

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

Historic Courthouse
Brainerd, Minnesota

May 12, 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 2 Paul Thiede
 District 3 Rachel Reabe Nystrom
 District 4 Rosemary Franzen
 District 5 Doug Houge

Absent: District 1 Philip Trusty

Others Present: County Administrator Timothy Houle, County Auditor Deborah Erickson, 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 April 21, 2009 Committee of the Whole meeting, all aye. Motion carried.

Moved by Commissioner Houge seconded by Commissioner Nystrom to approve the minutes of the April 28, 2009 regular County Board meeting, all aye. Motion carried.

Moved by Commissioner Nystrom seconded by Commissioner Thiede to approve the agenda of the May 12, 2009 meeting with one addition, all aye. Motion carried.

CONSENT AGENDA

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

1. Approved the Snowmobile Trail Permits between Crow Wing County and the Brainerd Snodeos Snowmobile Club, Inc. and the Cuyuna Range Snowmobile Trails, Inc., across property as described as on file in the Office of the County Auditor, and the Chair and County Auditor are authorized to sign said Permits.
2. Approved the Application for Repurchase of Forfeited Lands of Harvey J. and Josephine Donek based on circumstances of undue hardship.
3. Approved the following tax application as recommended by the County Treasurer, Assessor and Auditor:

| <u>APPLICANT</u> | <u>DISTRICT</u> | <u>REAL ESTATE CODE</u> | <u>TAX</u> | <u>SETTLEMENT</u> |
|------------------|-----------------|-------------------------------|------------|-------------------|
| | | <u>Settlement Application</u> | | |

| | | | | |
|---------------|--------------|-------------------------|-----------|--------|
| Tax Forfeited | Breezy Point | (08-09) 101470000120009 | \$ 396.26 | Cancel |
| | | (08-09) 101470000130009 | | |
| | | (08-09) 101110000580009 | | |

Approved the following tax applications as recommended by the County Assessor and County Auditor:

Reduction in Market Value

| | | | | |
|------------------------|---------------|------------------------|-------------|-------------|
| John & Katherine Buetz | Dean Lake | (2009) 580064004000009 | \$ 367.42 | 281.34 |
| Casey's Retail Company | Brainerd | (2009) 09122003005Z009 | \$5,464.74 | \$3,427.32 |
| Michael Dauer | Garrison Twp | (2009) 660303300A00009 | \$ 246.26 | \$ 133.60 |
| Ray Flygare | Ft Ripley Twp | (2009) 00M574400000009 | \$ 8.80 | Cancel |
| Rod Lewis | Crosslake | (2009) 141090000090009 | \$ 4,643.80 | \$ 1,873.92 |
| Phoebe Walling | Nisswa | (2009) 280253203JA0009 | \$ 6,890.06 | \$ 4,841.52 |
| Bruce Weinke | Breezy Point | (2009) 101100002910009 | \$ 200.62 | \$ 121.94 |
| Robert Whistler | Brainerd | (2008) 00M626000000009 | \$ 34.02 | Cancel |

Homestead Application

| | | | | |
|---------------------------|----------|------------------------|--------------|-------------|
| Shawn Chambers | Ideal | (2009) 68188001002X009 | \$ 10,163.50 | \$ 7,610.94 |
| | Ideal | (2009) 68188001003Z009 | \$ 2,379.48 | \$ 2,278.26 |
| Jennifer Ledoux | Brainerd | (2009) 09117003021Z009 | \$ 966.74 | \$ 681.64 |
| Nicolaas & Jami Underwood | Cuyuna | (2009) 191010040060009 | \$ 641.84 | \$ 156.10 |

Cancelled the following appeal for adjustment of solid waste service charge as recommended by the Waste Management Director and County Auditor:

| | | | | |
|------------------|--------|------------------------|----------|--------|
| Phyllis Ann Luck | Nisswa | (2009) 2812400090A0009 | \$ 15.00 | Cancel |
|------------------|--------|------------------------|----------|--------|

4. **Approved Resolution No. 2009 - 52** Brokerage & Sales Authority Resolution – Wells Fargo Brokerage Services, LLC

5. Approved the following expenditure listing for May 12, 2009, with the full listing available on file in the Office of the County Auditor:

| | |
|-----------------------------|-------------------|
| General | 87,338.63 |
| Reserved & Designated Funds | 24,704.80 |
| Road and Bridge | 212,715.76 |
| Social Services | 9,884.14 |
| Senior Citizens Volunteers | 29.00 |
| Score | 3,313.71 |
| Forfeited Tax Sale | 545.92 |
| Capital Notes | 275.00 |
| Solid Waste | 71,807.75 |
| CWC Sanitary Mgt District | 4,633.53 |
| Total | \$ 415,248.24 |

6. **Approved Resolution No. 2009 - 53:** Resolution Authorizing Execution of Agreement regarding Safe and Sober Communities

7. Entered an Agreement between Crow Wing County Community Services Department, Public Health Division and the Community Health Information Collaborative (CHIC) to assist in the coordination of an Immunization Registry Program (MIIC - Minnesota Immunization Information

Connection), effective January 1, 2009 through December 31, 2009, and the Chair and County Administrator are authorized to sign said Agreement, subject to review by the County Attorney as to form and execution.

8. Authorized GIS staff member Marc Williams to attend the 2009 Homeland Security Summit in conjunction with the ERSI User Conference to be held July 11 – 14, 2009, in San Diego, California, with all travel expenses to be paid from the County Sheriff's E911 Budget and the conference fee funded by the GIS budget.

MISCELLANEOUS BUSINESS

Joe Vreeland, President Elect of the United Way Board presented Crow Wing County with three awards in recognition of their campaign contributions:

1. Pillar Award: Recognition and award for campaign contributions over \$10,000
2. Community Builder Award: Recognition and plaque for an increase in campaign contributions from the previous year
3. Legacy Award: A traveling trophy given to a company or organization each year that has outstanding campaign performance.

COMMITTEE REPORTS – None.

ADDITIONAL BUSINESS – None.

COMMUNITY SERVICES DIRECTOR

Moved by Commissioner Thiede seconded by Commissioner Houge to authorize the Community Services Director to notify State of Minnesota, Department of Human Services that Crow Wing County will not request a renewal of the Fraud Prevention Investigation Grant for the State Fiscal Year 2010 and further authorized the Community Services Director to negotiate an arrangement to house state staff if interested, all aye. Motion carried.

The Board received the Community Services Director's report.

COUNTY ENGINEER

Moved by Commissioner Thiede seconded by Commissioner Houge to authorize advertising for sealed bids for the sale of the Former "Deals n' Steals" building located at 13997 Baxter Drive in Baxter and further, recommended a minimum bid amount of \$125,000 requirement, all aye. Motion carried.

Moved by Commissioner Thiede seconded by Commissioner Houge to adopt **Resolution No. 2009-54:** Acquiring Right of Way for Project SP 18-604-07 for the Reconstruction of County State Aid Highway 4 from County State Aid Highway 18 to Lakeshore Drive, all aye. Motion carried.

The Board received updates on current road construction projects.

HUMAN RESOURCE DIRECTOR

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

- Highway – Seasonal Sign Worker
- Highway – Highway Maintenance Worker

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

DATE: May 12, 2009

RESOLUTION # 2009-54

OFFERED BY COMMISSIONERS: Thiede and Houge

Resolution to Acquire Right of Way for S.P. 18-604-07

WHEREAS, Crow Wing County plans to construct and improve S.P. 18-604-07, County State Aid Highway 4 from County State Aid Highway 18 to Lakeshore Drive in Breezy Point, and

WHEREAS, the improvements consist of reconstructing said highway to current County State Aid standards to provide for the health, safety, and welfare of the traveling public, and

WHEREAS, additional right of way over certain lands are required for said construction, and

WHEREAS, the County has engaged WSB and Precision Appraisals for the Appraisal valuations of the right of way required on S.P. 18-604-07 (CSAH 4), and

WHEREAS, once completed and reviewed, the Appraisals and the summary of the Appraiser's report will be on file in the offices of the County Auditor and the County Highway Department, and

WHEREAS, Crow Wing County has the authority and the right to acquire right of way for said highway by eminent domain pursuant to Minnesota Statutes 163.02, Subd. 2, 117.012, 117.042, and 117.055.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby authorizes the County Engineer to extend offers and negotiate for the necessary right-of-way for S.P. 18-604-07 upon completion of the Appraisals, and

BE IT FURTHER RESOLVED, the Board of Commissioners of Crow Wing County, Minnesota, hereby authorizes the acquisition of the necessary right-of-way by eminent domain pursuant to Minnesota Statutes 163.02, Subd. 2, 117.012, 117.042, and 117.055, for the right of way that cannot be acquired through direct negotiations, and

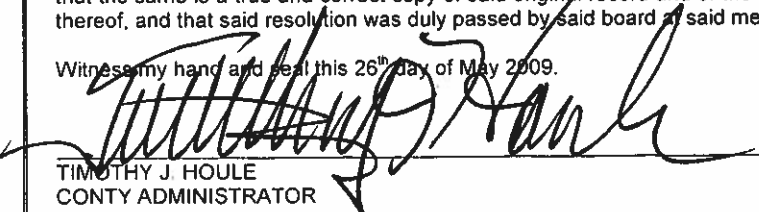
BE IT ALSO RESOLVED, that the County Auditor is hereby authorized to issue the necessary warrant to the Court Administrator from the Road and Bridge Fund in the amount equal to the appraised value in the appraisal report for the unsigned parcels as part of the requirements of eminent domain proceedings, and

BE IT ADDITIONALLY RESOLVED, that the Crow Wing County Attorney is hereby instructed to institute the required proceedings.

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 May 12, 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 26th day of May 2009.


TIMOTHY J. HOULE
COUNTY ADMINISTRATOR

| | <u>YES</u> | <u>NO</u> |
|-----------------------|------------|-----------|
| DISTRICT #1 – TRUSTY | _____ | _____ |
| 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: May 12, 2009
 OFFERED BY COMMISSIONERS: Thiede and Houge

RESOLUTION #2009-53

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT
 FOR SAFE & SOBER COMMUNITIES**

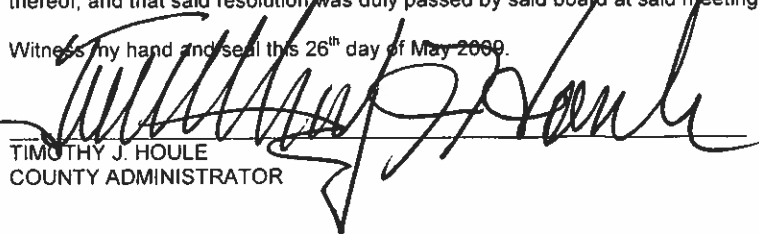
BE IT RESOLVED that the Crow Wing County Sheriff's Office enter into grant agreements with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled SAFE & SOBER COMMUNITIES during the period from October 1, 2009 through September 30, 2012.

BE IT FURTHER RESOLVED that the Chief of the Brainerd Police Department is hereby authorized to execute the grant; be the fiscal agent and administer this grant on behalf of Crow Wing County Sheriff's Office.

STATE OF MINNESOTA)
 COUNTY OF CROW WING) ss

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Witness my hand and seal this 26th day of May 2009.


 TIMOTHY J. HOULE
 COUNTY ADMINISTRATOR

| | <u>YES</u> | <u>NO</u> |
|-----------------------|-------------|-----------|
| DISTRICT #1 – TRUSTY | _____ | _____ |
| 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: May 12, 2009
 OFFERED BY COMMISSIONERS: Thiede and Houge

RESOLUTION #2009-52

Brokerage & Sales Authority Resolution – Wells Fargo Brokerage Services, LLC

BE IT RESOLVED that the Crow Wing County ("Organization") Auditor, Treasurer, Accounting & Finance Manager and Senior Accountant be, and hereby are, fully authorized and empowered with trading authority ("Trading Authority") (1) to establish and maintain one or more accounts with Wells Fargo Brokerage Services, LLC for the purpose of purchasing, investing in, or otherwise dealing with all forms of securities, on a cash basis only, (2) to transfer, convert, endorse, buy, sell, assign, set over and delivery any and all shares of stock, bonds, debentures, notes, subscription warrants, stock purchase warrants, evidences of indebtedness or other securities now or hereafter standing in the name of or owned by this Organization, and (3) to make, execute and deliver, under the corporate seal of this Institution, if any, any and all written instruments of assignment and transfer necessary or proper to effectuate such assignment and transfer.

BE IT FURTHER RESOLVED that unless the Organization is a trust, such named persons are authorized to delegate their authority from time to time to another person(s) by executing a separate, signed Trading Authorization Certificate setting forth the names of additional officers or employees of this Organization authorized and empowered to exercise Trading Authority on behalf of this Organization.

BE IT FURTHER RESOLVED that any person receiving such Trading Authorization Certificate shall be entitled to assume and act in reliance on the assumption, without further inquiry or investigation and regardless of the date of such Trading Authorization Certificate, that the person(s) named in such certificate are authorized to exercise Trading Authority on behalf of this Organization, and that all transactions described in this certificate taken by such person(s) named in the Trading Authorization Certificate are in all respects ratified, approved and confirmed by this Organization.

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 May 12, 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 26th day of May 2009.


 TIMOTHY J. HOULE
 COUNTY ADMINISTRATOR

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

Commissioner Thiede noted the request for exemption of the hiring freeze for a Highway Maintenance Worker would normally be presented to the Personnel Committee however with the review the committee has previously completed regarding Highway department staffing this process was not required.

LAND SERVICES DIRECTOR

PLANNING & ZONING

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

1. Received the Land Use Data Reports.
2. Approved the petition of Brian Bittner for the following zoning reclassification, based on the findings of fact on file in the Planning and Zoning office:

Gov. Lot 4, Section 25, Mission Township
Rezone from Green Space to Rural Residential 5 involving approximately 22.86 acres
3. Approved the petition of Jeremy and Alicia Prahm for the following zoning reclassification, based on the findings of fact on file in the Planning and Zoning office:

(Tract B) Part of E1/2 of NW1/4 of NE1/4 & Gov. Lot 1, Sec. 27, Unorganized Territory
Rezone from Waterfront Commercial to Shoreland Residential 1 involving approximately 10.21 acres.

Moved by Commissioner Thiede seconded by Commissioner Nystrom to approve a letter of support for the Brainerd Lakes Regional Airport Buffer and Mississippi River Corridor Protection High Priority Project, all aye. Motion carried.

WASTE MANAGEMENT

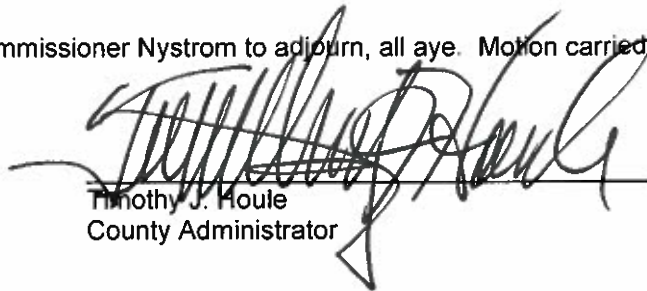
Moved by Commissioner Thiede seconded by Commissioner Houge to accept the second lowest bid and award contract to Boart Longyear Company, Inc. in the amount of \$52,989.00 for soil borings, all aye. Motion carried.

ADJOURNMENT

Moved by Commissioner Houge seconded by Commissioner Nystrom to adjourn, all aye. Motion carried. The Board meeting adjourned at 10:04 a.m.



Rosemary Franzen, Chair
Board of County Commissioners



Timothy J. Houle
County Administrator