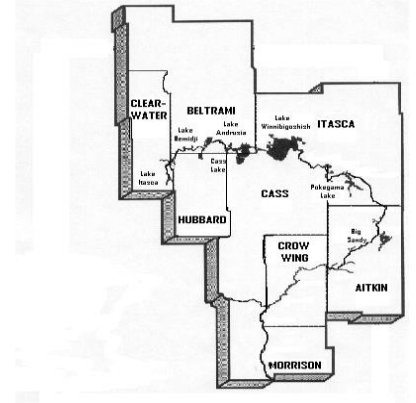




**Mississippi Headwaters Board  
Meeting Agenda  
Cass County Courthouse  
Walker, MN  
August 18, 2017  
9:00 am**



- Call to Order/Pledge of Allegiance

**9:00 AM Approve/Amend**

- Agenda
- Consent Agenda – June '17 Minutes & June, July Expenses (att. 1 & 2)

**Planning and Zoning (Actions)**

- H8a17- Wyman Variance (att. 3)
- Greater Bemidji Area Joint Powers Board Refusal of Certification (att. 4)

**Action / Discussion Items:**

- Executive Director's Report (att. 5)
- Minnesota Traditions presentation
- Introducing Paula West as MHB Acquisition and Easement Coordinator
- Biennial Report (att. 6)
- Guidebooks

**Misc:** ☀ Legislature Update (if any)      ☀ County Updates

**Meeting Adjourned - Thank you**

**Mtgs:**

**September 22, '17, 12:00 PM – MHB Board meeting- Breezy Point, MN  
October 20, '17, MHB Biennial Meeting- Chase on the Lake- Walker, MN**

## **Attachment 1 & 2**

Draft Minutes

Monthly Expenses

Mississippi Headwaters Board

June 16, 2017

Cass County Courthouse

Walker MN 56484

MEETING

MINUTES

Members present: Keith Winger (Beltrami), Neal Gaalswyk (Cass), Duane Johnson (Morrison), Dean Newland (Clearwater), Paul Thiede (Crow Wing), Anne Marcotte (Aitkin), Cal Johannsen (Hubbard), and Tim Terrill (Executive Director).

Others present: Representative Matt Bliss

Chairman Winger called the meeting to order followed by the Pledge of Allegiance.

M/S (Gaalswyk, Johnson) to approve the agenda. Motion Carried.

M/S (Johannsen, Thiede) to approve of the consent agenda. Motion Carried.

Chairman Winger introduced Representative Matt Bliss to the Board and requested the Executive Director to give a brief explanation of the history of the MHB. Rep. Bliss responded by asking questions regarding the budget, jurisdiction, powers, and actions of the MHB. Various board members responded citing both past and present examples of our work in protecting the Mississippi River, and our role in working with counties. Board members thanked Rep. Bliss for attending and requested that he utilize the board as a resource when working on environmental issues.

**Planning & Zoning**

None

**Action/Discussion Items**

**Executive Director Report**

- Tim reported that he is working with many partners in Bemidji to help form a pathway to writing a grant to implement a project in the SE portion of Lake Irving. The Technical Service Area 8 will utilize existing funds to help fund a p8 recalculation and a feasibility study which will allow partners to apply for a Clean Water Fund project grant in 2018.
- Tim discussed that a proposal for around \$8 million was submitted to the LSOHC and that the final 2017 accomplishment plan was submitted as well.
- Tim discussed that he held a meeting with 3 board commissioners yesterday to discuss the draft Comprehensive Plan. The two things that he received out of the meeting was that an editor needed to look over it to help with the flow of the document, and that they would like to see the Plan downsized to around 25 pages.
- Tim discussed that he will be holding a meeting between the DNR regional directors, DNR State Office, MHB, and The Trust for Public Land to discuss about a communication process that involves multiple people. Comm. Winger stated that different processes in one organization can create inefficiencies.

Mississippi River Swanson Acquisition- Tim stated that this is the Miss. Headwaters Habitat Corridor Project first approved acquisition. Acquisitions and easements tend to be diverse in geography because of the various

decisions that landowners make at different times. In Crow Wing County they are occurring in a targeted area because meetings were held between SWCD's and County staff. Board members stated that this is a controversial issue, but that the county first, county last process offers a conversation between board members. Conversation began about examples of other acquisitions that were controversial.

Invitation to Legislators- Tim discussed the opportunity to invite other legislators to our July board meeting. Three members stated that they will not be able to make it to the July meeting, and discuss that the September meeting falls on the same date as the MHB meeting. Board members discussed that they can hold the MHB September meeting after the AMC meeting.

Board members stated in regards to the July meeting, Tim should follow up with Davin and determine his attendance to see if we will have a quorum. He should also follow up with the Environmental Service Directors to see if they foresee any planning and zoning cases that month. After that information is gathered, we can determine if we can hold a meeting and which legislative members to invite.

County Updates- Various discussion ensued about: the buffer bill and which counties are choosing to enforce it; the building of a new government center and safety concerns adding additional cost in Aitkin; feedlot setbacks and how they affect the adjacent landowner in Morrison; improved computer system that will create efficiencies in CW County; planning for new judge space in Beltrami, and staying vigilant with creeping regulations regarding county ditches.

M/S (Johnson, Newland) to adjourn. Motion carried.

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Chairman Keith Winger

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Executive Director Tim Terrill

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Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2017 06 TO 2017 06

P 1  
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ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74	74-00-000-000-000-0000-10001-	Cash & Pooled Investments							
								SOY BALANCE	197,512.56
					PER 01		-5,134.48	192,378.08	
					PER 02		21,174.57	213,552.65	
					PER 03		7,917.57	221,470.22	
					PER 04		25,356.17	246,826.39	
					PER 05		-7,441.06	239,385.33	
17/06	308 06/09/17 PRJ						-3,600.28	235,785.05	
17/06	429 06/13/17 APP A0613	A061317					-3,536.77	232,248.28	
17/06	546 06/19/17 GNI MAY	WF PCARD	SYSTEM GENERATED	DUE TO LINE			-658.10	231,590.18	
17/06	589 06/20/17 APP A0620	A062017					-20,599.59	210,990.59	
17/06	634 06/23/17 PRJ						-3,560.25	207,430.34	
17/06	813 06/30/17 GNI	EFT	SYSTEM GENERATED	DUE TO LINE			265.00	207,695.34	
17/06	873 06/30/17 GEN	RECURRING	SYSTEM GENERATED	DUE TO LINE			-525.00	207,170.34	
	LEDGER BALANCES --- DEBITS:		54,713.31	CREDITS:	-45,055.53	NET:	9,657.78		
74	74-00-000-000-000-0000-20050-	Vouchers Payable							
								SOY BALANCE	.00
					PER 02		-5.15	-5.15	
					PER 03		-994.85	-1,000.00	
					PER 04		-1,891.56	-2,891.56	
					PER 05		2,891.56	.00	
17/06	346 06/09/17 API B 1543	W A061317					-4.25	-4.25	
17/06	427 06/12/17 API B 1546	W A061317					-3,532.52	-3,536.77	
17/06	429 06/13/17 APP A0613	A061317	AP CASH DISBURSEMENTS	JOURNAL			3,536.77	.00	
17/06	587 06/19/17 API B 1565	W A062017					-20,599.59	-20,599.59	
17/06	589 06/20/17 APP A0620	A062017	AP CASH DISBURSEMENTS	JOURNAL			20,599.59	.00	

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Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2017 06 TO 2017 06

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ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
	LEDGER BALANCES --- DEBITS:			27,027.92			CREDITS: -27,027.92	NET: .00	
74	74-00-000-000-000-0000-38400- Expenditures								
							SOY BALANCE	.00	
							PER 01	17,456.24	17,456.24
							PER 02	8,324.00	25,780.24
							PER 03	33,077.28	58,857.52
							PER 04	13,391.94	72,249.46
							PER 05	8,464.08	80,713.54
17/06	308 06/09/17 PRJ pr0609 1170609 1170609						3,600.28	84,313.82	
	pay060917 WARRANT=170609 RUN=1 BI-WEEKL								
17/06	346 06/09/17 API B 1543						4.25	84,318.07	
	W A061317								
17/06	427 06/12/17 API B 1546						3,532.52	87,850.59	
	W A061317								
17/06	546 06/19/17 GNI MAY						658.10	88,508.69	
	WF PCARD								
17/06	587 06/19/17 API B 1565						20,599.59	109,108.28	
	W A062017								
17/06	634 06/23/17 PRJ pr0623 1170623 1170623						3,560.25	112,668.53	
	pay062317 WARRANT=170623 RUN=1 BI-WEEKL								
17/06	873 06/30/17 GEN						525.00	113,193.53	
	RECURRING								
	LEDGER BALANCES --- DEBITS:			113,193.53			CREDITS: .00	NET: 113,193.53	
74	74-00-000-000-000-0000-38500- Revenues								
							SOY BALANCE	.00	
							PER 01	-12,321.76	-12,321.76
							PER 02	-29,493.42	-41,815.18
							PER 03	-40,000.00	-81,815.18
							PER 04	-36,856.55	-118,671.73
							PER 05	-3,914.58	-122,586.31
17/06	813 06/30/17 GNI						-265.00	-122,851.31	
	EFT								
	LEDGER BALANCES --- DEBITS:			.00			CREDITS: -122,851.31	NET: -122,851.31	

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Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2017 06 TO 2017 06

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ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	74-00-830-000-000-000-0000-58300-	Miscellaneous Other Revenue							
									REVISIED BUDGET .00
					PER 03		-40,000.00	-40,000.00	
17/06	813 06/30/17 GNI						-265.00	-40,265.00	
	EFT MCIT WORK COMP								
	LEDGER BALANCES --- DEBITS:		.00		CREDITS:		-40,265.00	NET: -40,265.00	
74830	74-00-830-000-000-000-0000-61000-	Salaries & Wages - Regular							
									REVISIED BUDGET .00
					PER 01		4,741.65	4,741.65	
					PER 02		4,741.64	9,483.29	
					PER 03		7,112.48	16,595.77	
					PER 04		5,595.34	22,191.11	
					PER 05		4,955.04	27,146.15	
17/06	308 06/09/17 PRJ pr0609 1170609 1170609						2,477.51	29,623.66	
	pay060917 WARRANT=170609 RUN=1 BI-WEEKL								
17/06	634 06/23/17 PRJ pr0623 1170623 1170623						2,477.51	32,101.17	
	pay062317 WARRANT=170623 RUN=1 BI-WEEKL								
	LEDGER BALANCES --- DEBITS:		32,101.17		CREDITS:		.00	NET: 32,101.17	
74830	74-00-830-000-000-000-0000-61200-	Active Insurance							
									REVISIED BUDGET .00
					PER 01		1,376.49	1,376.49	
					PER 02		1,395.47	2,771.96	
					PER 03		1,353.22	4,125.18	
					PER 04		1,356.82	5,482.00	
					PER 05		1,374.45	6,856.45	
17/06	308 06/09/17 PRJ pr0609 1170609 1170609						708.66	7,565.11	
	pay060917 WARRANT=170609 RUN=1 BI-WEEKL								
17/06	634 06/23/17 PRJ pr0623 1170623 1170623						667.06	8,232.17	
	pay062317 WARRANT=170623 RUN=1 BI-WEEKL								
	LEDGER BALANCES --- DEBITS:		8,232.17		CREDITS:		.00	NET: 8,232.17	
74830	74-00-830-000-000-000-0000-61300-	Employee Pension & FICA							
									REVISIED BUDGET .00
					PER 01		692.39	692.39	
					PER 02		695.88	1,388.27	
					PER 03		1,048.18	2,436.45	
					PER 04		818.37	3,254.82	

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Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2017 06 TO 2017 06

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ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE	
17/06	308 06/09/17 PRJ pr0609	1170609	1170609		PER 05		724.79	3,979.61		
	pay060917 WARRANT=170609	RUN=1	BI-WEEKL				364.11	4,343.72		
17/06	634 06/23/17 PRJ pr0623	1170623	1170623				360.68	4,704.40		
	pay062317 WARRANT=170623	RUN=1	BI-WEEKL							
LEDGER BALANCES --- DEBITS:			4,704.40		CREDITS:		.00	NET:	4,704.40	
74830	74-00-830-000-000-000-0000-62100- Telephone									
					REVISED BUDGET				.00	
					PER 01		60.50	60.50		
					PER 02		60.15	120.65		
					PER 03		59.67	180.32		
					PER 04		58.71	239.03		
					PER 05		60.46	299.49		
17/06	346 06/09/17 API 006205	52574			10773	B	1.80	301.29		
	W A061317 JUNE CTC & 05/01-05/31/17	LD C CONSOLIDATED	TELECOM							
17/06	346 06/09/17 API 006205	52574			10773	B	2.45	303.74		
	W A061317 JUNE CTC & 05/01-05/31/17	LD C CONSOLIDATED	TELECOM							
17/06	634 06/23/17 PRJ pr0623	1170623	1170623				55.00	358.74		
	pay062317 WARRANT=170623	RUN=1	BI-WEEKL							
LEDGER BALANCES --- DEBITS:			358.74		CREDITS:		.00	NET:	358.74	
74830	74-00-830-000-000-000-0000-62680- Non-Employee Per Diems									
					REVISED BUDGET				.00	
					PER 01		300.00	300.00		
					PER 02		100.00	400.00		
					PER 03		300.00	700.00		
					PER 04		250.00	950.00		
					PER 05		250.00	1,200.00		
17/06	308 06/09/17 PRJ pr0609	1170609	1170609				50.00	1,250.00		
	pay060917 WARRANT=170609	RUN=1	BI-WEEKL							
17/06	587 06/19/17 API 100532	53001			1903247	B	50.00	1,300.00		
	W A062017 MHB MTG - PER DIEM	MORRISON COUNTY	AUDI							
17/06	587 06/19/17 API 100532	53001			1903247	B	50.00	1,350.00		
	W A062017 MHB MTG - PER DIEM	MORRISON COUNTY	AUDI							
17/06	587 06/19/17 API 002534	53003			10909	B	50.00	1,400.00		
	W A062017 MHB MTG - PER DIEM	NEWLAND, DEAN								
17/06	587 06/19/17 API 004028	53004			10932	B	50.00	1,450.00		
	W A062017 MHB MTG - PER DIEM	WINGER, KEITH								



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Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2017 06 TO 2017 06

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ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE	
17/06	587 06/19/17	API 001099		53005	10905	B	50.00	1,500.00		
	W A062017	MHB MTG - PER DIEM		MARCOTTEANNE						
17/06	587 06/19/17	API 002837		53006	10902	B	50.00	1,550.00		
	W A062017	MHB MTG - PER DIEM - MILAGE		JOHANNSEN, CALVIN						
	LEDGER BALANCES --- DEBITS:		1,550.00	CREDITS:	.00	NET:		1,550.00		
74830	74-00-830-000-000-000-0000-62720-	Non-Employee Mileage								
									REVISIED BUDGET .00	
					PER 01		299.06	299.06		
					PER 02		22.47	321.53		
					PER 03		310.30	631.83		
					PER 04		246.10	877.93		
					PER 05		269.10	1,147.03		
17/06	546 06/19/17	GNI MAY				B	187.25	1,334.28		
	WF PCARD	1071 - MICA board mtg								
		PAUL THIEDE-OOP								
17/06	587 06/19/17	API 001098		53002	10903	B	171.20	1,505.48		
	W A062017	MHB BRD COMP PLAN, MHB MEETING		JOHNSONDUANE						
17/06	587 06/19/17	API 004028		53004	10932	B	42.26	1,547.74		
	W A062017	MHB MTG - PER DIEM		WINGER, KEITH						
17/06	587 06/19/17	API 001099		53005	10905	B	59.38	1,607.12		
	W A062017	MHB MTG - PER DIEM		MARCOTTEANNE						
17/06	587 06/19/17	API 002837		53006	10902	B	26.75	1,633.87		
	W A062017	MHB MTG - PER DIEM - MILAGE		JOHANNSEN, CALVIN						
	LEDGER BALANCES --- DEBITS:		1,633.87	CREDITS:	.00	NET:		1,633.87		
74830	74-00-830-000-000-000-0000-62990-	Prof. & Tech. Fee - Other								
									REVISIED BUDGET .00	
					PER 01		3,797.80	3,797.80		
					PER 02		525.00	4,322.80		
					PER 03		22,520.30	26,843.10		
					PER 04		4,747.13	31,590.23		
					PER 05		525.00	32,115.23		
17/06	427 06/12/17	API 101308		52708	10829	B	3,532.52	35,647.75		
	W A061317	MHB INVOICE#12		WIDSETH SMITH NOLTIN						
17/06	587 06/19/17	API 150025		52990	10900	B	20,000.00	55,647.75		
	W A062017	LITTLE FALLS RAINGARDENS		CITY OF LITTLE FALLS						
17/06	873 06/30/17	GEN				B	525.00	56,172.75		
		RECURRING FINANCIAL SERVICE								

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Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2017 06 TO 2017 06

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ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE	
LEDGER BALANCES --- DEBITS:				56,172.75			CREDITS: .00	NET: 56,172.75		
74830	74-00-830-000-000-000-63320-	Employee Mileage								
							REVISED BUDGET		.00	
							PER 01	262.44	262.44	
							PER 02	620.08	882.52	
							PER 03	367.76	1,250.28	
							PER 04	254.14	1,504.42	
							PER 05	225.24	1,729.66	
17/06	546 06/19/17	GNI MAY				B	44.94	1,774.60		
	WF PCARD	1071 - MHB								
		PAUL THIEDE-OOP								
17/06	546 06/19/17	GNI MAY				B	25.68	1,800.28		
	WF PCARD	1434 - NC Landscape plan mtg								
		TIM TERRILL-OOP								
17/06	546 06/19/17	GNI MAY				B	27.82	1,828.10		
	WF PCARD	1434 - Acquisition coordin mt								
		TIM TERRILL-OOP								
17/06	546 06/19/17	GNI MAY				B	56.71	1,884.81		
	WF PCARD	1434 - MHB monthly mtg								
		TIM TERRILL-OOP								
17/06	546 06/19/17	GNI MAY				B	4.98	1,889.79		
	WF PCARD	1434 - NCCR mtg								
		TIM TERRILL-OOP								
LEDGER BALANCES --- DEBITS:				1,889.79			CREDITS: .00	NET: 1,889.79		
74830	74-00-830-000-000-000-63340-	Hotel & Meals Travel Expense								
							REVISED BUDGET		.00	
							PER 01	162.37	162.37	
							PER 02	131.96	294.33	
17/06	546 06/19/17	GNI MAY				B	300.00	594.33		
	WF PCARD	Biennial mtg room reservat								
		TIM TERRILL-CHASE ON THE LAKE								
LEDGER BALANCES --- DEBITS:				594.33			CREDITS: .00	NET: 594.33		
74830	74-00-830-000-000-000-64090-	Office Supplies								
							REVISED BUDGET		.00	
							PER 01	29.19	29.19	
							PER 02	31.35	60.54	
							PER 03	5.37	65.91	
							PER 04	65.33	131.24	
							PER 05	80.00	211.24	
17/06	546 06/19/17	GNI MAY				B	4.98	216.22		
	WF PCARD	board snack								

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Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2017 06 TO 2017 06

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ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
17/06	546 06/19/17			TIM TERRILL-SUPER ONE FOODS #45		B	5.74	221.96	
	WF PCARD			GNI MAY agenda packet mailing					
				TIM TERRILL-USPS PO 2611000401					
LEDGER BALANCES --- DEBITS:				221.96	CREDITS:		.00	NET:	221.96
GRAND TOTAL --- DEBITS:				302,393.94	CREDITS:		-235,199.76	NET:	67,194.18

53 Records printed

\*\* END OF REPORT - Generated by Alaina Bundy \*\*

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Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2017 06 TO 2017 06

P 8  
glacthst

**REPORT OPTIONS**

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Print GL Master Start-of-Year Balances?: Y  
Year and Period range: 2017 6 to 2017 6  
Source journal code:  
Include entries between dates: 01/01/70and 07/10/17  
Include Encumb/Liq entries: N  
Include Budget entries: N  
Print J/E comment and vendor: Y  
Double space journal detail: N  
Separate page for each account: N  
Multiyear view: D  
Print report options: Y  
Cash account: Subtotal by Date or Ref3/Deposit #: N

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Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2017 07 TO 2017 07

P 1  
glacthst

ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74	74-00-000-000-000-000-10001-						Cash & Pooled Investments SOY BALANCE	197,512.56	
					PER 01		-5,134.48	192,378.08	
					PER 02		21,174.57	213,552.65	
					PER 03		7,917.57	221,470.22	
					PER 04		25,356.17	246,826.39	
					PER 05		-7,441.06	239,385.33	
					PER 06		-32,214.99	207,170.34	
17/07	212 07/07/17	PRJ					-3,525.24	203,645.10	
17/07	311 07/11/17	APP A0711 A071117					-1,886.52	201,758.58	
17/07	455 07/18/17	GNI JUNE WF PCARD					-253.60	201,504.98	
									SYSTEM GENERATED DUE TO LINE
17/07	461 07/18/17	APP A0718 A071817					-2.21	201,502.77	
17/07	500 07/21/17	PRJ					-3,709.37	197,793.40	
17/07	682 07/19/17	GNI ST OF MN					2,619.49	200,412.89	
									SYSTEM GENERATED DUE TO LINE
17/07	684 07/20/17	GNI ST OF MN					3,619.28	204,032.17	
									SYSTEM GENERATED DUE TO LINE
17/07	718 07/28/17	GNI ST OF MN					39,248.15	243,280.32	
									SYSTEM GENERATED DUE TO LINE
17/07	794 07/31/17	GEN RECURRING					-525.00	242,755.32	
									SYSTEM GENERATED DUE TO LINE
	LEDGER BALANCES --- DEBITS:		99,935.23		CREDITS:		-54,692.47	NET:	45,242.76
74	74-00-000-000-000-000-20050-						Vouchers Payable SOY BALANCE	.00	
					PER 02		-5.15	-5.15	
					PER 03		-994.85	-1,000.00	
					PER 04		-1,891.56	-2,891.56	
					PER 05		2,891.56	.00	
17/07	309 07/10/17	API B 1610 W A071117					-1,886.52	-1,886.52	
17/07	311 07/11/17	APP A0711 A071117					1,886.52	.00	
									AP CASH DISBURSEMENTS JOURNAL
17/07	459 07/13/17	API B 1620					-2.21	-2.21	



08/10/2017 11:01  
alainab

Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2017 07 TO 2017 07

P 3  
glacthst

ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
17/07	718 07/28/17	GNI					-39,248.15	-168,338.23	
	ST OF MN								
	LEDGER BALANCES --- DEBITS:		.00		CREDITS:	-168,338.23	NET:	-168,338.23	
74830	74-00-830-000-000-000-53180-	Environmental Assistance /MPCA							.00
		REVISED BUDGET							
					PER 01		-3,171.76	-3,171.76	
					PER 02		-1,187.56	-4,359.32	
					PER 04		-2,595.30	-6,954.62	
					PER 05		-3,914.58	-10,869.20	
17/07	684 07/20/17	GNI					-3,619.28	-14,488.48	
	ST OF MN 12								
	LEDGER BALANCES --- DEBITS:		.00		CREDITS:	-14,488.48	NET:	-14,488.48	
74830	74-00-830-000-000-000-53290-	Natural Resources							.00
		REVISED BUDGET							
					PER 02		-25,305.86	-25,305.86	
					PER 04		-34,261.25	-59,567.11	
17/07	682 07/19/17	GNI					-2,619.49	-62,186.60	
	ST OF MN 4								
17/07	718 07/28/17	GNI					-39,248.15	-101,434.75	
	ST OF MN DNR4Q-17								
	LEDGER BALANCES --- DEBITS:		.00		CREDITS:	-101,434.75	NET:	-101,434.75	
74830	74-00-830-000-000-000-61000-	Salaries & Wages - Regular							.00
		REVISED BUDGET							
					PER 01		4,741.65	4,741.65	
					PER 02		4,741.64	9,483.29	
					PER 03		7,112.48	16,595.77	
					PER 04		5,595.34	22,191.11	
					PER 05		4,955.04	27,146.15	
					PER 06		4,955.02	32,101.17	
17/07	212 07/07/17	PRJ pr0707 1170707 1170707					2,477.51	34,578.68	
	pay070717	WARRANT=170707 RUN=1 BI-WEEKL							
17/07	500 07/21/17	PRJ pr0721 1170721 1170721					2,477.52	37,056.20	
	pay072117	WARRANT=170721 RUN=1 BI-WEEKL							
	LEDGER BALANCES --- DEBITS:		37,056.20		CREDITS:	.00	NET:	37,056.20	







08/10/2017 11:01  
alainab

Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2017 07 TO 2017 07

P 6  
glacthst

ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE	
17/07	455 07/18/17									
	WF PCARD	1434 - Aitkin County Lakes				B	33.71	2,009.64		
17/07	455 07/18/17									
	WF PCARD	1434 - LSOHC mtg in Backus				B	34.78	2,044.42		
17/07	455 07/18/17									
	WF PCARD	1434 - MHB monthly meeting				B	56.71	2,101.13		
17/07	455 07/18/17									
	WF PCARD	1434 - Camp Ripley				B	26.75	2,127.88		
LEDGER BALANCES --- DEBITS:			2,127.88		CREDITS:		.00	NET:	2,127.88	
74830	74-00-830-000-000-0000-64090-	Office Supplies								
									REVISED BUDGET	
									.00	
							PER 01	29.19	29.19	
							PER 02	31.35	60.54	
							PER 03	5.37	65.91	
							PER 04	65.33	131.24	
							PER 05	80.00	211.24	
							PER 06	10.72	221.96	
17/07	455 07/18/17									
	WF PCARD	agenda mailing				B	3.22	225.18		
17/07	455 07/18/17									
	WF PCARD	MHB draft Comp plan snack				B	3.99	229.17		
17/07	455 07/18/17									
	WF PCARD	MPCA Bemidji meeting meal				B	8.30	237.47		
LEDGER BALANCES --- DEBITS:			237.47		CREDITS:		.00	NET:	237.47	
GRAND TOTAL --- DEBITS:			342,943.91		CREDITS:		-343,734.22	NET:	-790.31	

45 Records printed

\*\* END OF REPORT - Generated by Alaina Bundy \*\*

**Planning and Zoning (att. 3 & 4)**

**H8a17- Wyman Variance**

**Greater Bemidji Area Joint Powers Board Refusal  
of Certification**



RECEIVED  
JUN 26 2017

# Variance Application

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental\_services/index.php

This form must be legibly completed in INK.

Applicant name(s): Brett E Sherry Wyman Date: 6-25-17

Owner name(s) (if different from applicant): \_\_\_\_\_

Mailing address (PO Box/Street, City, State, Zip): 51185 Mayberry Dr, Cass Lake MN 56633

E911 property address: 32494 Wolf Lake Rd.

Phone: 218-556-8179 Alt. phone: 218-556-0057 Email: sherry079@yahoo.com

Tax parcel number(s): 0739.01200

Legal description: .10 Ac Far Crescent Beach  
Lot 18

Sect: 1 Twp: 145 Rng: 32 Lake/river name: Big Wolf Lake Is this request after-the-fact?  Yes  No

Place an "X" by the ordinance(s) and provide the section(s) of said ordinance(s) from which you are requesting a variance.

- |   |                            |
|---|----------------------------|
| <input checked="" type="checkbox"/> Shoreland Management Ordinance    | Section(s): <u>705-702</u> |
| <input type="checkbox"/> Subdivision Ordinance                        | Section(s): _____          |
| <input type="checkbox"/> Sign Ordinance                               | Section(s): _____          |
| <input type="checkbox"/> Subsurface Sewage Treatment System Ordinance | Section(s): _____          |
| <input type="checkbox"/> Other: _____                                 | Section(s): _____          |

**Explain your requested variance need(s):** Give details of the type, size, and purpose of proposed changes. Explain why you cannot complete the project by permit as the burden is on the applicant to show a practical difficulty. Attach additional sheets labeled "Variance Request", if necessary.

Requesting removal of a non-conforming structure located on a non-conforming lot. Due to the fireplace pulling away from the cabin, the original structure is now leaning in that direction, which was discovered after removal of the pine walls & insulation. The new structure would include the 10x20 addition (Variance No. 14-V-04) and changing the roof line so it will be one continuous roof peaking North to South as opposed to East to West. The purpose is so the water will run off to side of cabin (not toward lake) & guttered away from the lake which will be environmentally friendly as well as more cost effective. The footprint will not change with exception of the 10x20 addition. Current structure does not include a bathroom, but will be included in the addition (see Variance)

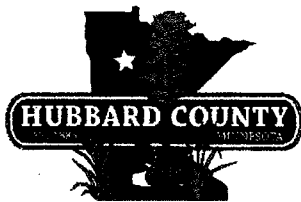
### Applicant Statement

I have read and fully understand the above instructions. I am the fee title owner of the above described property or the authorized agent thereof, and I agree to this application and warrant and assert that I am authorized by ownership and/or law to apply for the permit in question. The applicant hereby certifies that the information contained in this application is a true, accurate and complete representation of facts and conditions concerning the proposed variance application. The applicant hereby makes application for a variance agreeing to do all such work in accordance with all Hubbard County Ordinances. Applicant agrees that application, sketch or survey, and other attachments submitted herewith are true and accurate. Applicant agrees that, in making application for a variance, applicant grants permission to Hubbard County, at reasonable times to enter landowner's premises, to determine compliance of that application with any applicable county, state, or federal ordinances or statutes. If any of the information provided by the applicant in his/her application is later found or determined by the County to be inaccurate, the County may revoke the variance and/or accompanying permit based upon the supplying of inaccurate information.

Signature of applicant(s): Brett Wyman Sherry Wyman Date: 6-25-17

For Office Use:

Application date: 6/26/17 Filing acknowledged by: VA Receipt #: 228 App. #: 24-V-17



# Variance Application

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental\_services/index.php

**Note:** Place an "X" by each item below that applies to your request. Then, fill out **only** the applicable following section(s) that apply, as directed. **If a section does not apply to your request, leave it blank.**

**What is the reason(s) for applying for the variance? Place an "X" by each applicable item.**

- Setback issues: complete Section 1
- Land or vegetative alteration: complete Section 2
- Lot size not in compliance with minimum Ordinance standards: complete Section 3
- Alteration to nonconforming structure: complete Section 4
- Other: attach separate sheet explaining variance request

## Section 1

Check the item(s) from which you are requesting a variance and fill in the proposed setback distance. Setbacks are measured to the nearest point on a structure which can be the eave overhang or an attached deck/platform.

- Ordinary High Water Mark (OHWM) Proposed Setback 17 ft
- Lot line Proposed Setback \_\_\_\_\_ ft
- Road Right of Way \_\_ Twp \_\_ Co. \_\_ State Proposed Setback \_\_\_\_\_ ft
- Crest of bluff Proposed Setback \_\_\_\_\_ ft
- Septic system components (new SSTS site design must accompany variance application)

## Section 2

What is your land alteration? Check all categories that apply.

- Vegetative alteration
- Grading/filling
- Other (Attach separate sheet explaining the land alteration)

**Note:** An additional cross-section sketch showing L, W, and H dimensions and an itemized list showing volume (cubic yds.) of all proposed grading/filling must accompany application.

## Section 3

When was your lot created (month/day/year)? 1923 (This information can be found in your abstract of title. A copy of either this first deed or page in the abstract must be included in your application.)

**Note:** An ISTS site design showing your proposed building site, well location, a primary drainfield site, and an alternate drainfield site must be included in your application for a lot size variance.

## Section 4

**Note:** A sketch showing L, W, and H dimensions of all portions of the existing and proposed structure(s) and addition(s) must be included in your application.

**Circle all that apply and fill in requested information:**

### Existing structure

Foundation: basement, crawlspace, slab on grade

Stories above ground: ground level, 0½, two

Existing structure height: 16 ft

Existing # bedrooms 2

### Proposed addition(s)

Foundation: basement, crawlspace, slab on grade

Stories above ground: ground level, 0½, two

Proposed addition(s) height: 16 ft

Final # bedrooms after remodel 1

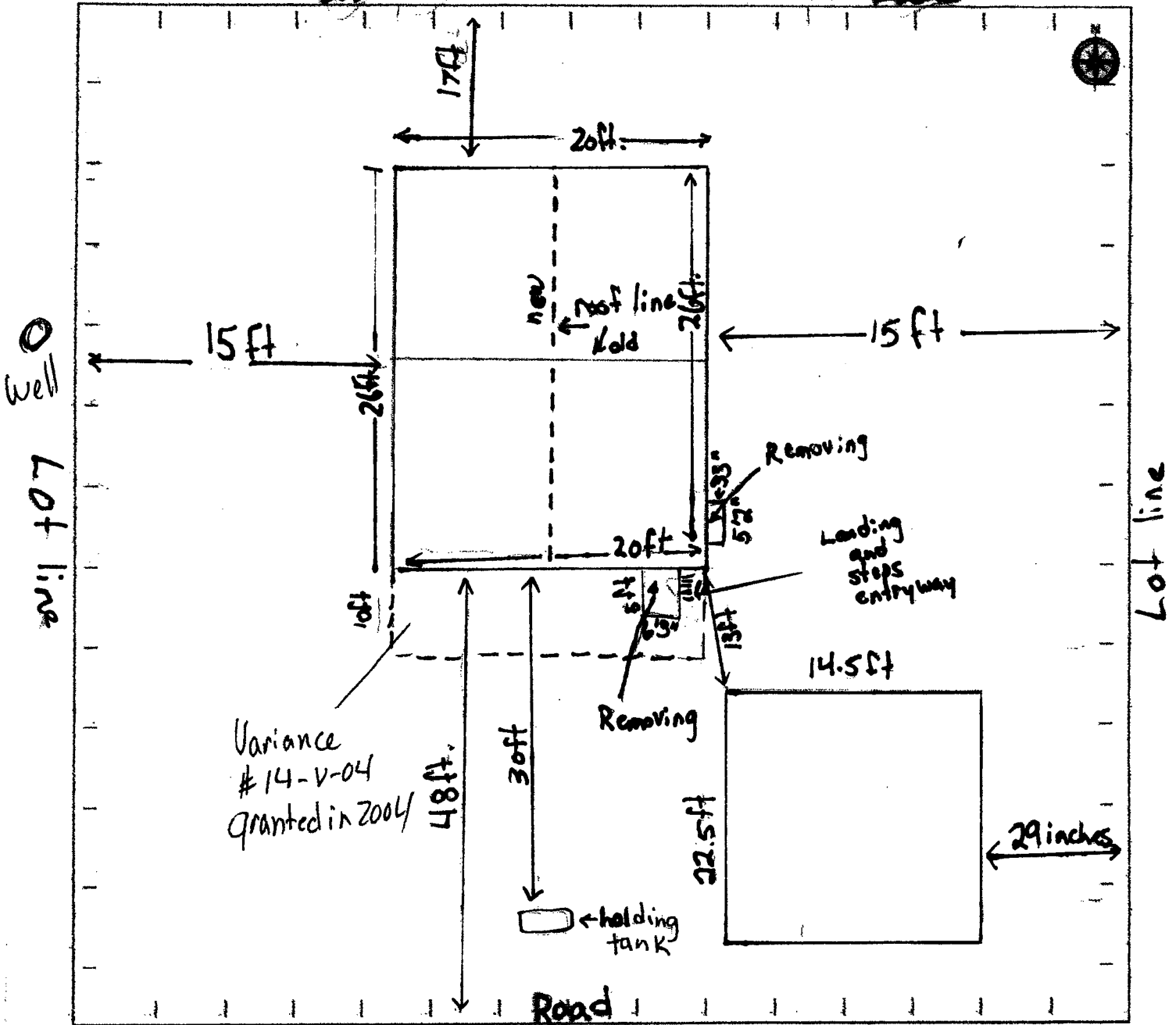
Overall change in roof height when project is completed: 0 ft

# front Site Plan

Required for ALL permit applications

Lake

Lake



You must include all structures and additions, well(s), and septic system(s) existing and proposed, on your property and label them. You must also include all dimensions (including height) of the structures as well as all setbacks to property lines, lakes or rivers, roads, and any other pertinent setbacks. See reverse side of "Site Plan" for example sketch.

I hereby swear that the information provided in this sketch is true, accurate, and complete.

Brad W. Mon  
Applicant Signature

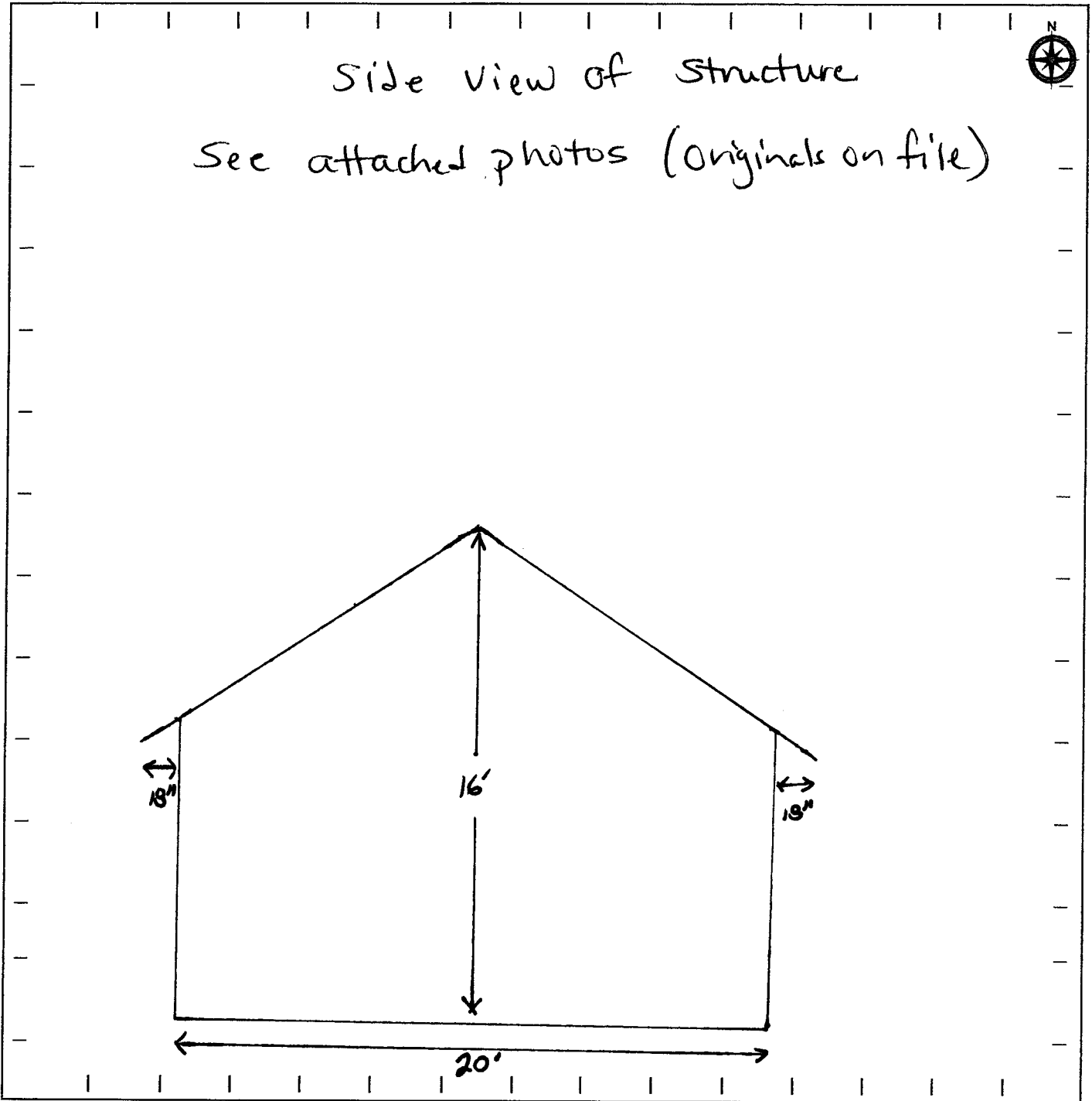
4/3/17  
Date

Back

Addition 200sqft  
 Removing 45sqft.  
 total addition to lot 155sqft.

# Site Plan

Required for ALL permit applications



You **must** include all structures and additions, well(s), and septic system(s) existing and proposed, on your property and label them. You **must** also include all dimensions (including height) of the structures as well as all setbacks to property lines, lakes or rivers, roads, and any other pertinent setbacks. See reverse side of "Site Plan" for example sketch.

I hereby swear that the information provided in this sketch is true, accurate, and complete.

Sherry Anymon  
Signature

6-25-17  
Date

[Signature]











10 x 20 addition  
staked out



10 x 20 addition



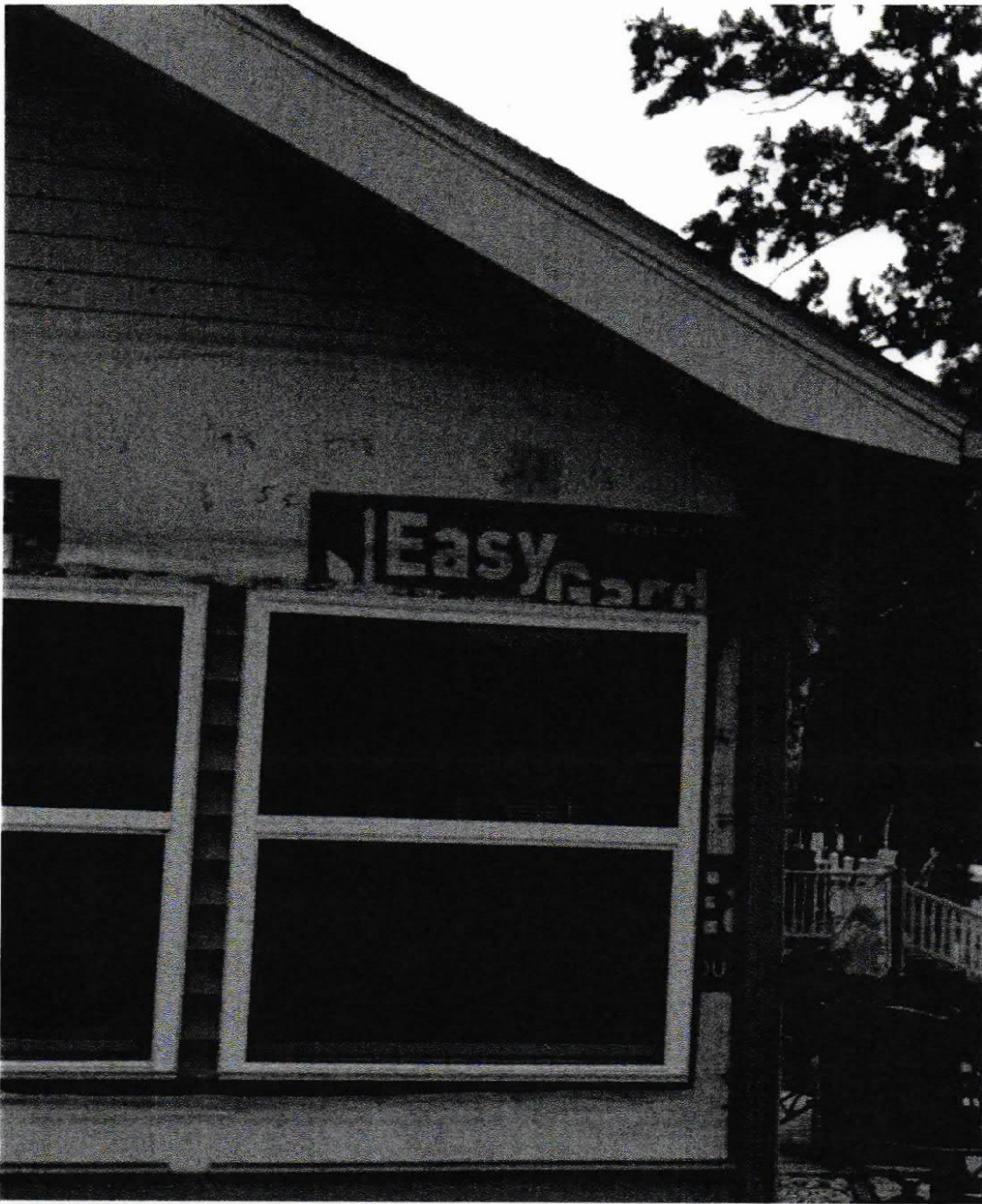
10 X 20 Addition of side view  
lines up with cabin'



Facing Road

BACK side where addition will be added  
chimney has been removed  
since this photo





Current  
roof line -  
Water flows  
to gutters but  
roof line  
in direction  
of lake  
East to West

Side view

Sent from my iPhone





Front view - current roofline  
East to West



**Wyman, Sherry (DOC)**

---

**From:** Sherryo79 <sherryo79@yahoo.com>  
**Sent:** Sunday, June 25, 2017 6:21 PM  
**To:** Wyman, Sherry (DOC)  
**Subject:** Cabin



Current roof line front view  
lakeside



**Minnesota Pollution Control Agency**

520 Lafayette Road North  
St. Paul, MN 55155-4194

# Compliance Inspection Form

## Existing Subsurface Sewage Treatment Systems (SSTS)

Doc Type: Compliance and Enforcement

**Inspection results** based on Minnesota Pollution Control Agency (MPCA) requirements and attached forms – additional local requirements may also apply.

**Submit completed form to Local Unit of Government (LUG) and system owner within 15 days**

For local tracking purposes:

RECEIVED

OCT 12 2016

### System Status

System status on date (mm/dd/yyyy): 9/28/2016

**Compliant – Certificate of Compliance**  
(Valid for 3 years from report date, unless shorter time frame outlined in Local Ordinance.)

**Noncompliant – Notice of Noncompliance**  
(See Upgrade Requirements on page 3.)

**Reason(s) for noncompliance (check all applicable)**

- Impact on Public Health (Compliance Component #1) – Imminent threat to public health and safety
- Other Compliance Conditions (Compliance Component #3) – Imminent threat to public health and safety
- Tank Integrity (Compliance Component #2) – Failing to protect groundwater
- Other Compliance Conditions (Compliance Component #3) – Failing to protect groundwater
- Soil Separation (Compliance Component #4) – Failing to protect groundwater
- Operating permit/monitoring plan requirements (Compliance Component #5) – Noncompliant

### Property Information

Parcel ID# or Sec/Twp/Range: # 07.39.01200

Property address: 32494 WOLF LAKE ROAD CASS LAKE MN 56633 Reason for inspection: PROP. IMPROVEMENT

Property owner: BRETT AND SHERRY WYMAN Owner's phone: 218-556-8179  
or

Owner's representative: NA Representative phone: NA

Local regulatory authority: NA Regulatory authority phone: NA

Brief system description: 1000 GALLON HOLDING TANK

**Comments or recommendations:**

SYSTEM FUNCTIONING ADEQUATELY AT TIME OF INSPECTION WAS RECENTLY PUMPED.  
*Records for pumping are being kept by owner.*

### Certification

I hereby certify that all the necessary information has been gathered to determine the compliance status of this system. No determination of future system performance has been nor can be made due to unknown conditions during system construction, possible abuse of the system, inadequate maintenance, or future water usage.

Inspector name: ED ALETTO Certification number: # 2494

Business name: ALETTOONSITE SEPTIC DESIGN License number: # 808

Inspector signature: Edward C. Aletto Phone number: 218-839-9919

### Necessary or Locally Required Attachments

- Soil boring logs
- System/As-built drawing
- Forms per local ordinance
- Other information (list): \_\_\_\_\_

Property address: 32494 WOLF LAKE ROAD CASS LAKE MN 56633

Inspector Initials/Date: ECA | 9/28/2016  
(mm/dd/yyyy)

**1. Impact on Public Health – Compliance component #1 of 5**

**Compliance criteria:**

System discharges sewage to the ground surface.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
System discharges sewage to drain tile or surface waters.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
System causes sewage backup into dwelling or establishment.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Any "yes" answer above indicates the system is an imminent threat to public health and safety.**

**Comments/Explanation:**  
OK

**Verification method(s):**

- Searched for surface outlet
- Searched for seeping in yard/backup in home
- Excessive ponding in soil system/D-boxes
- Homeowner testimony (See Comments/Explanation)
- "Black soil" above soil dispersal system
- System requires "emergency" pumping
- Performed dye test
- Unable to verify (See Comments/Explanation)
- Other methods not listed (See Comments/Explanation)

**2. Tank Integrity – Compliance component #2 of 5**

**Compliance criteria:**

System consists of a seepage pit, cesspool, drywell, or leaching pit. <i>Seepage pits meeting 7080.2550 may be compliant if allowed in local ordinance.</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Sewage tank(s) leak below their designed operating depth. If yes, which sewage tank(s) leaks:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	NA	

**Any "yes" answer above indicates the system is failing to protect groundwater.**

**Comments/Explanation:**  
OK

**Verification method(s):**

- Probed tank(s) bottom
- Examined construction records
- Examined Tank Integrity Form (Attach)
- Observed liquid level below operating depth
- Examined empty (pumped) tanks(s)
- Probed outside tank(s) for "black soil"
- Unable to verify (See Comments/Explanation)
- Other methods not listed (See Comments/Explanation)

**3. Other Compliance Conditions – Compliance component #3 of 5**

- a. Maintenance hole covers are damaged, cracked, unsecured, or appear to be structurally unsound.  Yes\*  No  Unknown
- b. Other issues (electrical hazards, etc.) to immediately and adversely impact public health or safety.  Yes\*  No  Unknown

**Explain:**  
NA

- c. System is non-protective of ground water for other conditions as determined by inspector.  Yes\*  No

**Explain:**  
NA

**4. Soil Separation – Compliance component #4 of 5**

Date of installation: 5/9/1981  Unknown  
(mm/dd/yyyy)

Shoreland/Wellhead protection/Food beverage lodging?  Yes  No

**Verification method(s):**

Soil observation does not expire. Previous soil observations by two independent parties are sufficient, unless site conditions have been altered or local requirements differ.

**Compliance criteria:**

For systems built prior to April 1, 1996, and not located in Shoreland or Wellhead Protection Area or not serving a food, beverage or lodging establishment:  Yes  No

Drainfield has at least a two-foot vertical separation distance from periodically saturated soil or bedrock.

- Conducted soil observation(s) (Attach boring logs)
- Two previous verifications (Attach boring logs)
- Not applicable (Holding tank(s), no drainfield)
- Unable to verify (See Comments/Explanation)
- Other (See Comments/Explanation)

Non-performance systems built April 1, 1996, or later or for non-performance systems located in Shoreland or Wellhead Protection Areas or serving a food, beverage, or lodging establishment:  Yes  No

Drainfield has a three-foot vertical separation distance from periodically saturated soil or bedrock.\*

**Comments/Explanation:**

"Experimental", "Other", or "Performance" systems built under pre-2008 Rules; Type IV or V systems built under 2008 Rules (7080.2350 or 7080.2400 (Advanced Inspector License required)  Yes  No

Drainfield meets the designed vertical separation distance from periodically saturated soil or bedrock.

**Indicate depths or elevations**

A. Bottom of distribution media	NA
B. Periodically saturated soil/bedrock	
C. System separation	
D. Required compliance separation*	

\*May be reduced up to 15 percent if allowed by Local Ordinance.

**Any "no" answer above indicates the system is failing to protect groundwater.**

**5. Operating Permit and Nitrogen BMP\* – Compliance component #5 of 5  Not applicable**

Is the system operated under an Operating Permit?  Yes  No **If "yes", A below is required**

Is the system required to employ a Nitrogen BMP?  Yes  No **If "yes", B below is required**

BMP = Best Management Practice(s) specified in the system design

**If the answer to both questions is "no", this section does not need to be completed.**

**Compliance criteria**

- a. Operating Permit number: NA  
Have the Operating Permit requirements been met?  Yes  No
- b. Is the required nitrogen BMP in place and properly functioning?  Yes  No

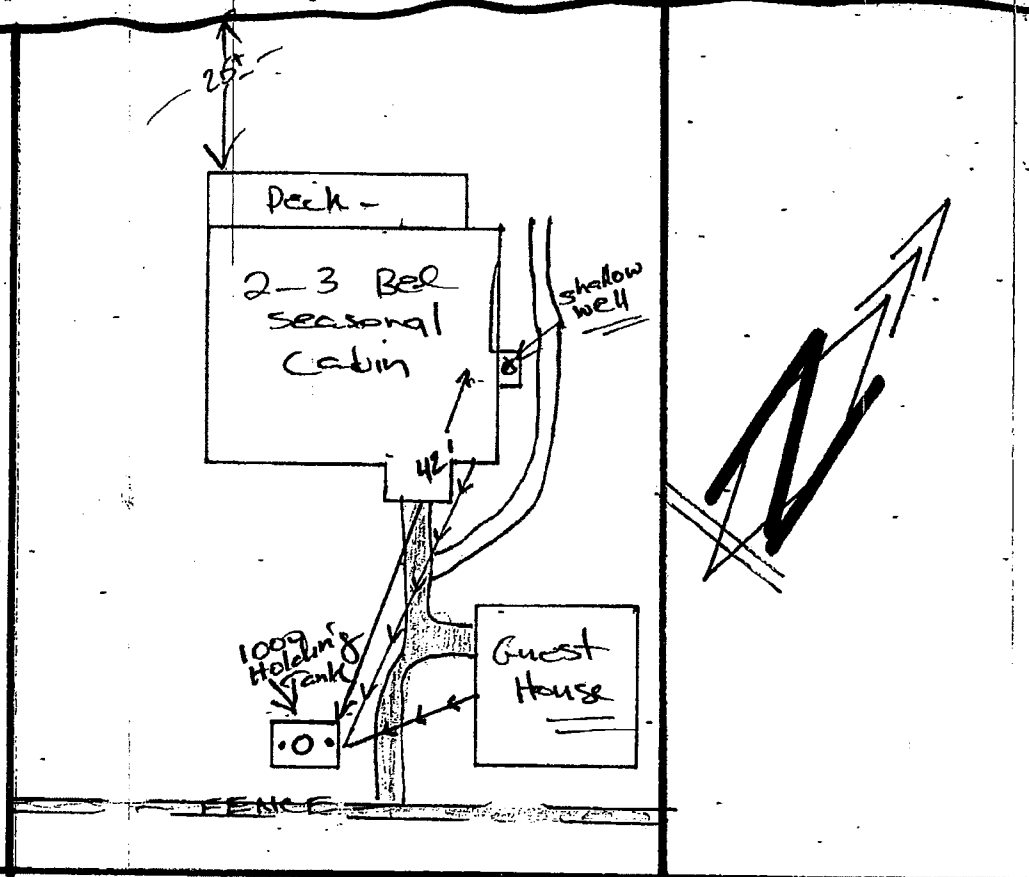
**Any "no" answer indicates Noncompliance.**

**Upgrade Requirements (Minn. Stat. § 115.55)** An imminent threat to public health and safety (ITPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance. If the system is failing to protect ground water, the system must be upgraded, replaced, or its use discontinued within the time required by local ordinance. If an existing system is not failing as defined in law, and has at least two feet of design soil separation, then the system need not be upgraded, repaired, replaced, or its use discontinued, notwithstanding any local ordinance that is more strict. This provision does not apply to systems in shoreland areas, Wellhead Protection Areas, or those used in connection with food, beverage, and lodging establishments as defined in law.

SKETCH PLAN



Big Wolf Lake



wolf lake rd

parking shed

WETLAND

EL [Signature] #808

10-12-16

APPLICANT OR AGENT

DATE

**ALETTO ONSITE / DESIGN**

**Setting the standard in wastewater design**

**D-1 / MPCA # 808**

**Licensed Bonded Insured**

# 07.39.01200

10-12-16

Brett + Sherry Wyman

**The individual sewage treatment system that was inspected on 10-28-16 and the information contained in the following MPCA report does not guarantee future hydraulic performance of the said system. This report pertains to the system as it was found on the dates of inspection. As of the date above, the ISTS was functioning adequately and meets current MPCA chapter 7080 sewage treatment code.**

**Maintenance performed on the system over its life span will provide an individual sewage treatment system with a much better chance of future hydraulic longevity.**

**TANKS MUST BE PUMPED AND MAINTAINED BY A LICENSED PROFESSIONAL EVERY THREE YEARS.**

**PRACTICING WATER CONSERVATION IS A GOOD IDEA WHEN SERVICED BY AN ON-SITE SEWAGE TREATMENT SYSTEM.**



**alettoonsite1@hotmail.com**

**Edward C. Aletto**

**8312 Sautbine Rd. NW**

**Walker Mn 56484**

**(218) 839-9919**



No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed (X) not required  
Certificate of Real Estate Value No. June 28, 2005  
Pam Heeren  
County Auditor  
by Joh  
07.01.01600 07.37.01200 Deputy

OFFICE OF THE COUNTY RECORDER  
HUBBARD COUNTY, MINNESOTA

CERTIFIED, FILED, AND/OR  
RECORDED ON  
06/28/2005 10:15AM  
AS DOC #: A000308928

NICOLE K. LUETH  
HUBBARD COUNTY RECORDER

BY 026  
DEPUTY

PAGES: 1

STATE DEED TAX DUE HEREON: \$ 1.65  
Date: June 28 P.W  
June 16, 2005, HX

(reserved for recording data)

FOR VALUABLE CONSIDERATION, PAMELA J. WASHBURN,  
a single person, Grantor (s),  
(marital status)  
hereby convey (s) and quitclaim (s) to BRETT R. WYMAN and SHERRY A. WYMAN,  
husband and wife, Grantee (s),  
real property in Hubbard County, Minnesota, described as follows:

Lot No. 18 of the Plat of Crescent Beach, Wolf Lake, as per the plat thereof now of record in the office of the County Recorder, Hubbard County, Minnesota; and

Part of Government Lot 11, Section 1, Township 145 North, Range 32 West of the Fifth Principal Meridian, more particularly described as follows: Beginning at the Northeast corner of Lot 18, Plat of Crescent Beach, and continuing this North line in an Easterly direction a distance of 172' to the West Bank of Wolf Creek; thence Southerly along the West Bank of Wolf Creek a distance of 61'; thence Westerly at a right angle a distance of 145' to the Southeast corner of said Lot 18; thence North on the East line of the said Lot 18 a distance of 51' to the point of beginning, containing one-fifth acre, more or less, less easement, right-of-way, and flowage rights.

THE TOTAL CONSIDERATION FOR THE TRANSFER OF THIS PROPERTY IS \$500 OR LESS.

(if more space is needed, continue on back)  
together with all hereditaments and appurtenances belonging thereto.

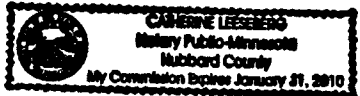
1.65  
Affix Deed Tax Stamp Here  
blair  
Pam Heeren

Pamela J. Washburn  
PAMELA J. WASHBURN

STATE OF MINNESOTA  
COUNTY OF Hubbard } ss.

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of June, 2005  
by Pamela J. Washburn, a single person, Grantor (s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



Catherine Leisberg  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

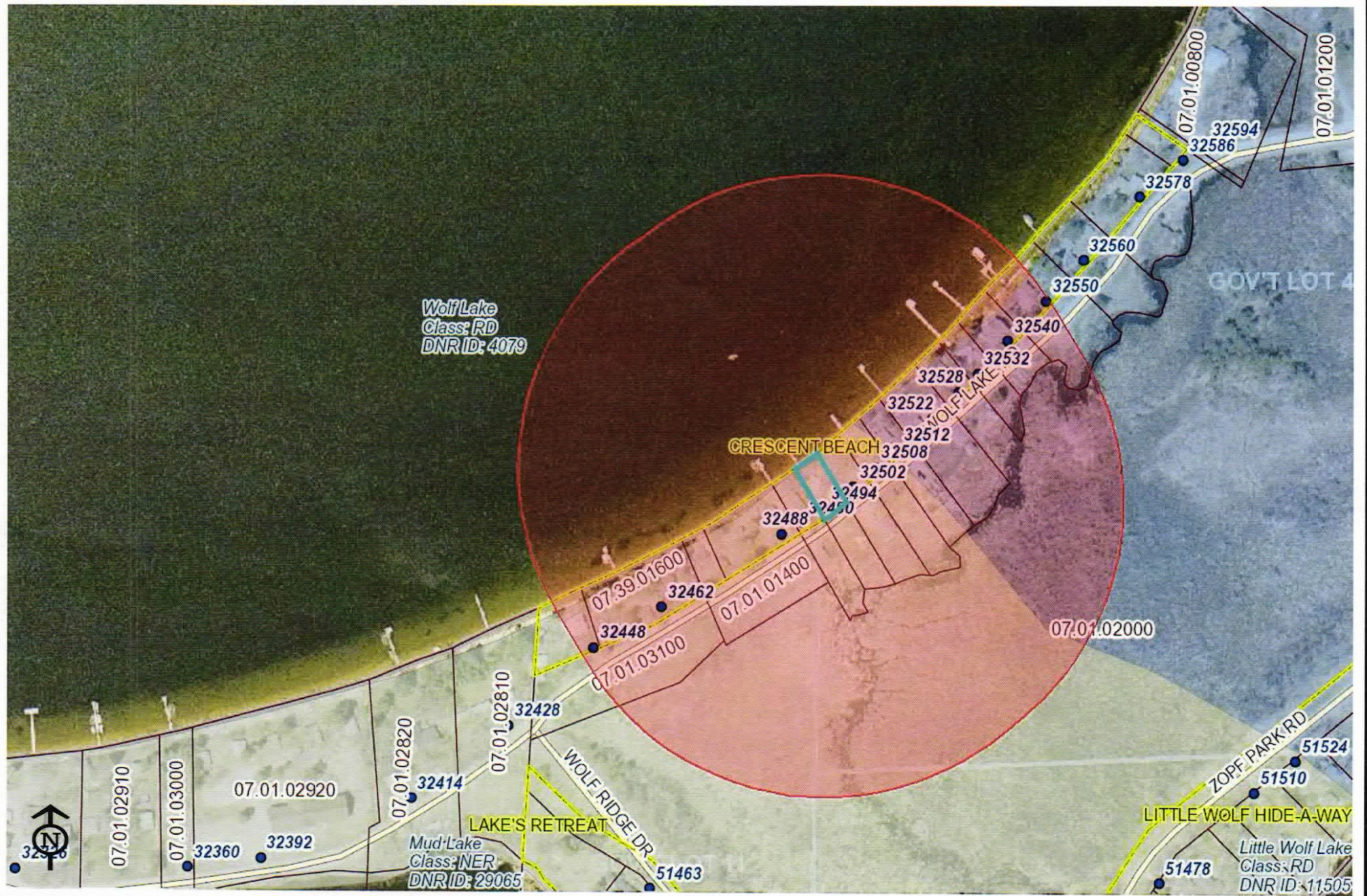
Brett and Sherry Wyman  
51185 West Mayberry Drive  
Cass Lake, MN 56633

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):  
Timothy R. Faver (#28575)  
Attorney at Law  
619 Beltrami Avenue  
Bemidji, MN 56601

2012

## Directions to property:

Highway 71 to Highway 2. Turn left on  
Wolf Lake Road (at approx. mile marker 125 1/2)  
Go approximately 2 miles to 32494 - Sage  
green siding



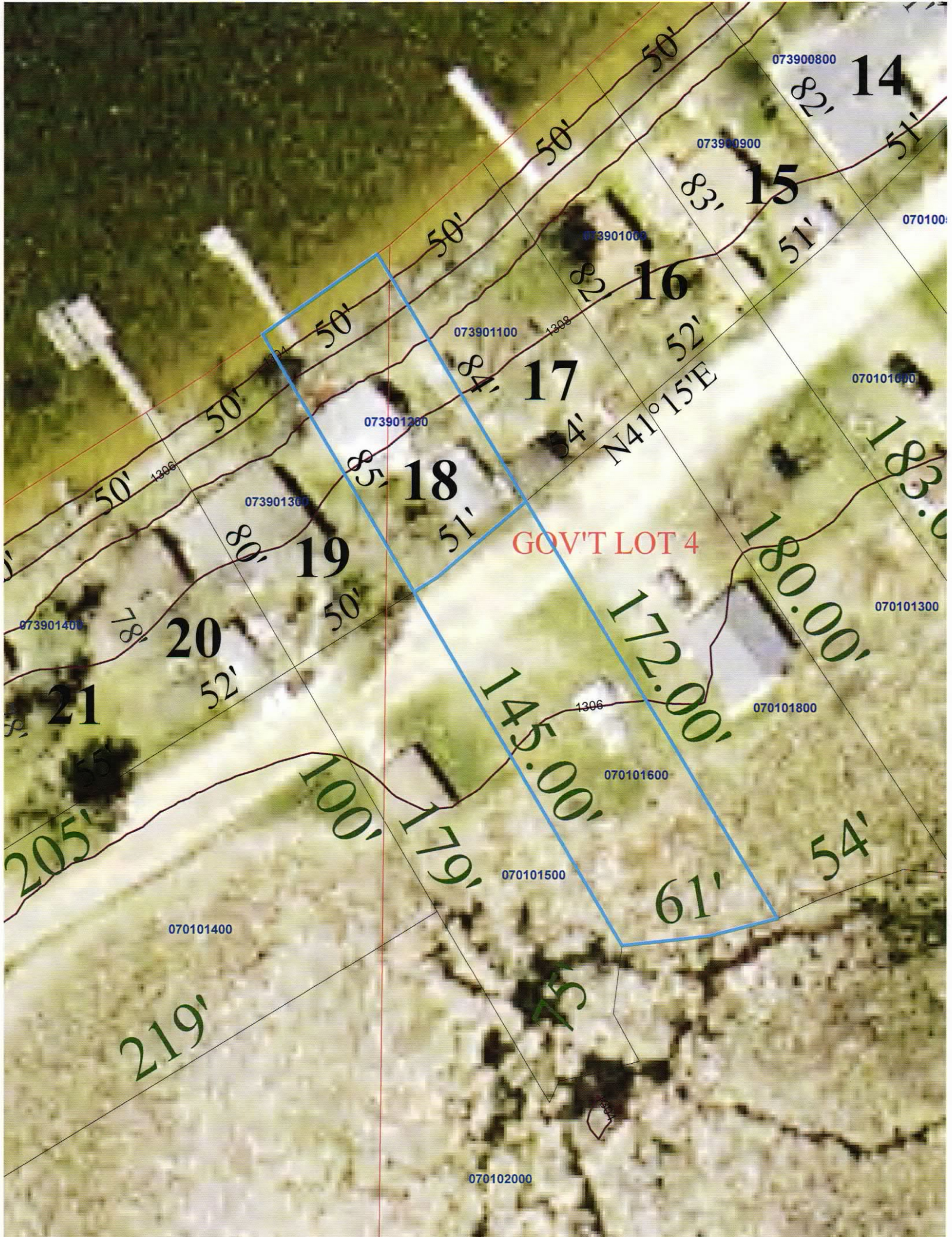
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## 24-V-17 Wyman

PARCEL ID	TAXPAYER NAME 1	TAXPAYER NAME 2	TAXPAYER ADDRESS 1	TAXPAYER CITY	TAXF TAXPA
07.39.00500	ANDERSON FAMILY TRUST	C/O DONALD ANDERSON TTE	32540 WOLF LAKE RD	CASS LAKE	MN 56633
07.39.01200	BRETT B & SHERRY A WYMAN		51185 W MAYBERRY DR	CASS LAKE	MN 56633
07.39.00900	CROOKER FAMILY TRUST		32512 WOLF LAKE RD	CASS LAKE	MN 56633
07.01.03100	DANIEL B & SUSAN E WETENKAMP	C/O ERWIN D WETENKAMP	15975 210TH ST SW	RED LAKE FALLS	MN 56750
07.01.01800	DARRIN L VATNSDAL	LAURA A VATNSDAL	607 13TH ST SE	EAST GRAND FORKS	MN 56721
07.39.00600	DONALD L & LISA K ANDERSON		923 5TH AVE SE	EAST GRAND FORKS	MN 56721
07.39.01500	H & J HOLDINGS LLC	ATTN: JODI L PHILLIPS	4405 12TH ST W	WEST FARGO	ND 58078
07.01.01400	H & J HOLDINGS LLC ETAL	C/O JODI L PHILLIPS	4405 12TH STREET W	WEST FARGO	ND 58078
07.01.02000	JOHN SANDERSON		BOX 368	ELGIN	ND 58533
07.01.01300	KATHRYN A & MARK HEGSTROM		16112 BIRCHWOOD LANE	BRAINERD	MN 56401
07.39.01700	L S & B M STURLAUGSON REV TR	C/O LEA HOLM	509 5TH ST W	PARK RIVER	ND 58270
07.39.00400	MARK S CAPOUCH ETAL		1931 9TH AVE E	HIBBING	MN 55746
07.01.01500	PAMELA J WASHBURN		32490 WOLF LAKE RD	CASS LAKE	MN 56633
07.39.00700	RICHARD MCGEHERAN		5539 32ND AVE S	MINNEAPOLIS	MN 55417
07.01.00500	TODD M & BARBARA RAYMOND		32522 S BIG WOLF LAKE RD	CASS LAKE	MN 56633



2017 aerial photo – parcel 07.39.01200 Brett and Sherry Wyman



073900800

14

073900900

15

0701000

073901000

16

073901100

17

N41°15'E

070101000

073901200

18

GOV'T LOT 4

073901300

19

180.00'

070101300

073901400

20

172.00'

070101800

21

1306

070101600

205'

100'

179'

070101500

145.00'

61'

54'

070101400

219'

070102000

07.39.01200



## MISSISSIPPI HEADWATERS BOARD

CASS COUNTY COURTHOUSE • PO BOX 3000 • WALKER MN 56484-3000

PHONE 218-547-7263

TOLL FREE 1-888-547-3301 EXT 263

FAX 218-547-7376

E MAIL [cass.mhb@co.cass.mn.us](mailto:cass.mhb@co.cass.mn.us)

WEB SITE [www.mississippiheadwaters.org](http://www.mississippiheadwaters.org)

COPY

**Date:** Tuesday, May 25, 2004

**To:** Pamela Washburn, Brett Wyman  
416 Lund Ave  
Glyndon, MN 56547  
Lot 18, Big Wolf Lake  
Crescent Beach, Farden Township  
S1, T145, R32 - 07.39.01300  
Cass Lake, Hubbard County

**And:** Hubbard County Recorder's Office (for attachment to the property deed)

**From:** Mississippi Headwaters Board

**RE: NOTIFICATION OF CERTIFICATION**

This is to inform you that the Mississippi Headwaters Board had reviewed/discussed your variance request at their May 21st, 2004 board meeting. Your request was to construct an addition to a non-conforming structure on a non-conforming lot on Big Wolf Lake. Variance request was for lake set back and road set back. This request for both variances were granted based on the following:

- 1) Impervious surface percentage is not an issue as applicant's property extends beyond the road
- 2) Addition will be added to the back of the main house, no additional encroachment to the lake
- 3) Applicant agrees to remove bath from the boat house after addition construction is complete (per Hubbard County)
- 4) Hubbard County has granted this request

Your conscientious stewardship and adherence to MHB Management Plan standards ensures the ongoing local control of our national environmental treasure. Thank you for your efforts.



Chairman

CC: Commissioner Swede Nelson, Garry Johanson (Planning and Zoning)



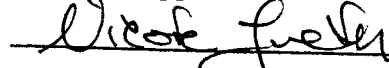
**COPY**

07.39.01300

OFFICE OF COUNTY RECORDER  
HUBBARD COUNTY, MINNESOTA

THIS INSTRUMENT WAS CERTIFIED, FILED  
AND/OR RECORDED ON 06/07/2004 AT  
08:23AM

A000299500



NICOLE K. LUETA  
HUBBARD COUNTY RECORDER

PAGES: 2

**HUBBARD COUNTY BOARD OF  
ADJUSTMENT**

**STATE OF MINNESOTA)**

**VARIANCE PROCEEDINGS**

**COUNTY OF HUBBARD)**

**ORDER OF VARIANCE  
OR  
DENIAL OF VARIANCE**

In the Matter of: **Variance Appeal #14-V-04**

REQUEST: Applicant is requesting to construct a 10' x 20' addition to a nonconforming structure located on a nonconforming lot (Section 705 of the Hubbard County Shoreland Management Ordinance). Big Wolf Lake is a recreational development lake.

Owner: Pamela J. Washburn  
32494 Wolf Lake Road  
Cass Lake, MN 56633

The above entitled matter came on to be heard before the Board of Adjustment on the 17<sup>th</sup> day of May, 2004, on a petition for a variance pursuant to the Hubbard County Zoning Ordinance, for the following described property:

Lot No. 18 of the Plat of Crescent Beach, Wolf Lake, as per the plat thereof now of record in the Office of the County Recorder, Hubbard County, Minnesota

IT IS ORDERED that a variance be approved upon the following conditions or reasons:

Hawes moved to approve Variance Appeal #14-V-04 by Brett Wyman as presented with the contingency that the septic system must have a compliance inspection completed on the septic holding tank. An alarm system and a pumping agreement form must be presented to the Enviromental Services Office within 60-days and prior to any building permit being issued. In addition, the toilet and all water utilities must be removed from the boathouse.

This is in accordance with Section 1104 of the Hubbard County Shoreland Management Ordinance



Y900

and the findings of facts on file with the Planning & Zoning Office.

DATED this 27 day of May, 2004

*Lou Schwindt*

Lou Schwindt  
Chairman, Board of Adjustment

STATE OF MINNESOTA)

HUBBARD COUNTY

ss.

COUNTY OF HUBBARD )

PLANNING ZONING OFFICE

I, Garry Johanson, Planning Zoning Administrator for the County, with and in for said County, do hereby certify that I have compared the foregoing Copy and Order approving the Variance with the original record thereof preserved in my office, and have found the same to be a correct and true transcript of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand at Park Rapids, Minnesota, in the County of Hubbard on the 27 day of May 2004.

*Garry Johanson*

Garry Johanson  
Hubbard County Planning Zoning Administrator

STATE OF MINNESOTA)

ss.

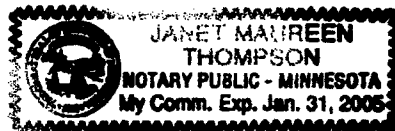
COUNTY OF HUBBARD)

On this 27 day of May, A.D. 2004, before me, a Notary Public within and for said County, personally appeared Lou Schwindt, Chairman, Board of Adjustment, and Garry Johanson, Hubbard County Planning Zoning Administrator, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

*Janet Maureen Thompson*

Janet Maureen Thompson, Notary Public

My commission expires  
January 31, 2005



**FINDINGS OF FACT  
SUPPORTING/DENYING A VARIANCE**

**Name of Applicant:** Pamela J. Washburn & Brett Wyman **Date:** 5/17/04

**Variance requested:** Applicant is requesting to construct a 10' x 20' addition to a nonconforming structure located on a nonconforming lot (Section 705 of the Hubbard County Shoreland Management Ordinance). Big Wolf Lake is a recreational development lake.

A variance may be granted only where the strict enforcement of county zoning controls will result in unnecessary hardship. A determination that a "hardship" exists is based upon consideration of the following criteria:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules? YES (x) NO ( )

Why or why not? Yes the addition is away from the lake.

2. Without the variance, is the owner deprived of a reasonable use of the property? YES (x) NO ( )

Why or why not? Yes he needs more living space because it is a very small place that he has and if he is going to live there year round he needs it.

3. Is the alleged hardship due to circumstances unique to this property? YES (x) NO ( )

Why or why not? Yes the cabin was built to small originally.

4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners? YES (x) NO ( )

Why or why not? Yes the platting of the property into lots were created to small at that time and before 1971.

5. Will the issuance of the variance maintain the essential character of the locality? YES (x) NO ( )

Why or why not? Yes, it will not change. This addition is away from the lake.

6. Does the alleged hardship involve more than economic considerations? YES (x) NO ( )


Why or why not? Yes there are no economic considerations.

If all answers are Yes, the criteria for granting the variance have been met.

Facts supporting the answer to each question, above, are hereby certified to be the Findings of the Board of Adjustment.

APPROVED (x) DENIED ( )

DATED: 5/27/04

  
\_\_\_\_\_  
Chairman, Board of Adjustment

**HUBBARD COUNTY**

**Board of Adjustment Meeting (Appeal #14-V-04 – Washburn & Wyman)**

**May 17, 2004**

**9:00 AM**

Chairman Lou Schwindt called the meeting to order with the following Board Members presented; Harvey Hawes, Arnold Christianson, Earl Benson, Charles 'Chick' Knight and Lou Schwindt. Others present were Planning & Zoning Administrator, Garry Johanson and Recording Secretary, Janet Thompson.

Following is the purpose of the Hubbard County Board of Adjustment: The Hubbard County Board of Commissioners appoints the Hubbard County Board of Adjustment. Our job is to hear the appeal from property owners that cannot meet the provisions of the County Ordinance. Variances shall be granted when they are in harmony with the general purposes of the Ordinance and where the property owner can demonstrate a hardship exists. Hardship means that the property cannot be put to reasonable use without the variance. The plight of the landowner is due to circumstances unique to the property; the landowner or the variance did not create the hardship. If granted, it will not alter the character of the neighborhood. Economic considerations alone cannot constitute a hardship. All decisions by the Board shall be final except that they may be appealed directly to District Court.

**VARIANCE APPEAL #14-V-04 BY PAMELA J. WASHBURN & BRETT WYMAN:** Lot Eighteen (18), Plat of Crescent Beach, Section One (1), Township One Hundred Forty-five (145), Range Thirty-two (32), Farden Township on Big Wolf Lake. Applicant is requesting to construct a 10' x 20' addition to a nonconforming structure located on a nonconforming lot (Section 705 of the Hubbard County Shoreland Management Ordinance). Big Wolf Lake is a recreational development lake.

Brett Wyman and Barb Remund presented the variance appeal to the Board. This appeal is on Big Wolf Lake and also falls within the Mississippi Headwater's Board jurisdiction.

Wyman pointed out that there is no plumbing in the cabin. It is winterized and therefore, the current entryway is proposed to be removed and that space will be squared off.

This cabin is 15-feet from the lakeshore, 85-feet from the road, and the addition would be started at 64-feet from the lakeshore.

Benson felt that everyone needs an interior bathroom and every lakeshore home in that area is at a similar setback.

The stool and shower in the bath house must be removed if this variance were to be allowed stated Johanson. Due to the size of this lot, two structures with septic facilities cannot be allowed.

Knight pointed out that this entire community is going to a centralized sewage system. Until this sewage treatment area is completed, holding tanks are currently being utilized. All holding tanks must have a pumping agreement and alarm system on their tanks.

Barb Remund pointed out that the land for the centralized sewage system is being closed on this afternoon and it will be mandatory that all 19 properties within this area be connected to this centralized sewage system. The property in question is part of this collective system.

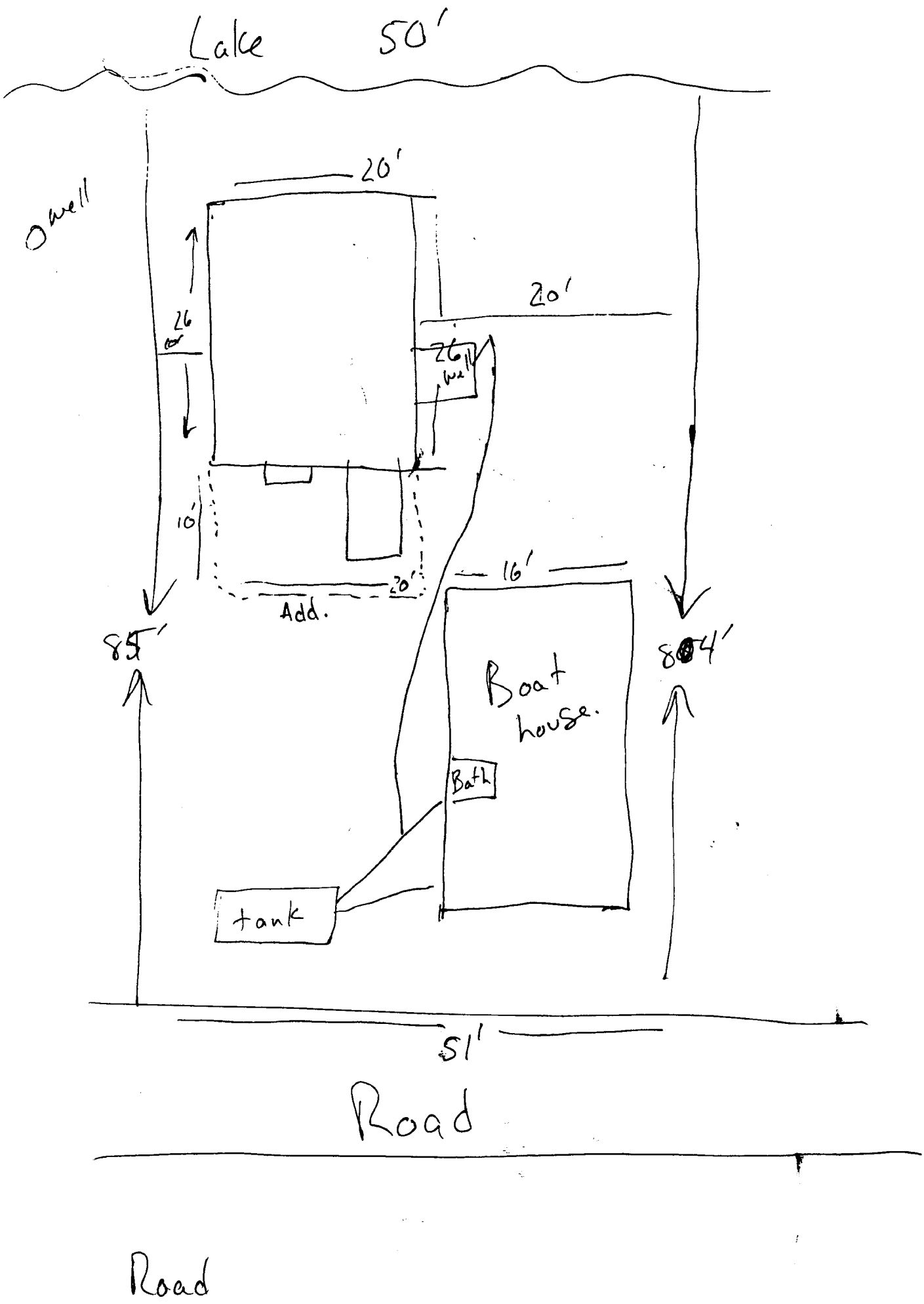
Pete Bachmeier felt that the property owner does not have a proper holding tank. He felt that there should be a check on this issue.

Hawes moved to approve Variance Appeal #14-V-04 by Brett Wyman as presented with the contingency that the septic system must have a compliance inspection completed on the septic holding tank. An alarm system and a pumping agreement form must be presented to the Environmental Services Office within 60-days and prior to any building permit being issued. In addition, the toilet and all water utilities must be removed from the boathouse.

Hawes read the findings of facts into the record. This is in accordance with Section 1104 of the Hubbard County Shoreland Management Ordinance and the findings of facts on file with the Planning & Zoning Office.

Respectfully Submitted,

Janet Thompson  
Recording Secretary.



# Environmental Services

301 Court Avenue, Park

Rapids, MN 56470 Phone: 218.732.3890

[www.co.hubbard.mn.us/departments/environmental\\_services/index.php](http://www.co.hubbard.mn.us/departments/environmental_services/index.php)

Veronica Andres, Admin. Asst. • Eric Buitenwerf, Env. Services Officer • Bill DonCarlos, AIS Program Coordinator Bryan Haugen, Env. Specialist • Jeff Kelly, Env. Specialist • Paige Nulliner, Admin. Asst. • Kevin Trappe, GIS Tech. Hubbard County is an equal opportunity employer

**Variance Application 24-V-17 by Brett and Sherry Wyman:** Part of Gov. Lot 11, Section 1, Township 145, Range 32, Farden Township on Big Wolf Lake, a recreational development lake. Parcel 07.39.01200. Applicants are requesting a variance from Section 702 of the Shoreland Management Ordinance to rebuild and change the roof orientation on a nonconforming residence located in the shore impact zone.

## Enclosed Documents:

- 2011 aerial photo with subject property highlighted and 2' elevation contours shown
- 2017 aerial photo of property
- Pertinent pages of Variance 14-V-04 that allowed a 10' x 20' addition to be made to the cabin

The request is to tear down the existing cabin and rebuild it with a roof that has its ridge oriented perpendicular to the shoreline instead of the current parallel to the shoreline orientation. A variance is needed because the roofline is being reoriented and thereby occupying airspace that the current cabin does not occupy. Otherwise, Section 701 of the Shoreland Ordinance would allow the nonconforming structure to be rebuilt by permit if the new structure kept the same 3-D dimensions as the original. The applicants pulled a permit for the addition allowed by Variance 14-V-04 earlier this year and realized once they got into the structure that the cabin was not worth adding onto. Because the lot is located on Big Wolf Lake which is part of the Mississippi Headwaters Corridor, any variance approval action by the Board of Adjustment must also be certified (i.e. approved) by the Mississippi Headwaters Board.

The SSTS servicing the cabin is a 1000 gallon holding tank. A condition of Variance 14-V-04 is that the guest cottage (a.k.a. boathouse) must be disconnected from the holding tank in order for the addition to be constructed. The tank meets sizing requirements for the number of bedrooms in the cabin.

The department finds that there is a legitimate practical difficulty in meeting setbacks on the lot because the cabin is sandwiched between the lake and road and boathouse (i.e. guest cottage). The question is whether the roof orientation change will pose a significant aesthetic impact given the cabin is only 17' from the OHW.

Below are proposed findings of fact for your consideration:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules? Yes (X ) No ( )

Why or why not? The lot is only 100' deep between the shoreline and Big Wolf Lake Road and there also is an existing 14.5' x 22.5' accessory structure in this area. The sole change to the cabin will be the roof ridge orientation. The height will stay the same. This impact will be negligible and aesthetic only.

2. Without the variance, is the owner deprived of a reasonable use of the property?  
Yes ( X ) No ( )

Why or why not? The cabin has been found by the owners to be in poor condition and in need of replacement to be structurally sound and thus able to support the 10' x 20' addition allowed by Variance 14-V-04. The cabin could be rebuilt by permit. The only change requiring a variance is the roof ridge orientation being turned 90 degrees.

3. Is the stated practical difficulty due to circumstances unique to this property? Yes (X) No ( )

Why or why not? The lot is 50' wide and only 100' deep between the lake and road. In this space, there also is a 14.5' x 22.5' accessory structure and a 1000 gallon holding tank. The back of the lot on the other side of the road also has very limited space due to an existing accessory structure and wetland that occupies the rear third of this side of the lot. There is not another place on the lot where the cabin could go.

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner?

Yes ( X ) No ( )

Why or why not? The lot and existing house were created many decades prior to the ordinance's enactment. The difficulty is caused by the small lot size, location of existing accessory structures, and the road running through the middle of the lot.

5. Will the issuance of the variance maintain the essential character of the locality?

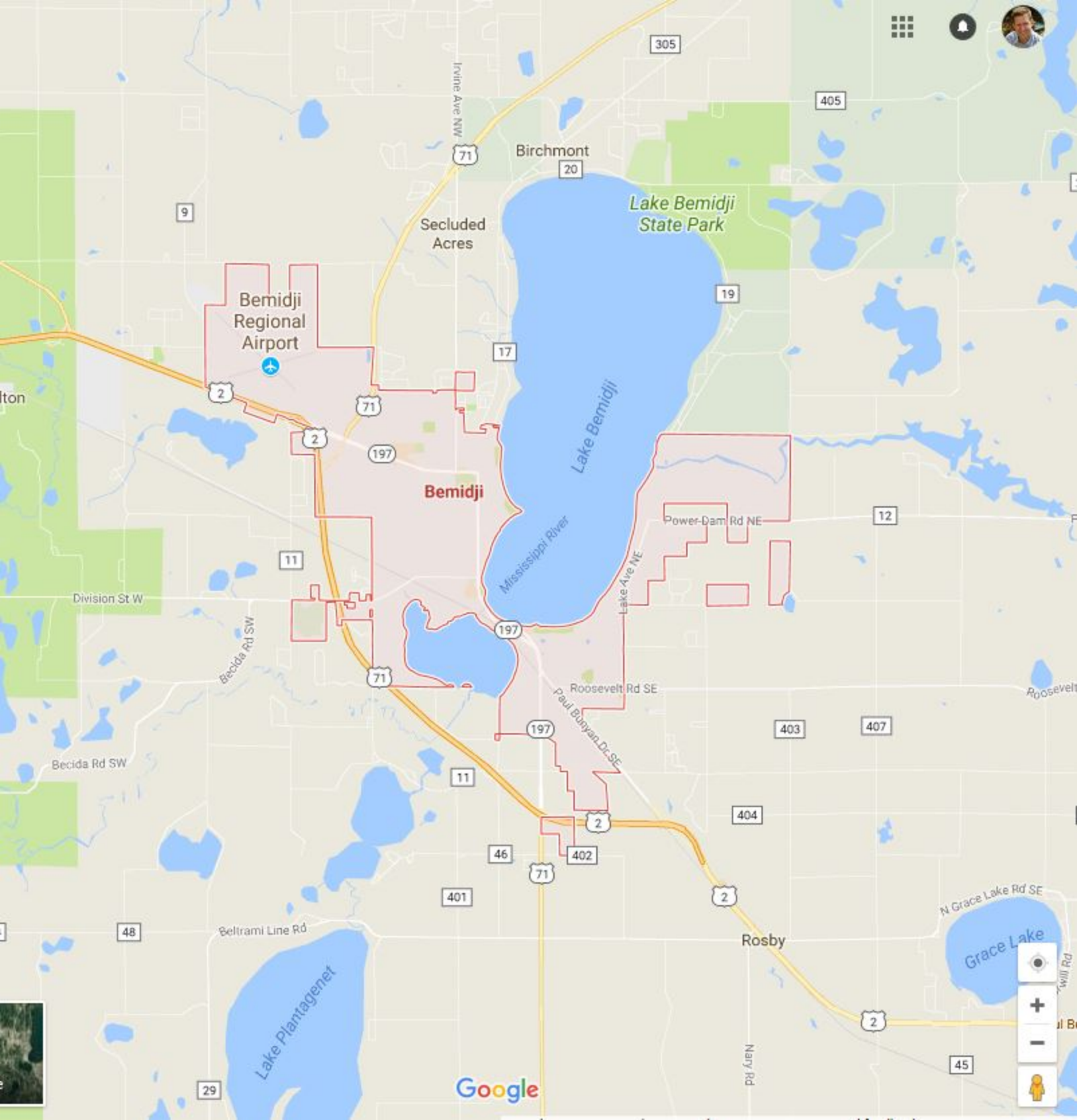
Yes ( X ) No ( )

Why or why not? The new house will be nearly identical to the current house except for the roofline orientation change. The house has been in the location for decades and predates many of the other homes in the neighborhood that is comprised of single family seasonal and year-round residences.

6. Does the stated practical difficulty involve more than economic considerations? Yes (X) No ( )

Why or why not? Economics were not cited in the application as the sole difficulty. The difficulty is due to the unique lot size, location of existing accessory structures, and the road's running through the center of the lot.





305

405

71

Birchmont  
20

9

Secluded  
Acres

Lake Bemidji  
State Park

19

Bemidji  
Regional  
Airport

17

2

71

197

Bemidji

197

Power-Dam Rd NE

12

11

Division St W

197

Becida Rd SW

Roosevelt Rd SE

Becida Rd SW

197

403

407

11

2

404

46

402

401

71

2

Rosby

N Grace Lake Rd SE

Grace Lake

Bellrami Line Rd

48

Lake Plantagenet

29

Google

NARY Rd

2

45





**Location:**  
445 Town Hall Rd NW  
Bemidji, MN 56601  
**Phone:** 218-751-4989  
**Fax:** 218-444-5374  
[nthntwp@paulbunyan.net](mailto:nthntwp@paulbunyan.net)

**MENU** HOME FORMS POLICIES ORDINANCES AGENDAS/  
MINUTES CONTACT US

- [Dog and Cat Regulation Ordinance](#)
- [Nuisance Ordinance](#)
- [Off-sale Liquor Ordinance](#)
- [On-sale Liquor Ordinance](#)
- [Parking Ordinance](#)

These Ordinances are on the [Greater Bemidji Area Joint Planning Board's site:](#)

- [Planning and Zoning Ordinance](#)
- [Map 1 \(8X10\)](#)
- [Map 2 \(11X17\)](#)



Northern Township is part of the Greater Bemidji Area Joint Planning Board

Minn. Op. Atty. Gen. 59A-32 (Minn.A.G.), 1999 WL 304269

Office of the Attorney General

State of Minnesota

59a-32 (Cr. Ref. to 125a-66, 477b-34, 484a-1, 484e-1)

May 11, 1999

**CITIES: ZONING: City ordinance zoning newly annexed land in Mississippi headwaters area is not subject to requirement for formal review and certification by Mississippi Headwaters Board, but must, nonetheless comply with the Boards' comprehensive land use plan. [Minn. Stat. § 103f.371 - 103f.375 \(1998\)](#).**

\*1 Jay Squires, Esq.

Ratwik, Roszak & Maloney, P.A.

300 Peavey Building

730 Second Avenue South

Minneapolis, Minnesota 55402

Dear Mr. Squires:

In a letter to Attorney General Mike Hatch your predecessor, as counsel for the Mississippi Headwaters Board, set forth substantially the following

#### FACTS

The Mississippi Headwaters Board (the Board) is an eight-county unit of government formed under a joint powers agreement pursuant to [Minnesota Statutes Section 103F.361 to 103F.377](#). The Board is the final zoning authority within the Mississippi Headwaters corridor, which extends throughout the eight-member counties, excluding municipalities.

The primary purpose of the Board is to “assure that its management plan is not nullified by unjustified exceptions in particular cases and to promote uniformity in the treatment of applications for exceptions.” To accomplish this, a review and certification procedure is established by [Minn. Stat. § 103F.373](#), subd. I for the following categories of land and use actions by the counties and directly or indirectly affecting land use within the corridor:

1. The adoption or amendment of an ordinance regulating the use of land, including rezoning of particular tracts of land;
2. The granting of a variance from provisions of the land use ordinance; and
3. The approval of a plat which is inconsistent with the land use ordinance.

[Section 103F.375](#) provides that, if a municipality within the corridor annexes land which would otherwise be subject to the Headwaters authority, “...a moratorium shall exist on ... all subdivision platting and building permits on the land until zoning regulations are adopted for the land that comply with the provisions of the [management plan] ...”

The letter then presents substantially the following

#### QUESTIONS

1. Is the adoption by the municipality of zoning regulations pursuant to [Section 103F.375](#), subd. 1 subject to the review and certification process provided for in [Section 103F.373](#), subd. 1?

2. Following the adoption by the municipality of the new zoning regulations, does the review and certification process provided for in [Section 103F.373](#), subd. 1 apply to the granting of variances and the approval of inconsistent plats as provided for in [Section 103F.373](#), subd. 1?

### OPINION

We answer your questions in the negative. The Board has adopted and implemented a comprehensive land use plan to protect and enhance the Mississippi River and its shoreland that is within the member counties. See [Minn. Stat. §§ 103F.367, 103F.369 \(1998\)](#). As you have noted, Minn. Stat. § 103 F. 375 subd. 1 (1998) provides:

\*2 If land subject to the plan is annexed, incorporated, or otherwise subjected to the land use planning authority of a home rule charter or statutory city, a moratorium shall exist on:

(1) all subdivision platting and building permits on the land until zoning regulations are adopted for the land that comply with the provisions of the plan; and

(2) construction, grading and filling, and vegetative cutting as those activities are defined in the plan.<sup>1</sup>

Following incorporation or annexation, an area previously governed by country land use controls adopted pursuant to Minn. Stat. ch. 394 will be a part of, and subject to, the jurisdiction of the city for purposes of land use regulation. See [Minn. Stat. § 462.351, et seq. \(1998\)](#), Op. Atty. Gen. 484e-1, June 7, 1968. That area will no longer be subject to the county zoning authority absent an agreement between the city and the county that so provides. See [Minn. Stat. §§ 394.24, 394.32 \(1998\)](#). In order to provide for a continuity of regulation consistent with the plan adopted by the Board, the legislature has mandated a moratorium on development activities in the newly incorporated or annexed territory until zoning controls are adopted by the city to apply to that territory. Furthermore, those zoning controls are required to comply with the provisions of the comprehensive plan adopted by the Board. However, unlike the case of the member counties, the Board is granted no final and direct certification power over the adoption or implementation of zoning controls by a city.

Minn. Stat. § 103F. 373 (1998) provides that certain “actions taken by counties” affecting land use within the area covered by the plan, including adoption or amendment of land use ordinances, granting of variances and approval of plats, will not be effective until the Board has certified that they are consistent with the plan. That authority applies “notwithstanding any provision of Chapter 394 to the contrary.” However, no similar authority is granted to the Board with respect to actions taken by cities pursuant to [Minn. Stat. §§ 462.351 et seq.](#)<sup>2</sup> Therefore a city, in adopting or administering land use controls, is not subject to the formal review and certification process imposed under [Section 103F.373](#).

However, pursuant to Minn. Stat. § 103F. 371, all local governments are required to exercise their powers “so as to further the purposes of Sections 103F. 361 to 103F. 377 and the plan.” An action that does not conform to the country's land use ordinance may not be taken until the Board has been notified and given an opportunity to comment upon the consistency of the action with the management plan and those purposes. Therefore the Board would be entitled to review, and comment upon, proposed actions by a city under its planning and zoning power.

Whether the zoning controls that are adopted by a city to govern the newly incorporated territory “comply with the provisions of the plan,” so as to lift the moratorium is an issue upon which there could be disagreement among the various interested parties, including the Board. In like manner, there could be disagreements concerning the enforcement of those controls. If not otherwise resolved, such disputes may require a judicial determination pursuant to [Minn. Stat. § 462.361](#). Sincerely yours,

\*3 Mike Hatch  
Attorney General  
Kenneth E. Raschke, Jr.  
Assistant Attorney General

#### Footnotes

- 1 As written, the subdivision identifies no time limitation upon the moratorium applied to the activities identified in paragraph (2). However, prior to recodification by Minn. Laws 1990 ch. 391 art. 6 § 48, the predecessor to this provision more clearly indicated that the moratorium upon all the identified activities continued only until the requisite zoning regulations were adopted. See [Minn. Stat. § 114B.05 \(1988\)](#). The 1990 recodification act was “not intended to alter the meaning of the law,” but only to be a “clarification and reorganization.” Minn. Laws 1990 ch. 391 art. 10 § 1. Thus, we assume that all the activities listed in Section 103F. 375 are subjected to the same moratorium which remains in effect only until proper zoning regulations are enacted.
- 2 While towns are also authorized to engage in land use regulation pursuant to Chapter 642, town regulations may not be “inconsistent with or less restricted than” those adopted by the county. See [Minn. Stat. § 394.33](#), subd. 1 (1998).

Minn. Op. Atty. Gen. 59A-32 (Minn.A.G.), 1999 WL 304269

**Kennedy**

**&**

**Graven**

**CHARTERED**

Troy J. Gilchrist  
470 US Bank Plaza  
200 South Sixth Street  
Minneapolis MN 55402  
(612) 337-9214 telephone  
(612) 337-9310 fax  
tgilchrist@kennedy-graven.com  
<http://www.kennedy-graven.com>

Also: St. Cloud Office  
501 W. Germain Street, Suite 320  
St. Cloud, MN 56301  
(320) 240-8200 telephone

## **MEMORANDUM**

Date: July 8, 2016

To: Greater Bemidji Area Joint Planning Board

From: Troy Gilchrist, JPB Attorney

Re: Mississippi Headwaters Board Authority Related to Decisions of the JPB

This memo is to provide the Greater Bemidji Area Joint Planning Board (“JPB”) a legal opinion on its relationship with the Mississippi Headwaters Board (“MHB”) and the MHB’s authority to deny applications for development that the JPB may otherwise approve. Based on our review, while the MHB has certain authority to review and comment on applications before the JPB, it does not have the authority to deny or overturn JPB decisions.

The MHB is a joint powers board of eight separate counties charged with protecting the first 400 miles of the Mississippi River. The authority of the MHB comes from Minn. Stat. §§ 103F.361-.377. The MHB is charged with adopting a comprehensive land use plan (“Plan”) to protect the Mississippi River.<sup>1</sup> Member counties of the MHB are required to adopt ordinances consistent with the adopted Plan.<sup>2</sup> The statute also requires all local and special governmental units, councils, commissions, boards and districts and all state agencies and departments to exercise their powers so as to further the purposes of the MHB’s enabling statutes and the Plan.<sup>3</sup>

Proposed actions that do not comply with a county ordinance may not be started until the Board has been notified and given an opportunity to review and comment on the consistency of the action with the statute.<sup>4</sup> The JPB currently submits a great deal of information regarding its planning cases to the MHB and receives comments from the MHB. Seeking such comments is required by statute and needs to be continued. The JPB, however, is not strictly bound by any comments received from the MHB.

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<sup>1</sup> Minn. Stat. § 103F.369.

<sup>2</sup> Minn. Stat. § 103F.369, subd. 4.

<sup>3</sup> Minn. Stat. § 103F.371.

<sup>4</sup> Minn. Stat. § 103F.371; Minn. Op. Atty. Gen 59A-32 (1999).

Counties within the MHB are required to get approval from the MHB any time they adopt an amendment to their land use ordinance, grant a variance, or approve of a plat which is inconsistent with the land use ordinance. No such action taken by a member county is deemed effective until it is reviewed by the MHB and certified that it is consistent with the Plan.<sup>5</sup> However, this certification process is limited to actions approved by the MHB's member counties.

By the plain terms of the statute, the certification process is limited to county decisions and is not applicable to decisions made by other entities such as the JPB. Although the statutes require that all entities, including the JPB, use their powers to further the purposes of the MHB's enabling statutes and the Plan, there is no direct certification power of the MHB over other entities that have their own zoning regulations.<sup>6</sup> An Attorney General opinion issued in 1999 to the MHB supports this reading of the statutes. The opinion specifically noted that the review and certification process in Minn. Stat. § 103F.373 is limited to "actions taken by counties" within the area covered by the Plan and that the MHB was not provided similar certification authority with respect to actions taken pursuant to Minn. Stat. Chap. 462. A copy of the opinion is attached.

As such, the MHB's authority over the JPB is limited to reviewing and commenting on proposed actions that are inconsistent with the county's ordinance and, therefore, the Plan. While the JPB must act in a manner to further the purpose of the MHB and its Plan, the statute simply does not give the MHB the authority to certify, or refuse to certify, a decision of the JPB. The JPB must receive comments from the MHB as required, but ultimately the JPB is free to make its own decisions regarding zoning issues within its jurisdiction.

Moving forward, I recommend the JPB continue to forward its planning cases and other proposed actions to the MHB to provide it an opportunity to review and comment on them before the JPB acts. It is important for the JPB to forward this information to the MHB as part of its initial distribution of the materials so the MHB has sufficient time to review and comment before the matter is formally heard and acted on by the JPB. Continuing this practice will help avoid any confusion or dispute over whether a particular proposed action is inconsistent with the county's ordinance or the Plan. The MHB can then choose to provide comments to the JPB as it deems appropriate. The JPB is not required to continue what I understand has been the practice of the planning director personally presenting the planning cases to the MHB, especially since the presentation has been part of seeking the MHB's certification of the action. Implementing these changes will help bring the JPB's procedures in line with its obligations under the MHB's statutes and avoid the confusion that can result from the MHB's refusal to certify an action when the MHB actually does not have certification authority over JPB matters.

Feel free to let me know if there are any questions.

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<sup>5</sup> Minn. Stat. § 103F.373, subd. 2.

<sup>6</sup> Minn. Op. Atty. Gen. 59A-32 (1999).

**394.33 TOWN POWERS.**

Subdivision 1. **Not inconsistent.** The governing body of any town including any town with the powers of a statutory city pursuant to law may continue to exercise the authority to plan and zone as provided by law, but after the adoption of official controls for a county or portion thereof by the board of county commissioners no town shall enact or enforce official controls inconsistent with or less restrictive than the standards prescribed in the official controls adopted by the board. Nothing in this section shall limit any town's power to adopt official controls, including shoreland regulations which are more restrictive than provided in the controls adopted by the county. Upon the adoption or amendment of any official controls the governing body of the town shall record a certified copy thereof with the county recorder or registrar of titles. A certified copy of any official controls of any town which are in effect on August 1, 1974, shall also be filed by the governing body of the town with the county recorder or registrar of titles for record within one year from August 1, 1974.

Subd. 2. **Like municipality.** The board of supervisors of any town which has adopted or desires to adopt zoning regulations and restrictions pursuant to law shall have the authority granted the governing body of any municipality as provided in section 394.32.

**History:** 1959 c 559 s 13; 1963 c 692 s 7; 1965 c 678 s 1; 1974 c 571 s 39; 1976 c 181 s 2; 1995 c 254 art 3 s 4; 2005 c 4 s 99



OFFICIAL COPY

Commissioner Bjella offered the following resolution and moved its adoption:

Section 1 -- Policy and Authorization

An ordinance for controlling shoreland development in order to protect the Upper Mississippi River and its adjacent lands in Beltrami County, Minnesota, under the authority contained in M.S.A. 471.59, and in furtherance of policies contained in Minnesota Statutes Chapters 104,105, 115, 116, 394, 396, the Mississippi Headwaters Board joint powers agreement and the Mississippi Headwaters Board management plan for the Mississippi River and certain headwaters lakes referred to in this ordinance. This management plan shall hereinafter be referred to as the "Upper Mississippi River Management Plan".

The County Board of Commissioners of Beltrami County, Minnesota does ordain:

Section 2 -- Title

This ordinance shall be known, cited and referred to as the Beltrami County Upper Mississippi River Conservation Ordinance; except as referred to herein, where it shall be identified as, "this ordinance".

Section 3 -- Purpose

This ordinance is adopted to achieve the policy of Section 1 and to:

1. To comply with the Mississippi Headwaters Board joint powers agreement and in furtherance of the policy statement contained herein.
2. In furtherance of the objectives and policies contained in the Upper Mississippi River Management Plan for protection of the Mississippi River and adjacent lands and certain headwaters lakes.
3. Designate zoning districts along the Mississippi River which are contained within the Upper Mississippi River Management Plan.
4. Regulate the area of lot, length of lot, width of lot at the water line, setback of structures, sanitary waste treatment systems, structure height, and to protect the existing quality of Mississippi River shoreline, its vegetation soils, water quality, flood plain areas and geology.
5. Regulate alterations of the shoreland vegetation and topography.
6. Maintain property values and prevent uncontrolled or poorly planned development.

## Section 4 -- General Provisions

### 1. Jurisdiction

- a. The jurisdiction of this ordinance shall include all lands contained within the Mississippi River and headwaters lakes zoning district(s) within the jurisdiction of Beltrami County as identified in this ordinance and on map(s) 6 through 17 contained in the Upper Mississippi River Management Plan. The above specified maps are hereby adopted as a part of this ordinance.
- b. The jurisdiction of this ordinance shall not include lands within incorporated areas on the date of adoption of this ordinance.
- c. When land within the zoning district(s) is annexed, incorporated or in any other way transferred to another jurisdiction, a moratorium shall exist on all subdivision platting, building permits, construction, grading and filling, and vegetative cutting until the newly responsible unit of government adopts zoning for that land. The zoning shall meet the provisions of these rules that applied to the land before the transfer. This provision does not apply to work for which lawful permits were previously issued.

### 2. Compliance

- a. The use of the Mississippi River shorelands, the size and shape of the lot, the type, the dimensions and location of structures on the lot, the installation and maintenance of water supply and waste treatment facilities, the filling, grading, lagooning or dredging of any Mississippi River shoreland area, the cutting of shoreland vegetation and the subdivision of lots as prescribed in the Beltrami County, Minnesota Subdivision Controls Ordinance shall all be in full compliance with the terms of this ordinance, said subdivision controls ordinance, 6MCAR 4.8040 as promulgated by the Minnesota Pollution Control Agency and Minnesota Department of Health regulations. Said regulations are hereby adopted and made a part of this ordinance by reference.

### 3. Abrogation and Greater Restrictions

- a. This ordinance supersedes all provisions which are less restrictive of any Beltrami County, Minnesota zoning ordinance that applies to Mississippi River shoreland or flood plain areas or shoreland areas of the headwaters lakes designated in this ordinance.
- b. This ordinance does not prohibit local governments from adopting or continuing in force, by ordinance, regulations of the Mississippi River or headwaters lakes and its adjacent lands, which are more restrictive than those required by this ordinance.
- c. It is not otherwise intended, nor shall it be construed by this ordinance, to repeal, abrogate or impair any existing deed restrictions or ordinances thereof other than zoning to the extent specified in 3 (a). above. However, when this ordinance imposes greater restrictions the provisions of this ordinance

## Section 16 -- Review and Certification Procedures

### 1. Applicability

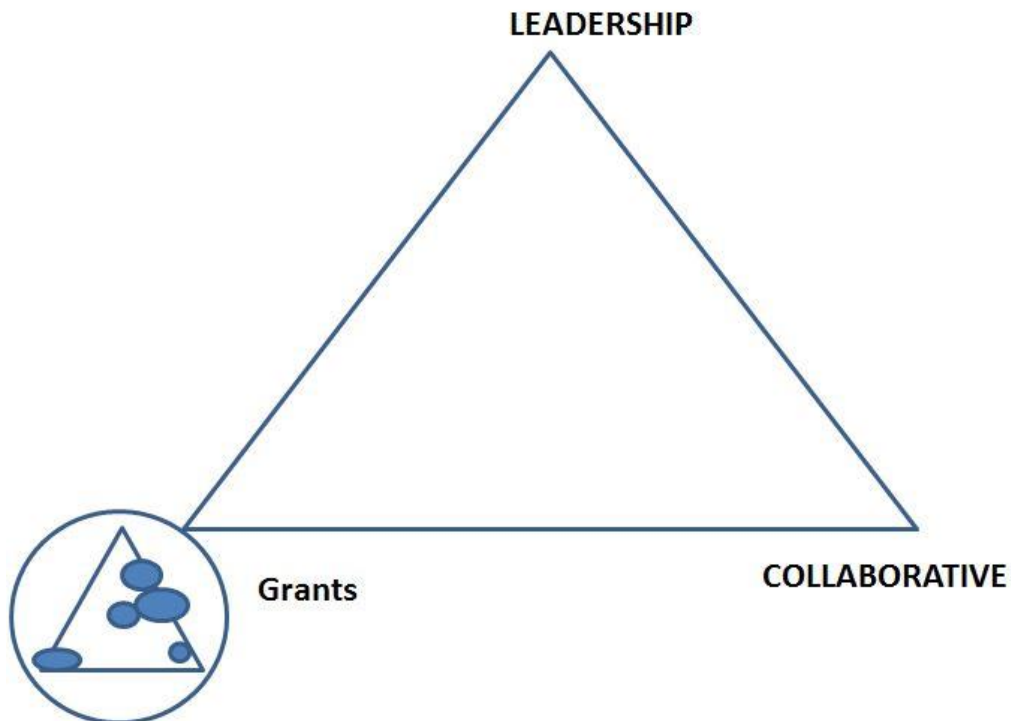
- a. In order to ensure the standards here are not nullified by unjustified exceptions and particular cases, and to promote uniformity in the treatment of applications for such exceptions, review and certification procedures hereby established for certain decisions consist of those which (1) directly affect the use of land within the Mississippi Headwaters Board designated zoning district boundary or (2) includes one of the following types of action:
  - (1) Adopting or amending an ordinance regulating the use of land, including rezoning particular tracts of land.
  - (2) Granting a variance from a provision of the local land use ordinance which relates to the zoning dimension provisions of the Mississippi Headwaters Board plan or any zoning dimension

## 2. Procedures

- a. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under the local ordinance shall be received by the MHB at least fifteen (15) days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.
- b. The local authority shall notify the MHB of its final decision on the proposed action within ten (10) days of the decision.
- c. The MHB shall no later than thirty (30) days from the time they receive notice of the final decision communicate to the local authority either:
  1. Certification of approval, with or without conditions; or,
  2. Notice of non-approval.
- d. The action becomes effective when, and only when, either:
  1. The final decision taken by the county has previously received certification of approval from the MHB; or,
  2. The county receives certification of approval after its final decision; or,
  3. Thirty (30) days have elapsed from the day the MHB received notice of the final decision and the county has received from the MHB neither certification of approval nor notice of non-approval; or,
  4. The MHB certifies their approval after conducting a public hearing.
- e. In the case of notice of non-approval of an ordinance or a variance or an inconsistent plat, either the applicant or the chief executive officer of the county may, within thirty (30) days of said notice, file with the MHB a demand for hearing. If the demand for hearing is not made within the thirty (30) days, the notice of non-approval becomes final. Also,
  1. The hearing shall be held in the county seat of the county to which the action applies within sixty (60) days of the demand for it, but not before two (2) weeks published notice. Notice and the conduct of the hearing and the allocation of costs of the hearing shall be accomplished in the same manner as provided in Minnesota Statute 105.44, subdivisions 5 and 6 (1971) as amended.
  2. Within thirty (30) days after the hearing, the MHB shall either certify their approval of the proposed action or deny it. Their decision shall be based upon findings of fact made on substantial evidence found in the hearing record.

## **Action/Discussion (att. 5 & 6)**

Executive Director's Report (att.5)  
Minnesota Traditions Presentation  
Contractor Paula West introduction  
Biennial Report (att. 6)  
Guidebook



# Executive Director Report

July 2017-August 2017

## Personnel, Budget, Administration, Information & Education, Correspondence

1. Reviewed monthly budget.
2. Prepared monthly agenda packet.
3. Sent in monthly expense report.
4. Reviewed potential variances that may be coming before the Board next month.
5. Attended weekly call in meeting with MPCA.
6. Sent out weekly request for AIS stories from local MHB counties
7. Held Audit meeting with Hugh Heineke.
8. Reviewed a Conditional Use Permit from Aitkin County.
9. Looked at the Itasca County Comprehensive Plan to get an idea how to create broad statements rather than bulleted points for our Mississippi River values.
10. MHB was mentioned as a partner in the CW county newsletter with the brand name Minnesota Traditions education and outreach campaign.
11. Received funding approval of \$2.96 M for LSOHC proposal.
12. Sent out official notification letter and parcel list to required Commissioners, agencies, and staff.
13. Sent invoices for reimbursement to DNR.
14. Checking on MPCA stormwater grants for Grand Rapids due to the fact that BWSR Clean Water Fund study grant is not available this year.
15. Signed contract between MHB and West Communications.
16. Sent out announcement letter of Paula West becoming the MHHCP contractor.
17. Submitted bi-annual narrative report to the Initiative Foundation for our AIS grant.
18. Reviewed over DRT information from Morrison County.
19. Looking forward to promoting the organizational structure and history of the MHB to Don Parmeter from MNPure.
20. I am in the process of updating the contact information page on the MHB website.

## Meetings & Networking

1. Held MPCA project review meeting with Jim MacArthur and Lee Ganske.
2. Attended the Aitkin County Rivers and Lakes Fair.
3. Held a meeting with some AIS coordinators to talk about a survey and a digital plan. Itasca, Crow Wing, Cass, and Beltrami will participate in the survey. Regarding the Minnesota Traditions digital plan; we have an unconfirmed amount of counties wanting to participate, but most wanted to go with option B.
4. Discussed with Itasca SWCD a strategy and funding opportunity to fund a stormwater study grant for Grand Rapids.

5. Held meeting with Crow Wing and Beltrami Land Dept. Supervisors to discuss MN Statute and Comp. Plan discrepancies.
6. Held meeting with DNR, TPL, and program coordinator to look at various levels of communication between organizations and analyze gaps and integration of Regional Directors.
7. Met with Bemidji SWCD and stakeholders to learn about sampling results and concerns to address for the feasibility study.
8. Held meeting with CW SWCD and BWSR to discuss consistency among RIM programs in the North Central region. A meeting will be set up with all the partners to discuss changes that may need to be done to account for changed RIM rates for cropland.
9. Held meeting with Miss. Headwaters Habitat Corridor Project Partners (BWSR & TPL) to discuss messaging and presentation to the Outdoor Heritage Council.
10. Attended an informational meeting with an organization called We Are Water. They focus on storytelling and informational displays. I think they might be a resource for us when I connect with the Leech Lake Band of Ojibwe for a cultural and historical project.
11. Attended the Canoe Day event. Over 80 people attended and that was due to the MHB coordinating and marketing the event.
12. Held meeting with Comprehensive Plan Committee and reviewed over part III of the plan. The current Comp plan is 201 pages long with all its appendixes. The draft Comp plan with all its appendixes is roughly 76 pages.

# Renaissance

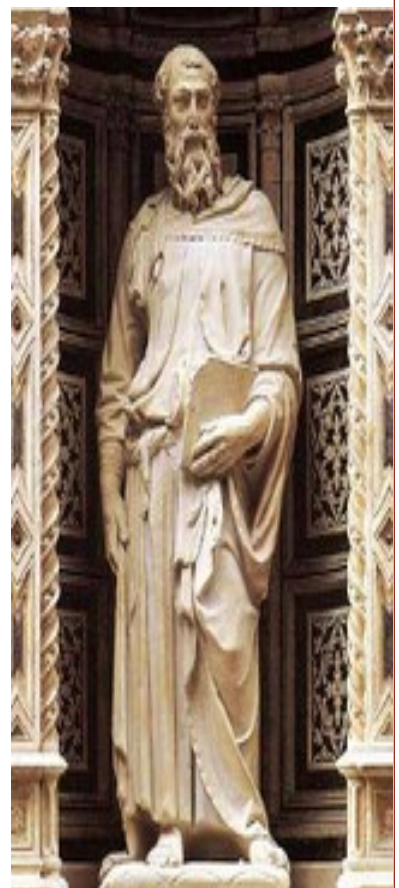
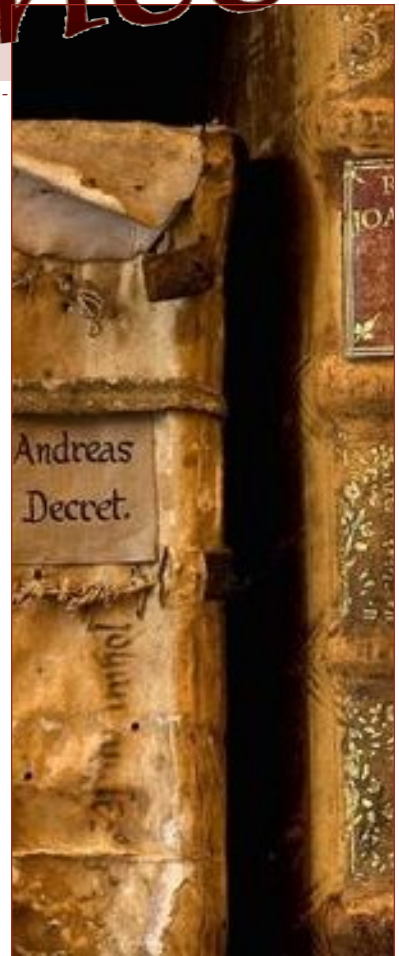
## Mississippi Headwaters Board Biennial Report 2015-2017

### DIRECTORS REPORT

The word renaissance means “rebirth.” The Renaissance was a time in world history when we exited the Middle Ages and entered a period where we culturally and philosophically advanced. It can be viewed as a cultural bridge between the Middle Ages and modern history.

The Mississippi Headwaters Board (MHB) views itself in a period of renaissance. We started as a planning and zoning organization in the early 1980’s and executed it regularly for over 30 years. During the mid to late 2000’s, the organization was minimally funded and activity level decreased. Board members out of a desire to protect the River, decided to facilitate meetings with agencies and local staff and it became apparent from conversations that revitalization was needed. The MHB once again hired an Executive Director and began a rebuilding process. As a result the MHB advanced in a significant direction to protect the Mississippi River.

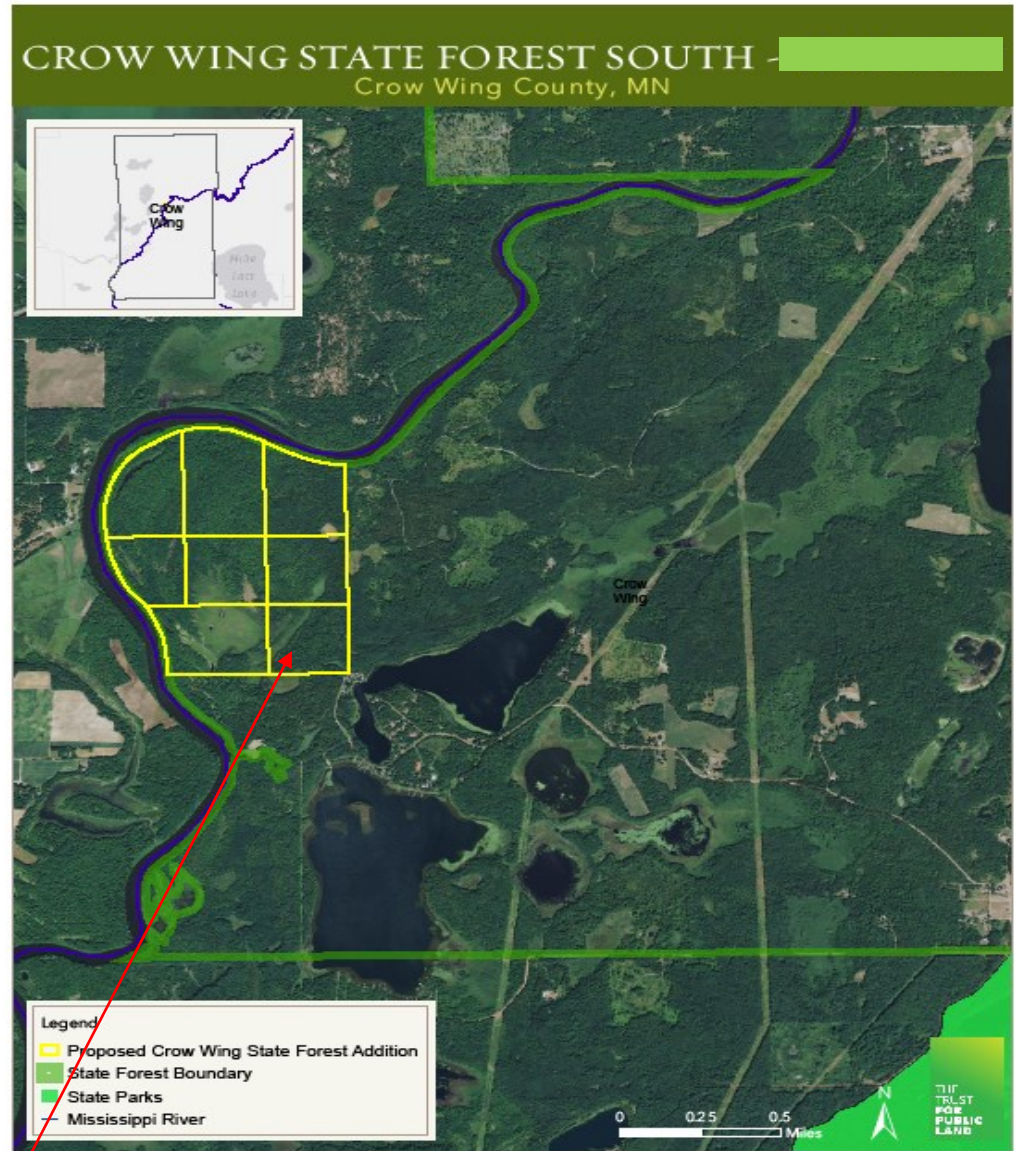
The planning and zoning mission has been combined with a revitalized direction of obtaining environmental grants to help us coordinate involvement with other agencies over the first 400 miles. This decision will progress the MHB to new platforms while still remaining true to our values. Please join us on our journey of growth and adventure as we discover a rebirth of the Mississippi Headwaters Board.





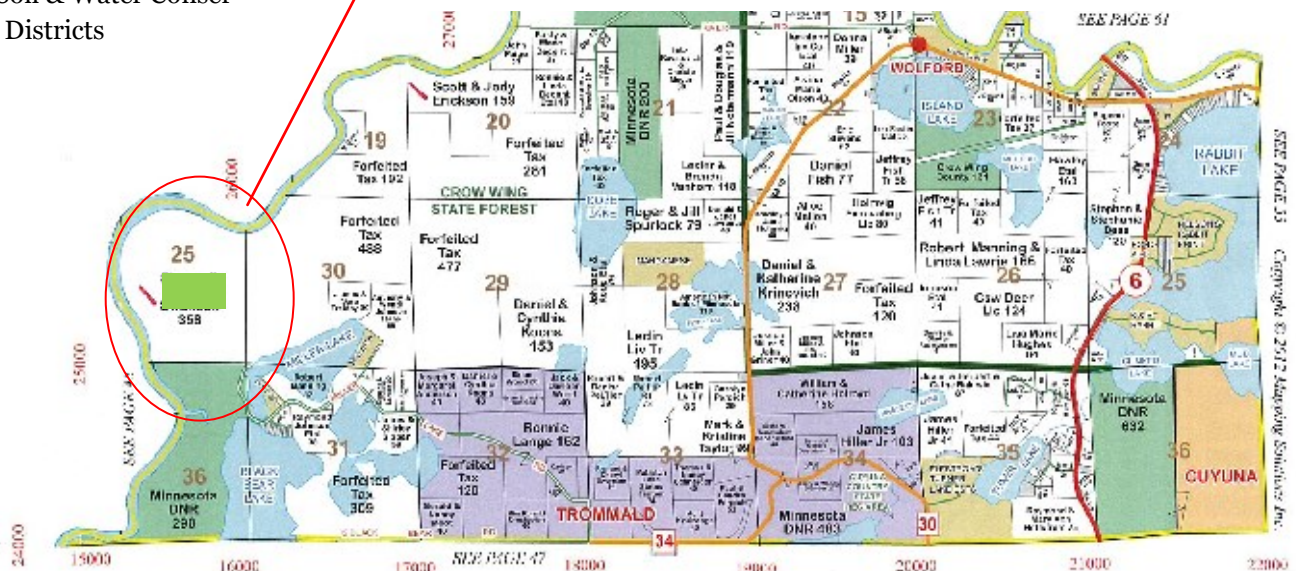
# MISSISSIPPI HEADWATERS HABITAT CORRIDOR PROJECT

Hunting, fishing, and enjoying the great outdoors is something we all enjoy. To help preserve these traditions, a partnership was developed to permanently protect the land. Through voluntary acquisition and easements, the partnership works with local counties and the Dept. of Natural Resources to help us preserve these activities forever.



## Partners for Protection

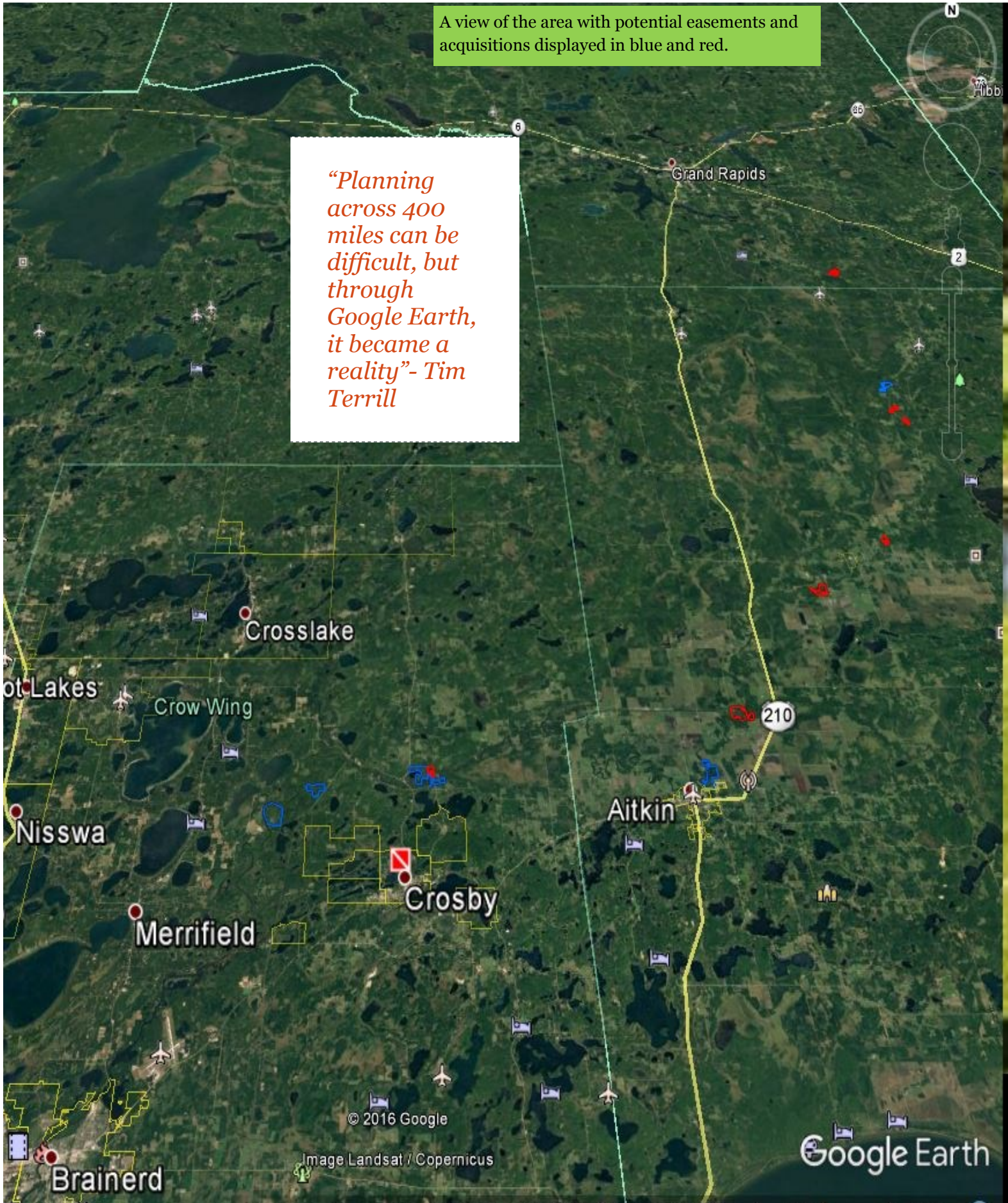
- The Trust for Public Land
- Mississippi Headwaters Board
- Board of Water & Soil Resources
- The Nature Conservancy
- Local Soil & Water Conservation Districts



# REGIONAL PLANNING ACROSS 400 MILES

A view of the area with potential easements and acquisitions displayed in blue and red.

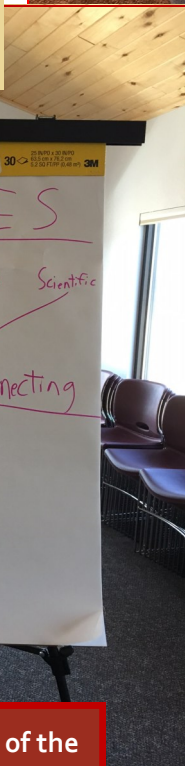
*“Planning across 400 miles can be difficult, but through Google Earth, it became a reality”- Tim Terrill*



# MHB COMPREHENSIVE PLAN UPDATE

It has been over 15 years since the MHB had a large update to the Comprehensive Plan for the 400 mile corridor. The MHB Board recognized a need for an updated plan and utilized the principles of civic engagement and public input to develop a process that would allow for the agency and the public sector to have a voice. A technical and management plan review team was formed to analyze the ordinance and management portions of the plan, so that when completed we would have a Comprehensive Plan that would continue to protect the Mississippi River.

#1 A portion of the technical and management plan team reviewing the Plan.



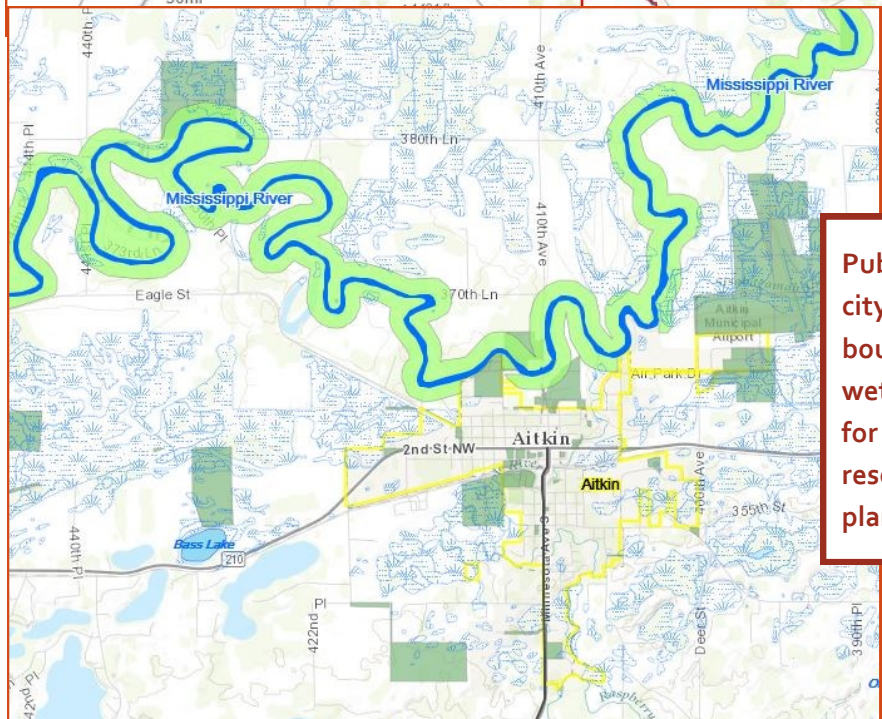
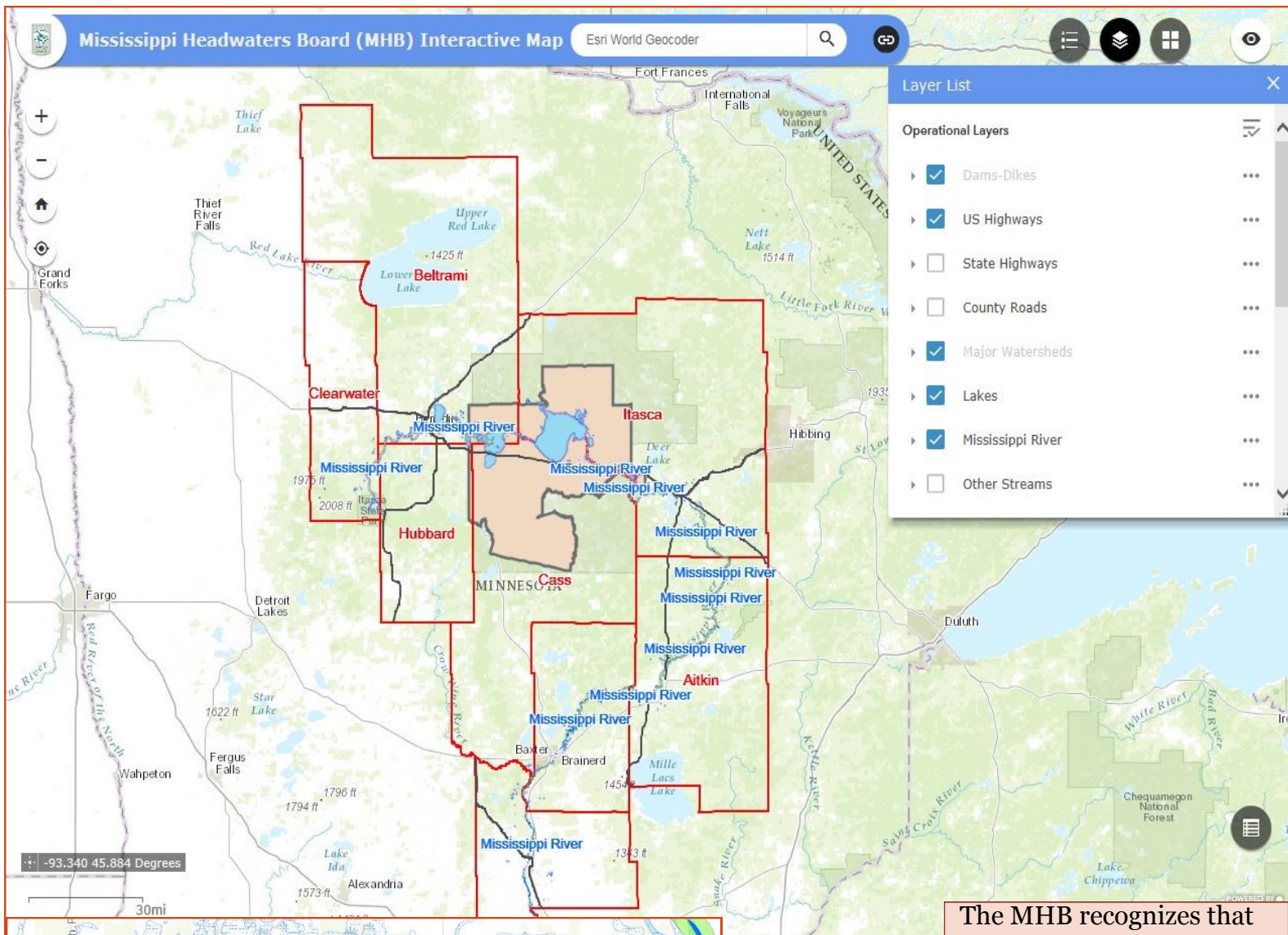
#2 Reviewing the values of the MHB and developing short and long range implementation



#3 Team members writing down implementation ideas and placing them under specific values

# MHB Interactive Map

<http://www.mississippiheadwaters.org/comprehensiveManagementPlan.asp>



**Public lands, city boundaries, wetlands map for the resource planner**

The MHB recognizes that not everyone is current with their online map skills. That is why we created an interactive map that uses google map like technology that most people are familiar with.

It is also useful so the resource professional can go into more depth by clicking on different layers. Understanding the Mississippi River and how you interact with it at your location is a critical piece to protecting the river.

# The Mississippi Headwaters Message

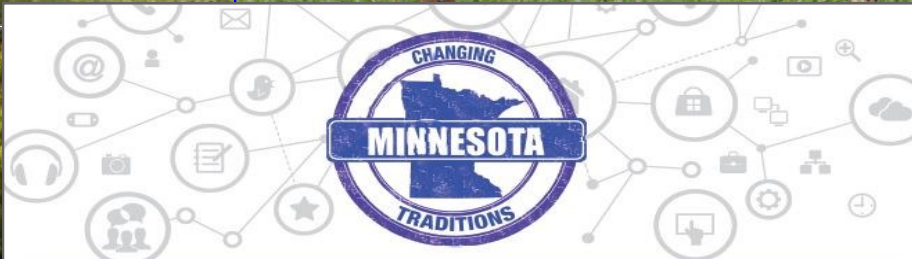
If the land is green, is it really clean? When you look at a Google map of Minnesota you see a dark green area in North Central and the Arrowhead region, and a light green area in the rest of the state. As you zoom in on Southern MN, cropland starts to appear, and in Northern MN, lakes and forests. This leads many people to the logical conclusion that “If it’s green, it’s clean!”

As we take a more in depth look at the Mississippi Headwaters area, you will find that according to the 2016 Minnesota Pollution Control Agency’s draft list of impaired waters, 47 lakes, rivers, or streams are impaired in the eight MHB counties. These are very real opportunities that conservationists work on to help restore, but we also have a lot of potential risk in the area. Whether it’s forest land being converted to land management practices that affect water quality; urbanization; or aquatic invasive species; we have civic, environmental, and tourism opportunities that rely on clean water to generate economic value and quality of life.

In an effort to help the general public understand our concerns, we along with the North Central Conservation Partnership developed a four part message to help educate others about the headwaters area. Please read and memorize the message on the right so we can have a consistent message for our legislators and grantors that form a conversation about our area.

## The Mississippi Message

- 1. The Mississippi Headwaters is generally clean.**
- 2. Our area affects many people here and downstream.**
- 3. We have some impairments and risks here that we deal with everyday.**
- 4. More resources are needed to help deal with these concerns.**



**Since launching it's social media campaign**  
in April, 2016, Minnesota Traditions has generated:



**Facebook:**

- 8,845**  
Facebook followers  
*(and growing every day)*
- 120,000**  
targeted Facebook impressions
- Over 85,000**  
organic Facebook post reach



**Twitter:**

- 1,180**  
Twitter followers
- 424,800**  
targeted impressions
- 680,000**  
organic tweet impressions
- 4,200**  
visits to profile page



**Social Media, combined with a strong TV presence...**  
*(Q2 & Q4 on FS North & local TV affiliates)*  
...has substantially grown the reach and footprint of MN Traditions  
and our positive message providing AIS awareness  
and taking action!



Preserving our Minnesota Traditions through an education campaign designed to prevent the spread of troublesome species while promoting the Outdoor Lifestyle

## BIENNIUM ACTIVITY ASSESSMENT

### STATEMENT OF REVENUES

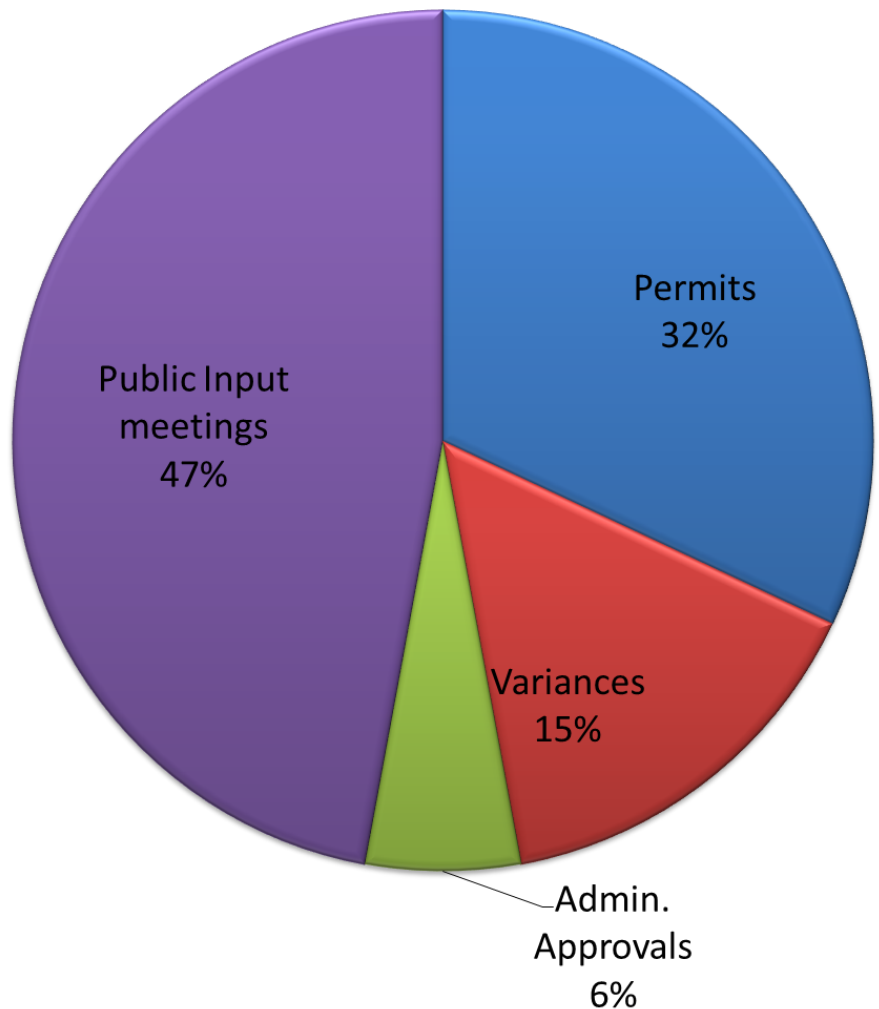
REVENUES	'15-'16	'16-'17
State of MN Grant Approp.	\$95,112	\$118,668
Other Grants/Income -	\$189,014	\$250,639
<b>TOTAL</b>	<b>\$284,126</b>	<b>\$369,307</b>

### STATEMENT OF EXPENSES

OPERATING EXPENSES	'15-'16	'16-'17
Salaries (inc. benefits)	\$88,763	\$94,484
Per Diem	\$3,409	\$3,216
Professional Services	\$161,039	\$159,313
Mileage	\$8,556	\$7,323
Office Operations	\$2,613	\$2,702
<b>TOTAL</b>	<b>\$264,380</b>	<b>\$267,038</b>

County in-kind Contributions:  
\$451,631.37

## Mississippi River Protection Actions



#### Mississippi Headwaters Board

Land Services Building  
322 Laurel St.  
Brainerd, MN 56401

Phone: 218-824-1189

Web:

[www.mississippiheadwaters.org](http://www.mississippiheadwaters.org)

E-mail:

[timt@mississippiheadwaters.org](mailto:timt@mississippiheadwaters.org)

