

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

Historic Courthouse
Brainerd, Minnesota

08/11/2009

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

Eric Loge of Waste Partners addressed the Board regarding organized garbage collection.

APPROVAL OF MINUTES AND AGENDA

Moved by Commissioner Thiede seconded by Commissioner Houge to approve the minutes of the July 21, 2009 Committee of the Whole Meeting, all aye. Motion passed.

Moved by Commissioner Thiede seconded by Commissioner Nystrom to approve the minutes of the July 28, 2009 regular County Board Meeting, all aye. Motion passed.

Moved by Commissioner Nystrom seconded by Commissioner Houge to approve the agenda for the August 11, 2009 County Board Meeting, all aye. Motion passed.

CONSENT AGENDA

Moved by Commissioner Trusty seconded by Commissioner Nystrom to approve the following consent agenda items, all aye. Motion passed.

1. Approved the following expenditure listing for August 11, 2009 with the full listing available as on file in the Office of the County Auditor:

General	255,819.75
Reserved & Designated Funds	28,209.49
Road and Bridge	338,295.76
Social Services	66,099.89
Score	20,533.47
Grants Land	2,694.75
Forfeited Tax Sale	5,000.75
Building	4,037.00
Detention Lease	
Capital Notes	3,742.00
Solid Waste	81,598.99
CWC Sanitary Mgt District	106.99
Total	\$806,138.84

2. Accepted a donation of \$1,000 from Crow Wing Power for Triad Senior Services Education.
3. Approved the contract with Senior Class Home Health Care, LLC for Chore Services, Homemaker, Personal Care and Customized Living and further authorized the Community Services Director to sign said contract.
4. Denied Margaret Place's Application for Settlement regarding parcel number 540173200B00009.
5. Provided no comment at this time on proposed Tax Increment Financing District 9 – City of Baxter (Grand Oaks Court Townhomes) and in accordance with Minnesota Statute 469.175, waives the 30 day review period; and further, although there is no comment at this time, the County Board is concerned about the impact on individual taxpayers arising out of public support of these projects through the Tax Increment Financing process and procedure.
6. Supported the premises gambling permit application of Heartland Animal Rescue Team for a Class B Premises Permit to be held at Matty's, Oak Lawn Township, subject to all state laws and upon approval of said application, the applicant submitting a copy of reports required by the State.
7. Received a Certificate of Performance for the Annual Pavement Marking Contract from Robert Hall, Interim County Engineer.
8. Approved the transfer of \$218,115.74 for materials, supplies and services and \$37,027.15 for administrative services for the calendar year 2008 from the First Assessment District fund to the Road & Bridge Fund.
9. Approved the transfer of \$26,924.26 for materials, supplies and services and \$4,422.31 for administrative services for the calendar year 2008 from the Second Assessment District fund to the Road & Bridge Fund.
10. Adopted for purposes of clarification the following fees on the Sheriff's Fee Schedule due to an administrative error:

Under General: changed "Gun Permit to Carry – New" from \$60 to \$75, as approved on February 10, 2009;

Under Records: Added language to include additional exclusions under "Background Checks" as follows: "No charge for Guardian Ad Litem, military recruiters, public housing offices and other law enforcement agencies."

MISCELLANEOUS BUSINESS

Moved by Commissioner Thiede seconded by Commissioner Houge to enter into a revised Joint Powers Master Agreement with the Kitchigami Regional Library System effective January 1, 2010 and the Chair and County Administrator are authorized to sign said agreement, all aye. Motion passed.

PUBLIC HEARING - LAND EXCHANGE BETWEEN CROW WING COUNTY AND SCOTT M. & KATHLEEN L. STENBERG

Moved by Commissioner Thiede seconded by Commissioner Trusty to open the public hearing at 9:35 a.m., all aye. Motion passed.

There was no public comment.

Moved by Commissioner Thiede seconded by Commissioner Houge to close the public hearing at 9:37 a.m., all aye. Motion passed.

Moved by Commissioner Houge seconded by Commissioner Thiede to approve **Resolution No.2009-70** (attached): Land Exchange between Crow Wing County and Scott M. & Kathleen L. Stenberg, all aye. Motion passed.

County Sheriff

Moved by Commissioner Trusty seconded by Commissioner Houge to approve an Interlocal Agreement between the City of Brainerd and County of Crow Wing for the Justice Assistance Grant Program in the amount of \$1,200.00 for the purpose of funding targeted patrol overtime; and further the Chair and County Administrator are authorized to sign said agreement, all aye. Motion passed.

Community Services Director

Moved by Commissioner Thiede seconded by Commissioner Nystrom to approve the Chemical Dependency Assessment Fee Policy as on file in the office of the Community Service Director, all aye. Motion passed.

Moved by Commissioner Trusty seconded by Commissioner Nystrom to approve the New Program Rate Application with the Department of Human Services and authorized the Community Services Director to sign said application and further upon state approval authorized the Community Services Director to sign said contract, all aye. Motion passed.

Moved by Commissioner Trusty seconded by Commissioner Nystrom to approve the Day Training and Habilitation Need Determination of Services with the Department of Human Services and authorized the Chair of the County Board and County Administrator to execute said agreement, all aye. Motion passed.

Moved by Commissioner Houge seconded by Commissioner Thiede to approve Amendment #1 to the Public Health Emergency Preparedness Grant Project Agreement for the period of August 10, 2008 through October 31, 2010 for an additional fund amount of \$49,542 and further authorized the Community Service Director to sign said agreement, all aye. Motion passed.

The Board received the Community Services Director's report.

Land Services Director

Moved by Commissioner Trusty seconded by Commissioner Houge to authorize the Land Services Department to seek quotes and award work for the Forest Inventory Contract project and further, the County Purchasing Agent is authorized to secure these services to be paid from the Forfeited Tax Fund, all aye. Motion passed.

Moved by Commissioner Houge seconded by Commissioner Thiede to approve the following Planning & Zoning Consent Agenda items, all aye. Motion passed.

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

Part of Gov. Lot 9, Sec 01, Deerwood Township
Rezone from Agriculture to Shoreland Residential 1 involving approximately 1.5 acres

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

Part of Lot 4, Sec 21, Ideal Township
Rezone from Waterfront Commercial to Shoreland Residential 1 involving approximately 1.2 acres

3. Approved the petition of Chad McKay for the following rezoning reclassification, based on the findings of fact on file in the Planning and Zoning office:

NW1/4 OF SW1/4, Sec 06, Garrison Township
Rezoned from Green Space to Agriculture involving approximately 52 acres

4. Approved the petition of Scott Nelson for the following zoning reclassification, based on the findings of fact on file in the Planning and Zoning office:

Part of Gov. Lot 1 & S. 383 FT of N 713 FT of NE1/4 of NE1/4, Sec 13, Ideal Township
Rezoned from Rural Residential 2.5 to Shoreland Residential 1 involving approximately 5.63 acres

5. Approved the petition of John Kevin Gilligan for the following zoning reclassification, based on the findings of fact on the file in the Planning and Zoning office:

Part of NE1/4 of SE1/4 & part of Gov. Lot 2, Sec 15, Ideal Township
Rezoned from Rural Residential 2.5 to Shoreland Residential 1 involving approximately 2.6 acres

Moved by Commissioner Thiede seconded by Commissioner Houge to approve **Resolution No. 2009-71** Administration of the Wetland Conservation Act, all aye. Motion passed.

Moved by Commissioner Trusty seconded by Commissioner Thiede to remove the following language within the 2009 Crow Wing County Planning and Zoning Department Fee Schedule under Dirt Moving in Shoreland Area as recommended by the Land Services Supervisor, all aye. Motion passed.

"includes dirtmoving /fill in wetland area with SWCD inspection"

The Board received Planning & Zoning reports from the Land Services Supervisor.

Human Resource Director

Moved by Commissioner Thiede seconded by Commissioner Nystrom to approve the following Personnel Committee recommendations, all aye. Motion passed.

Community Services Department, Social Services Division: Social Services Supervisor
replacement: Grade Level 17

Community Services Department, Social Services Division: Welfare Fraud Investigator
replacement: Grade Level 8

Community Services Department, Health Division: reclassification of a Program Specialist to
Nutrition Specialist: Grade Level 10

County Auditor

Moved by Commissioner Nystrom seconded by Commissioner Franzen to approve the Establishment of the Serpent Lake Improvement District, all aye except Trusty, Thiede and Houge, nay. Motion failed.

Moved by Commissioner Houge seconded by Commissioner Thiede to deny the establishment of a Lake Improvement District for Serpent Lake and to adopt the findings of fact, conclusion and decision in **Resolution No. 2009-72** (attached): Order Denying Establishment of Serpent Lake Improvement District, all aye except Nystrom and Franzen, nay. Motion passed.

COUNTY ADMINISTRATOR

Moved by Commissioner Thiede seconded by Commissioner Trusty to table approval of the Central Minnesota Community Corrections Joint Powers Agreement to the second regular board meeting in September, all aye. Motion passed.

The County Administrator gave a report on behalf of the Senior Management Team.


CLOSED SESSION

Moved by Commissioner Nystrom seconded by Commissioner Trusty to recess the regular session and convene to a closed session at 11:47 a.m. for the purpose of an annual performance evaluation of the County Administrator, all aye. Motion passed.

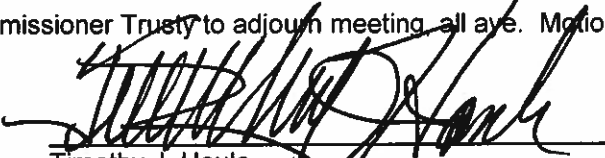
Moved by Commissioner Thiede seconded by Commissioner Nystrom to recess the closed session and reconvene to the regular session at 12:45 p.m., all aye. Motion passed.

COMMITTEE REPORTS - none

Moved by Commissioner Nystrom seconded by Commissioner Trusty to adjourn meeting, all aye. Motion passed. Meeting adjourned at 12:47 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: 8/11/2009

RESOLUTION # 2009-70

OFFERED BY COMMISSIONERS: Houge and Thiede

LAND EXCHANGE BETWEEN CROW WING COUNTY AND SCOTT M. AND KATHLEEN L. STENBERG

WHEREAS, Scott M. Stenberg and Kathleen L. Stenberg submitted an application dated March 24, 2009 for a Class B Land Exchange, and

WHEREAS, on August 11, 2009, the Board of Commissioners held a public hearing to consider the proposal of Scott M. Stenberg and Kathleen L. Stenberg for a Class B Land Exchange, and

WHEREAS, the necessary reclassifications, appraisals, and hearing as required under Minnesota Statute 94.344 have been complied with, and

WHEREAS, the Board hereby approves the appraised values of \$188,000.00 for the Stenberg parcel and \$175,000.00 for the Tax Forfeit parcel.

NOW, THEREFORE, BE IT RESOLVED that the exchange set forth in the list as posted in the Office of the County Auditor is recommended for approval to the Land Exchange Commission by the Board of Commissioners of Crow Wing County.

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 August 11, 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 25th day of August 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: 8/11/2009

RESOLUTION # 2009-71

OFFERED BY COMMISSIONERS: Thiede and Houge

ADMINISTRATION OF THE WETLAND CONSERVATION ACT

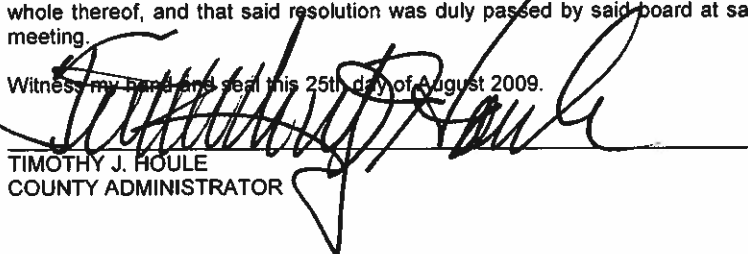
WHEREAS, the County of Crow Wing is authorized by Minnesota Administrative Rules Part 8420.0200, Subpart 2, to delegate certain functions with regard to implementation of the Wetland Conservation Act, including decision authority for exemption, no loss, wetland boundary and type, replacement plan, and wetland banking determinations with its staff.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Crow Wing that decision authority for exemption, no loss, wetland boundary and type, sequencing determinations, replacement plan, and wetland banking determinations are placed with the Land Services Director. The Land Services Director may delegate decision authority on any above referenced matter to the Board of Adjustment at the discretion of the Land Services Director.

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 August 11, 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 25th day of August 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: August 11, 2009
OFFERED BY COMMISSIONERS: Houge and Thiede

RESOLUTION #2009-72

**ORDER DENYING ESTABLISHMENT OF SERPENT LAKE
LAKE IMPROVEMENT DISTRICT**

Based upon testimony received at a public hearing held at the Crow Wing County Courthouse in Crow Wing County, Minnesota, on July 14, 2009, the comments of the Minnesota Department of Natural Resources, the recommendations of staff, and upon all files, records, and proceedings herein, the Crow Wing County Board of Commissioners makes the following:

Findings

1. Crow Wing County recognizes that its lakes and rivers are important natural resources. Various state and local government programs have encouraged lake lot owners and lake associations to manage water quality and exotic vegetation in the county lakes.
2. Curlyleaf pondweed is a non-native form of vegetation that has invaded Serpent Lake. Because of its invasive nature, these vegetations tend to choke out native vegetation and some forms of aquatic life.
3. Curlyleaf pondweed impairs swimming, boating, fishing, jet-ski use and water skiing in areas of dense vegetation.
4. Curlyleaf pondweed reduces people's enjoyment of the lake and reduces property values.
5. In the fall of 2008, representatives of the Serpent Lake Association asked the County to establish a Lake Improvement District as a means of supporting work the association has done to improve lake water quality.
6. To show support for a lake improvement district, letters of support were signed by 50% of the owners of property adjoining the lake was submitted to the county asking that a lake district be established for Serpent Lake.
7. The request was to establish an assessment for lake management, aquatic vegetation control and related services to Serpent Lake totaling \$13,500 per year; and, that prior to any increases in the total assessment as provided therein, a public hearing must be held at the expense of the Serpent Lake Improvement District.
8. On October 14, 2008, the Crow Wing County Board of Commissioners passed a resolution giving notice of its intent to establish the Serpent Lake Improvement District and setting a public hearing to obtain input about the district.
9. Notice of the public hearing was sent to the Department of Natural Resources, the Pollution Control Agency, local units of government, and all riparian landowners. Notice was published and posted as required by law.
10. On November 13, 2008, the Crow Wing County Board of Commissioners conducted a public hearing at the Crow Wing County Courthouse concerning the creation of a Serpent Lake Improvement District. Oral and written comments were received by the board.
11. The response from the Minnesota Department of Natural Resources regarding the establishment of a lake improvement district for Serpent Lake was entered into the record.
12. The record reflected a range of views both supporting and not supporting the creation of the lake improvement district.
13. On November 25, 2008, the Crow Wing County Board adopted Findings of Fact, Conclusion, and Decision to deny the creation of the Lake Improvement District, a copy of which is incorporated herein by reference. The Conclusion reached at that time was that "there was no showing that the riparian owners on Serpent Lake would not voluntarily contribute \$50.00 if directly requested to do so by the lake association."
14. In the spring of 2009, representatives of the Serpent Lake Association again asked the County to establish a Lake Improvement District as a means of supporting work the association has done to improve lake water quality.
15. To show support for a lake improvement district, letters of support were signed by 64% of the owners of property adjoining the lake was submitted to the county asking that a lake district be established for Serpent Lake.
16. The request was to establish an assessment for lake management, aquatic vegetation control and related services to Serpent Lake totaling \$13,500 per year; and, that prior to any increases in the total assessment as provided therein, a public hearing must be held at the expense of the

Serpent Lake Improvement District.

17. On June 9, 2009, the Crow Wing County Board of Commissioners passed a resolution giving notice of its intent to establish the Serpent Lake Improvement District and setting a public hearing to obtain input about the district.
18. Notice of the public hearing was sent to the Department of Natural Resources, the Pollution Control Agency, local units of government, and all riparian landowners. Notice was published and posted as required by law.
19. On July 14, 2009, the Crow Wing County Board of Commissioners conducted a public hearing at the Crow Wing County Courthouse concerning the creation of a Serpent Lake Improvement District. Oral and written comments were received by the board.
20. The response from the Minnesota Department of Natural Resources regarding the establishment of a lake improvement district for Serpent Lake was entered into the record.
21. The record reflected a range of views both supporting and not supporting the creation of the lake improvement district.
22. Concerns were expressed regarding the ability of residents on a fixed income to pay the assessment and what might happen to their property in the absence of doing so.
23. There was an insufficient showing that all other means of private fundraising have been exhausted.
24. There is an adequate treatment program for Curly-Leaf pondweed already established by the Serpent Lake Property Owners Association.

Conclusion

The establishment of a Lake Improvement District for Serpent Lake in Crow Wing County is not warranted.

Decision

The petition to establish a lake improvement district for Serpent Lake, Crow Wing County, is hereby denied.

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 August 11, 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 25th day of August 2009.

TIMOTHY J. HOULE
 COUNTY ADMINISTRATOR

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