

# Mississippi Headwaters Board (MHB)

July 27<sup>th</sup>, 2012

Cass County Courthouse, Walker, MN

## Meeting Minutes

**Members Present:** Tom Wenzel (Morrisor County), Paul Thiede (Crow Wing County - CWC), Jack Frost (Beltrami County), Neal Gaalswyk (Cass County), Brian Napstad (Aitkin County), Lyle Robinson (Hubbard County), Dean Newland (Clearwater County) and Pam Kichler (Admin. Asst.)

**Members Excused:** Davin Tinquist (Itasca County)

**Others Present:** Bill Patnaude (Beltrami County ESD/SWCD), Todd Holman (The Nature Conservancy - TNC), Mitch Brinks (CWC Water Protection Specialist), Chris Pence (CWC Land Services Supervisor), Mike Carlson (CWC Deputy Auditor), Kathy Toensung (CWC Assoc. Accountant), Jake Frie (CWC Natural Resource Manager) and Paul Fairbanks (Cass County ESD)

**9:03 am** – Chair Lyle Robinson (Hubbard) called to order the monthly meeting of the Mississippi Headwaters Board at 9:03 am on July 27<sup>th</sup>, 2012, in Walker, MN. The meeting began with the pledge of allegiance.

**9:04 am - Agenda** (July 27<sup>th</sup> '12). Chair Lyle Robinson (Hubbard) asked if there were any changes to the Agenda. Bill Patnaude (Beltrami ESD/SWCD) requested time for review of a proposed timber harvest w/in the corridor. Brian Napstad (Aitkin) also asked to be placed on the Agenda to discuss a letter. The board suggested the 2 items fall under 'Action Items'. **Motion** was made and seconded by Commissioners Paul Thiede (Crow Wing) / Neal Gaalswyk (Cass) to approve the Agenda with the noted adjustments - 6 ayes, 0 nays. Motion carried.

**9:05 am – Consent Agenda** (June '12 – Minutes / June - July '12 Expenses). **Motion** was made and seconded by Commissioners Paul Thiede (Crow Wing) / Dean Newland (Clearwater) to approve the July '12 Consent Agenda (June '12 Minutes and June - July '12 expenses of \$3,451.03) as provided – 6 ayes, 0 nays. Motion carried.

**9:05 am – Staff Report** (June / July '12). Pam Kichler (Admin. Asst.) highlighted several items:

- Staff pointed out involvement in several meetings this past month with various Crow Wing and Cass County personnel (i.e. Auditors and Human Resource Departments).
- Staff made special note of a recent email received from Andrea Plevan (Project Manager for RESPEC Consulting) asking for stream channel data. An email was sent from the MHB office to various 8 county dept. personnel asking for information to be forward, if any.
- Staff asked for comments on an email forward to them from Mark Ostgarden re: Imgrund Motor site plan near the Mississippi in Braierd. Paul Thiede (Crow Wing) explained that the site plan is consistent with the MHB ordinances. No concerns were expressed.
- Staff asked the board for their comments on a proposed timber sale within the corridor (Hubbard) due to a July storm event. Timber harvest/sales were further discussed under 'Action Items' also.

Pam Kichler (Admin. Asst.) asked if there were any conflicts with the next MHB meeting on August 17<sup>th</sup>. There were only a couple conflicts for that date but the Commissioners decided to leave the date as is. Staff also advised that the 9/21/12 meeting would be at the Itasca State Park. A one day parking permit will be covered by the MHB.

### 9:16 am – Zoning Actions

#### A. Cass County –

1. Ca-6a-12 RE: Review/certify a variance application to build a 12' x 22' addition to existing structure 75' from OHWM - Lake Winnibigoshish – applicant: Paul O'Brien

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► Discussion: Paul Fairbanks (Cass County ESD) was in attendance to offer details and answer questions about the application. There was also additional documentation provided for board review. Some other specifics noted in discussion were:

- a) The property is a USFS lease lot, is not riparian and the structure was built prior to the MHB ordinance.
- b) There is no current septic system or well on site but will be added as a second phase to the construction. County compliance/permits for both will be necessary.
- c) The owner is handicapped. Handicap accessible areas are part of the new construction. The proposed plan for the site would be considered an improvement to current conditions.
- d) Three supportive letters were obtained from area residences.
- e) The application was reviewed/approved by the Cass County BOA on 7/23/12.

After review/discussion, a **motion** was made and seconded by Commissioners Neal Gaalswyk (Cass) / Tom Wenzel (Morrison) to certify the variance with conditions and the Findings of Fact noted by the Cass County Board of Adjustment at their 7/23/12 hearing - 7 ayes, 0 nays. Motion carried

### 9:30 am – Action Items –

► **Miller Black Bear Trail** – Jake Frie (CWC Natural resource Manager) provided maps/photos of the proposed modification to an existing multi-use trail system project and details of the 5 step application process. The Public Comment period has yet to start on the proposed 250' segment. Jake explained he is here to gain feedback from the MHB on the plan/application presented today. The board was informed that they will see a final draft during the Public Comment period later this fall. The board asked for a copy of the Work Plan at that time, and may consider a site-visit.

► **CWL / BWSR Grant Water Quality Contract** – Mitch Brinks and Chris Pence from CWC were in attendance and provided grant updates. They are continuing to schedule meetings w/the remaining counties GIS staff. They have also met with several candidates for the Water Quality (WQ) contract portion of the plan. Today they informed the board of the WQ Contractor they have chosen for the grant project and why.

► **CWC Personnel Policy Adoption** – Pam Kichler (Admin. Asst.) noted that each of the board members should have received a copy of a Memorandum of Understanding (MOU) for review. The MOU was drafted by CWC Human Resource Dept. for the MHB because of staff concerns with regard to losing available sick time as severance pay if the MHB adopts the CWC personnel policy, effective July 1<sup>st</sup>, 2012. The MOU states that the MHB will sunset said sick leave severance benefit, as referenced in paragraph 1.2 of the previously adopted MHB personnel handbook in effect as of June 30, 2012. Staff is asking the board to consider and vote to approve the MOU as drafted. Mike Carlson (CWC Deputy Auditor) was able to expound on the topic for discussion, explaining the many facets of why it is best for the MHB to adopt the CWC personnel policy and what this particular MOU will mean to the board and staff going forward. It was also noted that this is unique to Pam Kichler, any new staff will follow the CWC policy as written. Following review and discussion, **motion** was made and seconded by Commissioners Neal Gaalswyk (Cass) / Tom Wenzel (Morrison) to adopt the CWC personnel policy and the MOU regarding severance pay - 7 ayes, 0 nays.

► **Fiduciary change and On-line expense report training** – Mike Carlson (CWC Deputy Auditor) segued into further in-depth discussion on the other areas of the total MHB transition from Cass County to CWC. Much of the topic focused on the change-over of fiduciary responsibilities and the different reporting requirements this board will encounter. Kathy Toensung (CWC Assoc. Accountant) was also invited to today's meeting to assist with questions and for training/set-up of on-line expense reporting after meeting adjournment. Below are some of the additional comments through discussion:

- 1) CWC uses an on-line Wells Fargo system to capture reimbursable expenses.
- 2) 'Approver' over-sight will be set in place for expenses on the system.

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- 3) A Procurement Card will be used for MHB office purchases, eliminating on-hand Petty Cash.
- 4) The board was asked: Could the individual counties cover the monthly Per Diem expense? As little as each member expense annually for MHB Per Diem, it may be more cost effective to have each county cover this as a possible in-kind contribution. Other concerns were also noted and would need to be addressed/investigated before making changes to the Per Diem process.

Bill Patnaude (Beltrami ESD/SWCD) took the floor at this time to discuss how to handle timber salvage/sale within the 300' corridor as a result of 'significant storm events'. He specifically presented a request for review on a LaSalle timber sale. Per the MHB ordinance, no proposed forestry action (inside 300' of the corridor OHWM) can commence until the MHB has reviewed the Forest Management Plan (FMP) for the site. In the case of severe weather events such as the July 2<sup>nd</sup> storm, this would cause delay in starting timber salvage if plan review had to wait until the next MHB meeting. This is a concern because of public safety as well as other reasons.

Bill also recommended that the MHB draft a resolution for: 1) Proposed timber harvest/sales w/in the 300' buffer zone in the corridor; 2) due to a significant weather related events; 3) having harvest activity commence immediately and prior to MHB review, so long as FSC standards are followed; 4) specifically water concerns are addressed; 5) the plan has been reviewed/approved by county ESD and Land Commissioners; 6) that the FMP must still be forward to the MHB.

Through discussion, the board determined that this may not be the time for a policy change/resolution but agreed that a vote be called to draft a letter containing all points noted above, and that the letter be sent to all 8 county ESD & Land Commissioners explaining the action the board is taking. **Motion** was made and seconded by Commissioners Neal Gaalswyk (Cass) / Paul Thiede (Crow Wing County) to approve the letter to be sent re: FMP and timber harvests w/in the 300' corridor, as it related to storm events - 7 ayes, 0 nays. Motion carried.

Todd Holman (TNC) quickly covered the tentative details on the upcoming Gathering V meeting, in Crosby, MN.

Brian Napstad (Aitkin) closed the meeting with a brief over-view of a letter that was drafted to be sent to Governor Mark Dayton (Cc: Tom Landwehr – DNR, Jim Schowalter – MMB and John Jaschke – BWSR) introducing the MHB, addressing concerns about board sustainability with current funding levels and asking that it be restored to previous levels. He read the draft letter and asked for board approval. **Motion** was made and seconded by Commissioners Paul Thiede (Crow Wing) / Neal Gaalswyk (Cass) to approve the letter and for staff to send it immediately w/copies of the MH Guide Book - 7 ayes, 0 nays. Motion carried.

There was no further business to discuss. **Motion** was made and seconded by Commissioners Jack Frost (Beltrami) / Dean Newland (Clearwater) to adjourn the meeting at 11:14 am - 7 ayes, 0 nays. Motion carried.

### Meeting Adjourned

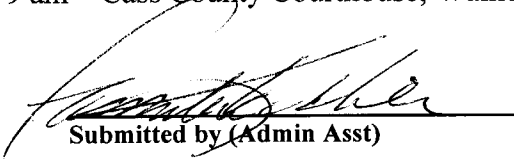
11:14 am – Misc – On-line Wells Fargo expense reimbursement training commenced

☀ Legislature Update – none

☀ County Updates – none

Next MHB meeting: Friday, August 17<sup>th</sup> '12 at 9 am – Cass County Courthouse, Walker.

  
Chair Approval

  
Submitted by (Admin Asst)