

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

Historic Courthouse  
Brainerd, Minnesota

September 22, 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** – John Sullivan addressed the Board with concerns on the proposed budget and tax levy.

**APPROVAL OF MINUTES AND AGENDA**

Moved by Commissioner Thiede seconded by Commissioner Houge to approve the minutes of the September 8, 2009 regular County Board meeting, all aye. Motion passed.

Moved by Commissioner Trusty seconded by Commissioner Nystrom to approve the agenda of the September 22, 2009 meeting, all aye. Motion passed.

**CONSENT AGENDA**

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

1. Approved the following expenditure listing for September 22, 2009, with the full listing available on file in the Office of the County Auditor:

General	\$85,598.26
Reserved & Designated Funds	6,706.71
Road and Bridge	393,379.28
Social Services	10,111.41
Senior Citizens Volunteers	224.00
Score	4,595.30
Grants Land	2,020.25
Forfeited Tax Sale	9,438.41
Second Assessment District	84.15
Capital Notes	163.02
Solid Waste	13,786.10
Black Bear-Miller Lakes	256.50
Snowmobile, Ski, ATV, Trail	1.00
Crow Wing HRA	106.31
Total	\$526,470.70

2. To support the Minnesota Lawful Gambling Application of the Brainerd Jaycees \$150,000 Ice Fishing Extravaganza for an Exempt Permit to be held on the date of January 23, 2010 (if postponed, January 24, 2010), at Hole-in-the-Day Bay, First Assessment, subject to all State Laws and upon approval of said date, the applicant submitting a copy of reports required by the State.
3. To approve the following tax applications as recommended by the County Assessor and County Auditor:

<u>APPLICANT</u>	<u>DISTRICT</u>	<u>REAL ESTATE CODE</u>	<u>TAX</u>	<u>SETTLEMENT</u>
<u>Abatement Applications</u>				
First American RE Tax Service	Jenkins Twp	(2009) 720014300C00009	Unchanged	Refund Overpayment of \$8.58
Joseph & Suzanne Sullivan	Crosslake	(2009) 120181304EB0009	Unchanged	Refund Overpayment of \$ 5,510.92

4. To approve the County Auditor's Office request for destruction of records, as on file, as provided for by the County General Records Retention Schedule, in accordance with Minnesota Statute 138.17.
5. To support the Minnesota Lawful Gambling Application of the Sebie Lake Area Conservation Association for an Exempt Permit to be held on the date of January 9, 2010 (alternate date of February 6, 2010), at Sebie Lake, Fort Ripley Township, subject to all State Laws and upon approval of said date, the applicant submitting a copy of reports required by the State.
6. To enter into a Post Warranty Hardware Maintenance Services and Software Maintenance and Support Agreement between Election Systems & Software, Inc. and Crow Wing County for field and software maintenance services for elections tabulation and assistive-voting electronic equipment for an initial four-year period beginning July 1, 2009, with automatic renewals for an unlimited number of successive two-year periods until termination; 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. To approve **Resolution #2009-75** (attached): 2009 Hazardous Materials Emergency Preparedness Grant (HMEP) #2009-HMEP-00488 between Minnesota Department of Public Safety and Crow Wing County.
8. To authorize the direct sale of a non-conforming tract described as Pt. Govt. Lot 3, Sec. 35-135-28, Lake Edward Township (730352203N00009) to an adjacent owner(s) pursuant to Minnesota Statute 282.01, Subd. 7a., subject to Lake Edward Township and DNR approval; and further, to classify said tract as non-conservation status; and further; the Purchasing Agent is authorized to secure appraisal services and appraisal is not to commence until the adjacent owner remits the appropriate appraisal fee to be deposited into the Forfeited Tax Sale Fund, with said fund then debited to cover the appraisal cost; and further, to authorize setting the sale price at appraised value upon receipt of the appraisal.
9. To approve all tracts and corresponding values as shown on the 2009 Tax Forfeited Land Sale List, as on file in the Lands Services Department.
10. To approve **Resolution #2009-76** (attached): Authorize 2009 Tax Forfeited Land Sale.

## **LAND SERVICES DIRECTOR**

### **NATURAL RESOURCE MANAGEMENT**

Moved by Commissioner Thiede seconded by Commissioner Nystrom to approve the Dovetail Partners, Inc. proposal to create a Comprehensive Recreation Trails Plan for Crow Wing County at a cost of \$68,000.00 over two years, with funds to be expended from the Parks Fund, all aye. Motion passed.

Moved by Commissioner Thiede seconded by Commissioner Houge to approve submitting a Grant-in-Aid Trail application to the State of Minnesota, Department of Natural Resources, for an ATV trail connecting the existing Grant-in-Aid trails at Fort Ripley and Pine Center, all aye. Motion passed.

### **WASTE MANAGEMENT**

Moved by Commissioner Trusty seconded by Commissioner Houge to enter into a Verified Emission Reductions (VERs) Purchase and Sale Agreement between TerraPass Inc. and Crow Wing County Solid Waste Office for the sale of VERs (carbon credits), and the Chair and County Administrator are authorized to sign said agreement, subject to review by the County Attorney as to form and execution, all aye. Motion passed.

### **INTERIM COUNTY ENGINEER**

Moved by Commissioner Thiede seconded by Commissioner Houge to reject bids for S.P. 18-070-02, CSAH 11 Rumble Stripes from Ski Chalet Drive to T.H. 6, due to noise issues being associated with rumble stripes in surrounding counties, and the potential of paying back the safety grant should the rumbles be removed in the future, all aye. Motion passed.

Moved by Commissioner Thiede seconded by Commissioner Trusty to adopt the Crow Wing County Policy on Installation and Maintenance of Mailbox Supports on County Roads and County State Aid Highways, effective June 1, 2010, with implementation in a test area prior to the effective date, all aye. Motion passed.

### **HUMAN RESOURCE DIRECTOR**

Moved by Commissioner Thiede seconded by Commissioner Nystrom to hire Timothy Bray as County Engineer at Grade 22, Step 2, of the 2008 wage grid; and further, pursuant to Minnesota Statute 163.07, to appoint Timothy Bray as Crow Wing County Engineer for a term of one year, effective October 28, 2009, all aye. Motion passed.

Moved by Commissioner Houge seconded by Commissioner Nystrom to approve the hiring request for the Land Services Department, Planning and Zoning Division, for a Water Protection Specialist at a Grade level to be determined, all aye. Motion passed.

Moved by Commissioner Nystrom to approve the hiring request for the Community Services Department, Health Division, for a Public Health Nurse at Grade 13. Motion died for lack of second.

### **COUNTY ATTORNEY**

Moved by Commissioner Thiede seconded by Commissioner Nystrom to enter into a Joint Powers Agreement between Aitkin, Crow Wing and Morrison Counties for provision of Community Corrections Services, and the Chair and County Administrator are authorized to sign said agreement, all aye. Motion passed.

### **COUNTY AUDITOR**

The Board took no action on the proposed Tax Increment Financing District 1-14, City of Pequot Lakes (Grocery and Retail Facility).

**COUNTY ADMINISTRATOR**

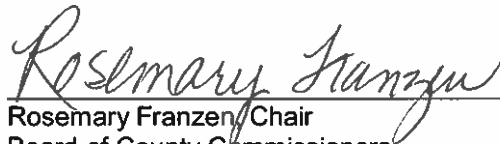
Moved by Commissioner Thiede seconded by Commissioner Trusty to proceed with reconstruction of the parking lot behind the Historic Courthouse, at a cost not to exceed \$32,138.45, to be paid from the Building Fund, all aye. Motion passed.

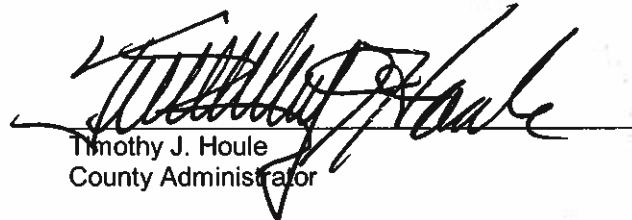
**COMMITTEE REPORTS**

Reports were given by Commissioner Thiede on behalf of the Mississippi Headwaters Board; Commissioner Nystrom on behalf of the Kitchigami Library Board; Commissioner Franzen on behalf of TCC (Tri-County Community Action Program, Inc.) Board of Directors; Commissioners Thiede, Nystrom and Franzen on behalf of the AMC Policy Meeting.

**ADJOURNMENT**

Moved by Commissioner Thiede seconded by Commissioner Nystrom to adjourn, all aye. Motion passed. The Board meeting adjourned at 12:22 p.m.

  
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Rosemary Franzen, Chair  
Board of County Commissioners

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

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

**DATE: September 22, 2009**  
**OFFERED BY COMMISSIONERS: Trusty and Houge**

**RESOLUTION #2009-75**

**2009 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT (HMEP) #2009-HMEP-00488**  
**BETWEEN MINNESOTA DEPARTMENT OF PUBLIC SAFETY AND CROW WING COUNTY**

BE IT RESOLVED the Board of Commissioners of Crow Wing County, Minnesota, agrees to enter into a Grant Agreement between the State of Minnesota, Department of Public Safety, Division of Homeland Security and Emergency Management, and Crow Wing County for an Hazardous Materials Emergency Preparedness Grant in the amount of \$4,000 for expenses incurred during the Brainerd Lakes Regional Airport Exercise.

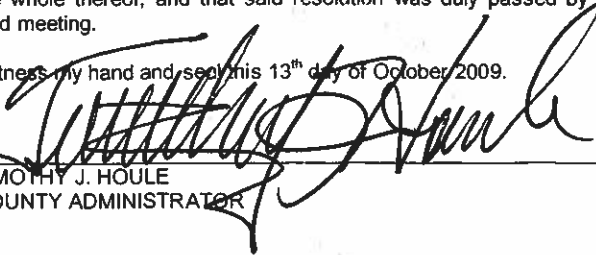
BE IT FURTHER RESOLVED the matching requirement of \$1,000 will be met through wage expense that was incurred by the participating agencies.

BE IT FURTHER RESOLVED the Chair and County Administrator are authorized to sign said Grant Agreement.

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 September 22, 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 13<sup>th</sup> day of October 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: September 22, 2009**  
**OFFERED BY COMMISSIONERS: Trusty and Houge**

**RESOLUTION #2009-76**

**AUTHORIZE 2009 TAX FORFEITED LAND SALE**

WHEREAS, Minnesota Statute 282.01 provides for the classification and sale of lands forfeited to the State for non-payment of taxes, and

WHEREAS, the classification of said lands has been made by the County Board in accordance with the same Statute and the list of lands so classified as Non-conservation has been submitted to and has been approved by the governing body of the municipality wherein said lands are located, and

WHEREAS, the County Board has approved the appraisal and in certain instances reappraisal of such lands as provided by law and list of such lands has been filed with the County Auditor for the purpose of offering such lands for sale at not less than their appraised value, and

WHEREAS, the County Board is, by law, designated with authority to provide for sale of such lands on terms.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of Crow Wing County, Minnesota, authorizes that such parcels be sold on the following terms to wit: all sales amounting to \$100 or less shall be paid in cash at the time of purchase; on sales of \$101 - \$20,000, the purchaser shall pay at least \$100 in cash or 15 percent of such sale price, whichever is greater, with the privilege of paying the balance in five equal annual installments plus interest at the rate determined pursuant to Minnesota Statute 282.01, Subdivision 4; on sales amounting to more than \$20,000, the purchaser shall pay at least \$100 in cash or 15 percent of such sale price, whichever is greater, with the privilege of paying the balance in ten equal installments plus interest at the rate determined pursuant to Minnesota Statute 282.01, Subdivision 4. The interest rate is subject to change each year on the unpaid balance provided; however, a purchaser having bought two or more adjacent platted lots, the legal descriptions of which would run numerically consecutive, may at their option elect to have them considered as one sale by requesting said lots be included in one contract for sale although said lots may have been purchased separately; and provided that when sales are made in such amounts that \$100 will not equal 15 percent of such sale price, the purchaser must pay 15 percent of such sale price in cash; and provided that when lands are sold on terms other than cash and standing timber, timber products or special assessments thereon have been separately appraised, the purchaser shall in addition to the aforementioned payments, pay the purchase price of such timber in accordance with Minnesota Statute 282.01, Subdivisions 3 and 4, and special assessments in full in cash at the time of purchase. Lands with structures shall require filing of a Certificate of Insurance with the Office of the County Auditor.

BE IT FURTHER RESOLVED any successful bidder for lands on this list will be required to pay, at the time of sale, an amount equal to three percent of the total sale price of said parcel in compliance with Minnesota Statute 284.28.

BE IT FURTHER RESOLVED any successful bidder for lands on this list must complete the transaction on the sale date stated below and the right is reserved in the interest of the public to withdraw any parcel at any time prior to its sale, and no township, city or county will be responsible for building or maintaining access roads to any parcel on this list for a period of five years from this sale date.

BE IT FURTHER RESOLVED all lot sizes and acreage are approximate, all parcels are sold subject to reservations, restrictions and easements of record, if any, and are sold as is, and pursuant to Minnesota Statute 282.20, all lots are subject to exceptions and reservations of all mineral and mineral rights.

BE IT FURTHER RESOLVED Minnesota Statute 282.014 imposes a \$25 fee upon purchasers of tax forfeited land for issuance of a State Deed.

BE IT FURTHER RESOLVED conveyance upon payment in full will be by State Deed without Abstract of Title or Certificate of Title that may affect the marketability of the property.

BE IT FURTHER RESOLVED as required by Minnesota Statute 282.01, Subdivision 6, all State Tax Deeds must be recorded with the County Recorder prior to issuing the Deed to the purchaser, therefore a recording fee of \$46 or as set by the County Recorder, for each State Deed issued must be paid to the Crow Wing County Recorder by the purchaser when tax forfeited land is paid for in full.

BE IT FURTHER RESOLVED as required by Minnesota Statute 287.21, all State Tax Deeds are subject to State Deed Tax that must be paid by the purchaser at the rate of .0033 of the total purchase price, minimum of \$1.65.

BE IT FURTHER RESOLVED the County Board requires a transaction/service fee of \$25, in addition to the sale price, to be paid by the purchaser at the time of sale, to be deposited into the General Fund.

BE IT FURTHER RESOLVED the County Board certifies that all parcels of land in said Notice of Sale have been viewed and comply with the provisions of Minnesota Statutes 85.012, 92.461 and 282.018 and other statutes that require the withholding of tax forfeited lands from sale.

BE IT FURTHER RESOLVED the County Board certifies that the County Land Commissioner has reviewed the land sale list and identified any and all non-forested marginal land and wetland.

BE IT FURTHER RESOLVED the County Board requested approval from the Minnesota Department of Natural Resources for the sale of said lands and said approval has been received.

BE IT FURTHER RESOLVED Notice of Sale of such lands shall be given by publication in the official newspaper of the County as provided by law; the County Auditor of Crow Wing County shall offer such parcels of land for sale in the order in which they appear in said Notice of Sale and such sale shall commence at 10 a.m. on the 30<sup>th</sup> day of October, 2009, at the Land Services Building, Meeting Rooms 1 & 2, Brainerd, Minnesota, and continue until all parcels are offered to the public for sale, and thereafter shall sell any remaining parcels to anyone offering to pay the appraised value thereof, except that if the person could have repurchased a parcel of property under Minnesota Statutes 282.012 or 282.241, that person shall not be allowed to purchase that same parcel of property at the sale under these Statutes for a purchase price less than the sum of all delinquent taxes and assessments computed under Minnesota Statute 282.251, together with penalties, interest and costs that accrued or would have accrued if the parcel had not forfeited to the State.

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 September 22, 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 13<sup>th</sup> day of October 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>  X  </u>	<u>      </u>
DISTRICT #4 – FRANZEN	<u>  X  </u>	<u>      </u>
DISTRICT #5 – HOUGE	<u>  X  </u>	<u>      </u>