner Trusty to approve the revised personnel manual as on file in the Human Resource Director's office, all aye. Motion carried.

### **LAND SERVICES DIRECTOR**

#### **PLANNING AND ZONING**

Moved by Commissioner Trusty seconded by Commissioner Thiede to approve the following Planning & Zoning consent agenda items, all aye. Motion carried.

1. Approved the petition of Joseph and Tracy Wollner for the following zoning reclassification, based on the findings of fact on file in the Planning and Zoning office:

Part of Gov. Lot 3, Sec 26, Nokay Township  
Rezone from Rural Residential 2.5 to Agriculture involving approximately 8.45 acres

2. Approved the petition of Robert Nemitz for the following zoning reclassification, based on the findings of fact on file in the Planning and Zoning office:

W 200 Ft of Lot 7, Sec. 34, Ideal Township  
Rezone from Rural Residential 2.5 to Shoreland Residential 1 involving approximately 1.4 acres.

3. Approved the petition of Rita Scheeler for the following zoning reclassification, based on the findings of fact on file in the Planning and Zoning office:  
  
N 660 Ft of E 330 Ft of NW1/4 of SE1/4, Sec 33, Platte Lake Township  
Rezone from Agriculture to Rural Residential 5 involving approximately 5 acres.
4. Approved the petition of Herbert Thiesse for the following zoning reclassification, based on the findings of fact on file in the Planning and Zoning office:  
  
Part of NE1/4 of NE1/4, Sec 5, Long Lake Township  
Rezone from Agriculture to Commercial 2 involving approximately 4.86 acres.
5. Authorized the County Auditor to release the surety posted by James Gammello for the plat of Stallion Ridge in the amount of \$30,000.

Moved by Commissioner Nystrom seconded by Commissioner Trusty to deny the petition of Eli and Maya Mackereth for a zoning reclassification and further to refund the fee in the amount of \$500, all aye, except Thiede and Houge, nay. Motion carried 3 to 2.

The Board received reports from the Land Services Department Planning and Zoning Division.

#### **NATURAL RESOURCE MANAGEMENT**

Moved by Commissioner Houge seconded by Commissioner Thiede to approve setting a sale price and to authorize the direct sale of a non-conforming tax forfeited tract described as Lot 4 except northwesterly 32 feet thereof, Pine Shores First Subdivision (8110800004B009) pursuant to MS 282.01, Subd 7a to Gary Scheeler at the appraised valued of \$5,700, all aye. Motion carried.

Moved by Commissioner Thiede seconded by Commissioner Houge to set a public hearing for August 11, 2009 at 9:30 a.m. to consider a land exchange between the County of Crow Wing and Scott M. and Kathleen L. Stenberg, all aye. Motion carried.

#### **COUNTY ATTORNEY**

Moved by Commissioner Thiede seconded by Commissioner Nystrom to approve **Resolution No. 2009-66**: Cancellation of Tax Forfeited Land Contract, all aye. Motion carried.

#### **COUNTY ADMINISTRATOR**

Moved by Commissioner Nystrom to approve the request of Brainerd Community Action for assistance with the Brainerd Community 4<sup>th</sup> of July celebration including providing seven (7) portable sanitation units and further to waive the tipping fees at the landfill for waste removal of said celebration. Motion died for lack of a second.

Moved by Commissioner Nystrom seconded by Commissioner Trusty to approve the request of Brainerd Community Action to waive the tipping fees at the landfill for waste removal from the Brainerd Community 4<sup>th</sup> of July celebration, all aye. Motion carried.

Moved by Commissioner Thiede seconded by Commissioner Houge to appoint Robert Hall, current Assistant County Engineer, to the position of Interim County Engineer effective July 31, 2009 until vacancy is filled with compensation at step 3, pay grade 22 of the 2008 pay matrix, all aye. Motion carried.

A report was given by the County Administrator on behalf of the Senior Management Team.

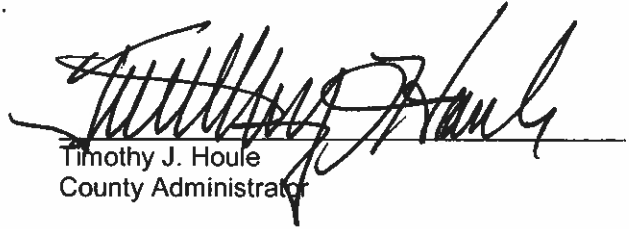
Moved by Commissioner Thiede seconded by Commissioner Houge to move the regularly scheduled board meeting of August 11, 2009 to August 4, 2009 to be held at the County Fairgrounds. Motion was withdrawn.

Moved by Commissioner Thiede seconded by Commissioner Houge to move the regularly scheduled board meeting of August 11, 2009 to the week of the County Fair at a time and date that the County Fair building is available, all aye. Motion carried.

**ADJOURNMENT**

Moved by Commissioner Thiede seconded by Commissioner Houge to adjourn meeting, all aye. Motion carried. The Board meeting adjourned at 12:40 p.m.

  
\_\_\_\_\_  
Rosemary Franzen, Chair  
Board of County Commissioners

  
\_\_\_\_\_  
Timothy J. Houle  
County Administrator

Prepared by Terrie Walseth

**BOARD OF COUNTY COMMISSIONERS**  
**Crow Wing County, Minnesota**

DATE: July 14, 2009  
OFFERED BY COMMISSIONERS: Houge and Thiede

RESOLUTION #2009-63

**AGREEMENT WITH STATE OF MINNESOTA FOR BOMB SQUAD SERVICES & REIMBURSEMENT**

WHEREAS, the City of Brainerd and Crow Wing County have jointly formed the Brainerd-Crow Wing County Bomb Disposal Unit, and

WHEREAS, the Bomb Disposal Unit is a Commissioner-approved unit consisting of persons who are trained and equipped to dispose of and/or neutralize bombs or other similar hazardous explosives, and

WHEREAS, the Bomb Disposal Unit provides bomb squad services outside of its geographic jurisdiction, and

WHEREAS, the Bomb Disposal Unit is allowed to invoice the State of Minnesota for expenses incurred while providing said services outside its geographic jurisdiction, and

WHEREAS, the State has set a flat fee of \$175 per hour for said services, and

WHEREAS, the Brainerd-Crow Wing County Bomb Disposal Unit is interested in renewing the Joint Powers Agreement with the State of Minnesota for reimbursement of state-approved bomb squad unit expenses from July 1, 2009, through June 30, 2011, of no more than \$19,000 per year.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of Crow Wing County, Minnesota, approves the Joint Powers Agreement between the State of Minnesota, Crow Wing County and the City of Brainerd to provide state-approved bomb squad unit's expense reimbursement as per Minnesota Statute 299C.063.

BE IT FURTHER RESOLVED the County Auditor is authorized to be the fiscal agent and administer the grant.

BE IT FURTHER RESOLVED the Chairman and County Administrator are authorized to sign said Agreement, upon approval of the County Attorney.

STATE OF MINNESOTA )  
COUNTY OF CROW WING) ss

I, Timothy J. Houle, County Administrator, Crow Wing County, Minnesota, hereby certify that I have compared the foregoing copy of the resolution of the county board of said county with the original record thereof on file in the Administration Office, Crow Wing County, Minnesota, as stated in the minutes of the proceedings of said board at a meeting duly held on July 14, 2009, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness my hand and seal this 28th day of July 2009.

  
TIMOTHY J. HOULE  
COUNTY ADMINISTRATOR

	<u>YES</u>	<u>NO</u>
DISTRICT #1 - TRUSTY	X	_____
DISTRICT #2 - THIEDE	X	_____
DISTRICT #3 - NYSTROM	X	_____
DISTRICT #4 - FRANZEN	X	_____
DISTRICT #5 - HOUGE	X	_____

**BOARD OF COUNTY COMMISSIONERS  
Crow Wing County, Minnesota**

**DATE: July 14, 2009**  
**OFFERED BY COMMISSIONERS: Thiede and Houge**

**RESOLUTION #2009-64**

**2009-2013 HIGHWAY IMPROVEMENT PLAN**

WHEREAS, it is recognized that there is limited funding available to maintain the county highway and bridge system; and

WHEREAS, preparing a Five Year Highway Improvement Plan is necessary to effectively determine transportation infrastructure improvements and identify funding sources for the County; and

WHEREAS, the goals of the Highway Improvement Plan include:

1. Preserve and enhance the county highway system within funding constraints by:
  - a. Striving to protect the integrity of high traffic County State Aid Highways by ensuring they are in "Good" condition.
  - b. Attempting to keep low traffic County State Aid Highways and county roads in "Fair to Good" condition.
  - c. Improving safety by reconstructing roads to State Aid standards, improving intersections and providing proactive safety measures.
  - d. Paving gravel roads where feasible to reduce maintenance costs.
2. Identify rehabilitation, reconstruction and spot improvement projects that can and should be implemented within 5 years (2009-2013).
3. Identify other projects that should be considered or are already planned beyond 5 years. (Shown as 2014+).
4. Report the condition of the highway system using Pavement Management System data and incorporate identified deficiencies into the plan where possible; and

WHEREAS, it is understood that projects shown in the Highway Improvement Plan are not authorized for construction until the County Board approves them and that projects may enter or exit the plan periodically based on funding availability and other opportunities;

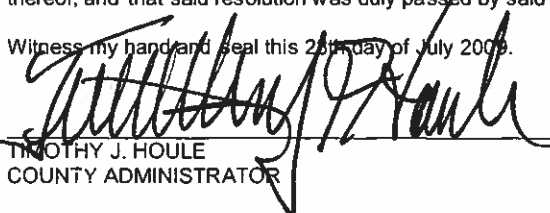
NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Crow Wing County, Minnesota hereby adopts the attached 2009-2013 Highway Improvement Plan;

BE IT FURTHER RESOLVED that the Board of Commissioners of Crow Wing County, Minnesota directs the County Engineer to update the Highway Improvement Plan on an annual basis.

STATE OF MINNESOTA )  
COUNTY OF CROW WING) ss

I, Timothy J. Houle, County Administrator, Crow Wing County, Minnesota, hereby certify that I have compared the foregoing copy of the resolution of the county board of said county with the original record thereof on file in the Administration Office, Crow Wing County, Minnesota, as stated in the minutes of the proceedings of said board at a meeting duly held on July 14, 2009, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness my hand and seal this 20th day of July 2009.

  
TIMOTHY J. HOULE  
COUNTY ADMINISTRATOR

	<u>YES</u>	<u>NO</u>
DISTRICT #1 – TRUSTY	X	_____
DISTRICT #2 – THIEDE	X	_____
DISTRICT #3 – NYSTROM	X	_____
DISTRICT #4 – FRANZEN	X	_____
DISTRICT #5 – HOUGE	X	_____

**BOARD OF COUNTY COMMISSIONERS  
Crow Wing County, Minnesota**

DATE: July 14, 2009  
OFFERED BY COMMISSIONERS: Nystrom and Thiede

RESOLUTION #2009-65

**2009-2010 AUTHORIZED SIGNATURES FOR THE SAFE AND SOBER GRANT**

WHEREAS, Crow Wing County has a long history of participation in the Safe and Sober Program and;

WHEREAS, the County Board has already approved participation in the program again this year

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of Crow Wing County, Minnesota, agrees to authorize the following designated representatives of the County Sheriff's Office to act as agents on behalf of the county and to sign any and all subsequent paperwork related to this program on behalf of the County of Crow Wing.

County Sheriff  
Chief Deputy Sheriff  
Captain (Patrol)  
Lieutenant (Patrol)

STATE OF MINNESOTA )  
COUNTY OF CROW WING) ss

I, Timothy J. Houle, County Administrator, Crow Wing County, Minnesota, hereby certify that I have compared the foregoing copy of the resolution of the county board of said county with the original record thereof on file in the Administration Office, Crow Wing County, Minnesota, as stated in the minutes of the proceedings of said board at a meeting duly held on July 14, 2009, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness my hand and seal this 28th day of July, 2009.

  
TIMOTHY J. HOULE  
COUNTY ADMINISTRATOR

	<u>YES</u>	<u>NO</u>
DISTRICT #1 – TRUSTY	X	_____
DISTRICT #2 – THIEDE	X	_____
DISTRICT #3 – NYSTROM	X	_____
DISTRICT #4 – FRANZEN	X	_____
DISTRICT #5 – HOUGE	X	_____

**BOARD OF COUNTY COMMISSIONERS**  
**Crow Wing County, Minnesota**

DATE: July 14, 2009  
OFFERED BY COMMISSIONERS: Thiede and Nystrom

RESOLUTION #2009-66

**CANCELLATION OF TAX FORFEITED LAND CONTRACT**

WHEREAS, Nathan Young (hereinafter referred to as "Purchaser"), pursuant to Minnesota Statute 282.01, entered into a Tax Forfeited Land Contract as evidenced by the Crow Wing County Auditor's Certificate of Tax Forfeited Lands, Certificate No. 1933, filed with the Crow Wing County Recorder as Document No. 742584, and

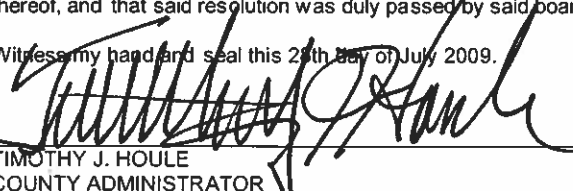
WHEREAS, the Purchaser, together with the Crow Wing County Land Department, have agreed to amend Land Contract Certificate No. 1933 from a five year contract to a ten year contract.

NOW THEREFORE, BE IT RESOLVED the Board of Commissioners of Crow Wing County, Minnesota, declares that the Auditor's Certificate of Purchase of Tax Forfeited Land, No. 1933, with written approval of the Purchaser, is hereby cancelled and a new Certificate of Purchase of Tax Forfeited Land will be issued to Purchaser, with a payment contract of ten years from the original date Certificate No. 1933 was issued, all other terms remaining the same.

STATE OF MINNESOTA )  
COUNTY OF CROW WING) ss

I, Timothy J. Houle, County Administrator, Crow Wing County, Minnesota, hereby certify that I have compared the foregoing copy of the resolution of the county board of said county with the original record thereof on file in the Administration Office, Crow Wing County, Minnesota, as stated in the minutes of the proceedings of said board at a meeting duly held on July 14, 2009, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness my hand and seal this 23<sup>rd</sup> day of July 2009.

  
TIMOTHY J. HOULE  
COUNTY ADMINISTRATOR

	<u>YES</u>	<u>NO</u>
DISTRICT #1 – TRUSTY	X	
DISTRICT #2 – THIEDE	X	
DISTRICT #3 – NYSTROM	X	
DISTRICT #4 – FRANZEN	X	
DISTRICT #5 – HOUGE	X	