

# Mississippi Headwaters Board (MHB)

November 18<sup>th</sup>, 2011

Cass County Courthouse, Walker, MN

## Meeting Minutes

**Members Present:** Paul M. Thiede (Crow Wing County), Jack Frost (Beltrami County), Davin Tinquist (Itasca County), Dean Newland (Clearwater County), Neal Gaalswyk (Cass County), Lyle Robinson (Hubbard County) and Pam Kichler (Admin. Asst.)

**Members Excused:** Brian Napstad (Aitkin County) and Tom Wenzel (Morrison County)

**Others Present:** Bill Patnaude (Beltrami ESD/TAC Chair), Todd Holman (The Nature Conservancy - TNC), Lindberg Ekola (Minnesota Forest Resources Council - MFRC), Elroy / Rebecca Erickson (Zoning Applicants)

**9:04 am** – Vice Chair Lyle Robinson (Hubbard) called to order the monthly meeting of the Mississippi Headwaters Board at 9:04 am on Nov. 18<sup>th</sup>, 2011 in Walker, MN. The meeting began with the pledge of allegiance.

**9:05 am - Agenda** (November 18<sup>th</sup> '11). **Motion** was made and seconded by Commissioners Neal Gaalswyk (Cass) / Jack Frost (Beltrami) to approve the Agenda - 5 ayes, 0 nays. Motion carried.

**9:06 am – Consent Agenda** (Sept '11 Minutes and Oct. /Nov. '11 Expenses). Chair Paul M. Thiede (Crow Wing) brought to the boards attention recent discussion w/staff regarding policy on Holidays as well as asking staff to maintain records in the office on time spent off premise, for liability reasons.

Further discussion ensued re: whether staff should work over-and-above allotted hours during a week that contains a holiday. The concern is whether the employee can no longer be considered part-time if a certain threshold is exceeded. If holiday hours are compensated and staff then works those additional hours, although not consider over-time, it will cause staff to acquire vacation/sick hours over and above the normal accrued bi-weekly amount. Staff has since contacted Crow Wing County (CWC) HR dept. for their policy. CWC does not encourage working over the allotted weekly staff hours, regardless of a Holiday unless there is a unique circumstance in work volume for that week that would justify the extra hours. Staff was also asked to contact Cass County HR for their policy and return to the Dec. meeting w/their response. **Motion** was made and seconded by Commissioners Davin Tinquist (Itasca) / Neal Gaalswyk (Cass) to approve the November '11 Consent Agenda and the expenses for Oct. and Nov. '11 (\$4,372.86 / \$3,422.20) – 5 ayes, 0 nays. Motion carried.

**9:07 am – Staff Report** (Oct – Nov '11). Pam Kichler (Admin. Asst.) highlighted several items:

- **#7 (P/B)** - Staff has prepared/mailed the 1Q '12 DNR reimbursement request (\$18,267.07)
- **#1 (P/C)** – Senator Bob Lessard's video is being placed on the MHB Web site and well as the "Review" copy of the GuideBook, per instruction from the September MHB meeting
- **#4 (P/C)** – Staff receive a letter from the Morrison County Administrator advising that the '12 appropriations will be considered for approval 12.13.11 but that there is the possibility it will not be approved due to the reduction in state funding at the county level
- **#5 (P/C)** – Staff met w/the newly assigned DNR representative that will handle our quarterly reimbursement going forward. More will be covered in this topic later in today's meeting
- The next meeting is December 16<sup>th</sup> – staff asked if there were any foreseen conflicts. None were noted

**Motion** was made and seconded by Commissioners Neal Gaalswyk (Cass) / Jack Frost (Beltrami) to approve the Staff Report - 5 ayes, 0 nays. Motion carried.

**9:10 am – Zoning Actions –**

**A. Beltrami County –**

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1. B-11a-11 RE: Review/certify a variance application to install a new sewer treatment area 62 feet from the OHWM of the river - Mississippi River – applicant – Elroy / Rebecca Erickson

► Discussion: Bill Patnaude (Beltrami County ESD) was in attendance to offer details and answer any additional questions about the variance request. Additional documentation was also provided for board review. Some other specifics noted in discussion were:

- a) This small property was created prior to the Shoreland Management & MHB program
- b) The home has since been remodeled but with no new additions
- c) The parcel is experiencing failure of the soil treatment system but because of property size & inability to meet the 125' setback, they must have a variance for a new system
- d) A new rectangular pressurized bed will be installed, meeting the separation rules to groundwater @ 62' from the river at the closest point & containing a visual/audible alarm system as well
- e) The Beltrami Planning Commission unanimously approved the application November 14th

After review/discussion, a **motion** was made and seconded by Commissioners Jack Frost (Beltrami) / Davin Tinquist (Itasca) to certify the variance with conditions and the Findings of Fact noted by the Beltrami County Board of Adjustment at their 11/14/11 hearing - 5 ayes, 0 nays. Motion carried.

### 9:25 am – Actions / Discussion Items –

► **MR Northwoods Land Acquisition** – Todd Holman (TNC) took the floor to offer further details on the MR Northwoods Land Acquisition of approx. 2000 acres discussed at the Aug. & Sept. MHB meetings.

The MR Northwoods Acquisition project application was sent to the Lessard Sams Outdoor Heritage Council and will be recommended to the Legislature this coming spring for full funding. This acquisition has many interesting components involving County, Airport, Forestry and land-fill property as well as areas that fall w/in the Mississippi River corridor. There were several questions for the State (DNR) and Crow Wing County (CWC) to assess prior to application submission: 1) Is the CWC interested in this land as a new model; 2) What concerns are there re: 'payment in lieu of taxes' (PILT) and removal of land from tax roll, to name a few. Through in-depth research at State & County levels on this proposition, CWC is in favor of this proposal and will certify their position through a 'Resolution of Support'. A draft resolution was handed out to the MHB members today for their review, a final will be drafted next month. Todd asked this board to consider offering their support as well.

After further discussion, a **motion** was made and seconded by Commissioners Neal Gaalswyk (Cass) / Lyle Robinson (Hubbard) to consent to the drafting of an MHB Letter of Support (LOS) post the review of the revised CWC Resolution of Support at the Dec. MHB meeting. Commissioner Gaalswyk (Cass) went on to suggest that the motion also state that 'the MHB will go on record as supporting the MR Northwoods Acquisition but that its contingent to the modified CWC resolution and provided the Acquisition is consistent and in harmony with the MHB Management Plan' - 6 ayes, 0 nays. Motion carried.

Immediately following this portion of the meeting, Todd Holman (TNC) introduced Lindberg Ekola from the Minnesota Forestry Resources Council (MFRC). Mr. Ekola offered 35 min. of history on the 17 member council and shared thoughts on current and possibly future state agency program collaboration w/the MHB. Lindberg provided several supportive hands-outs of currently funded State and Federal programs. Although MFRC's primary focus is forestry resources, establishing BMP for forest management which includes long and short range landscape stewardship plans, he believes there are areas of over-lap with the MHB mission, noting that State Forests are the #1 land cover that directly affects water quality.

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► **State Grant Contract** – Staff started discussion with an over-view of the Nov. 2<sup>nd</sup> meeting w/the newly appointed DNR liaison, Peter Buessler (Reg. 1 Manager – Beltrami). This meeting was to get acquainted and allow both parties to sit down and review the 2012/13 State Grant Agreement. Peter Buessler (Reg. Manager – Beltrami) had been invited today to cover the grant and the new requirements for fund distribution but was unable to attend. He has extended the offer to discuss issues w/the Commissioners one-on-one, however. The board members were provided a copy of the '12 grant (w/Exhibit 1 attachment) for review. Some of today's discussion highlights were:

- 1) The email from Peter that was forward to the Commissioner w/the changes discussed at the 11/2/11 meeting had apparently come through w/o the 'red mark-up' attachment, making it difficult for the board to decipher the changes
- 2) Staff was asked to cover some of the changes today for discussion
  - a) The biggest adjustment is the contract format was adjusted to include an 'Exhibit' page (now called the 'Agreement', separating the Contract out & reducing it from 7 to 6 pages
  - b) The 'Exhibit A' page details general conditions, description and specification of project, administration and reimbursement procedures
  - c) The Contract has now been put into a new State contract format but has some of the same elements as the former contract: Annual contract \$/term; conditions of payment; liability; workers comp; acknowledgments; data disclosure; and days required for notice of contract termination (changed from 7 to 30 days)
- 3) Some items removed from the contract or moved to the 'Exhibit A' page:
  - a) Deletion of some items under old contract – Material/intellectual property rights; ownership of research; sale or license of products; royalty payments; list of eligible/un-eligible costs; match funds; recyclable materials; human rights, anti-trust provision; choice of law.
  - b) The Commissioners voiced concerns about the first 5 items being removed. These items can be re-entered, although many are program specifics no longer apply

After further conversation, Chairman Paul M. Thiede stated that he was not comfortable in making any approval decision on this contract until the noted changes are clear and questions answered. He asked staff to send the 'mark-up' copy again and add the topic to the Dec. Agenda. Peter Buessler will try to make the Dec. meeting.

► **Annual Staff Review** – Staff reminded the Commissioners to get their personnel reviews back to the Crow Wing County HR dept. (Amy Fischer) by the end of November. Once all are received, a collaborative review will be drafted for final discussion at the December 16<sup>th</sup>, 2011 meeting as well.

Staff recapped the Oct 21<sup>st</sup> GuideBook Sub-Committee meeting. Topics covered at the meeting: advancing a marketing plan & update our WEB site to include a 1) 'review' copy of the book and 2) an 'inquiry' page.

Other discussion items: 1) set a "Limited Time - Introductory Price" (only \$19.95 - no tax/shipping) and mention it on our site; 2) mail out a GuideBook to chairs of the Lake Associations & area Chairs of MN Waters; and 3) ask others to have an MHB 'quick-link' placed on their WEB site. Staff has updated the office VM and EM to include 'how to inquire about purchasing a GuideBook'. Staff also provided a current expense/revenue sheet for the Guidebook for board member review. Sales are averaging \$500/month. Lastly, it was reminded that all Letterhead etc. should contain our WEB address as well

There was no further business, **motion** was made and seconded by Commissioners Neal Gaalswyk (Cass) / Paul M. Thiede (Crow Wing) to adjourn the meeting at 11:15 am - 6 ayes, 0 nays, Motion carried.

**Meeting Adjourned**

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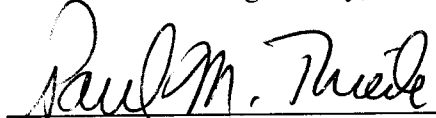
11:08 am – Misc –

☀ **Legislature Update** – none

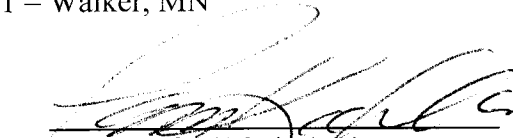
☀ **County Updates** –

- ▶ Jack Frost (Beltrami) explained his MR Parkway Commission term expires soon (Regional Commissioner for Lk. Itasca to Grand Rapids). Would anyone else be interested in filling that seat? There will be a meeting open to all who are interested, Dec. 12<sup>th</sup> at his resort on Lake Andrusia
- ▶ Chair Paul M. Thiede (Crow Wing) reminded everyone that an important AMC meeting (w/board elections) is coming up (Dec. 5, 6 & 7). He is running for office and invited all to his hospitality room Monday night

Next MHB meeting: Friday, December 16<sup>th</sup>, 2011 – Walker, MN



Chair Approval

  
Submitted by (Admin Asst)