

Mississippi Headwaters Board (MHB)

September 21st, 2012

Douglas Lodge - Itasca State Park

Meeting Minutes

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

Members Excused:

Others Present: Bill Patnaude (Beltrami Environmental Services Dept. - ESD), Warren Jensen (Zoning Applicant), Andrew Mack (Greater Bemidji Area Joint Powers Board Zoning), Ryan Zempke and Aaron Chirpich (Headwaters Regional Dev. Commission), Chris Pence (Land Service Dept. Supervisor) and Mitch Brinks (CWC Water Protection Specialist), Joy Wenzel

9:03 am – Chair Lyle Robinson (Hubbard) called to order the monthly meeting of the Mississippi Headwaters Board at 9:03 am on Sept. 21st, 2012, at the Itasca State Park, MN. The meeting began w/the pledge of allegiance.

9:04 am - Agenda (Sept. 21st, 2012). Chair Lyle Robinson (Hubbard) asked for any changes to the agenda. Pam Kichler (Admin. Asst.) indicated that the agenda distributed prior to the meeting needs to be amended to include the previously deleted Zoning Action from Beltrami (B8a12) and the Beltrami County action for CUP review/comment (GBA9a12) must be moved to the October agenda. **Motion** was made and seconded by Commissioners Brian Napstad (Aitkin) / Neal Gaalswyk (Cass) to approve the agenda with the noted adjustments – 8 ayes, 0 nays. Motion carried.

9:05 am – Consent Agenda (August '12 – Minutes / August '12 Expenses). Commissioner Thiede (Crow Wing County - CWC) asked for further details on last month's discussion with the MPCA (Phil Votruba) re: the Headwaters Watershed study. Bill Patnaude (Beltrami ESD) was able to expound on that topic.

Staff proceeded to explain that the August expenses for approval (and those from June and July) have been accurately reconciled with the CWC Auditor's office. There were some coding issues with Commissioner Paul Thiede's expenses however. CWC found they could not easily separate the MHB and CWC Per Diem tax for Paul. The CWC Auditor's office has determined that the minimal tax amount for Com. Thiede's MHB meeting attendance will be absorbed by CWC going forward. The Per Diem itself however, will still be separated and billed out accordingly for MHB meetings.

Staff also noted that all outstanding warrants (bills) and deposits through Cass County should be accounted for and Cass County will finalize the accounting records for the MHB and will send any residual balances to the CWC Auditor's office for deposit. UPDATE: Check for \$1160.31 is forth coming

As before, a copy of both the in-house generated expense report and the CWC Account Activity report was given to the board for their review. The board was asked to add detail (dates) to their Wells Fargo expense entries going forward. After further discussion, a **motion** was made and seconded by Commissioners Neal Gaalswyk (Cass) / Jack Frost (Beltrami) to approve the September '12 Consent Agenda (August '12 Minutes and Expenses of \$5,380.12) as provided – 8 ayes, 0 nays. Motion carried.

9:15 am – Staff Report (August / September '12). Pam Kichler (Admin. Asst.) highlighted several items:

- **#3 (P/B)** – Staff mailed out another billing to Clearwater County for the 2012 Appropriations. The office has since received the \$1,500 for deposit

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- #4 (P/B) – Staff mailed a budget request letter to Commissioner Tom Landwehr (Cc Bob Lessard) as requested. It should be at his office for review prior to the 9/26/12 meeting with Commissioners Brian Napstad (Aitkin) and Paul Thiede (CWC). Staff also thanked Mitch Brink's for his work on getting the budget/outcomes detail together to accompany the letter
- Pam informed the board that she will not be attending the 9/28/12 Legislative Forum in Walker (Northern Lights Casino) but is reminding the board of the event in case others would like to attend

Staff asked if there were any conflicts with the next MHB meeting on October 19th. None were noted.

9:26 am – Zoning Actions

There was initial confusion regarding why two additional Greater Bemidji Area Joint Powers Board (GBAJPB) zoning actions were not on the Final Agenda. Discussion ensued on how to get these reviewed today. There were concerns re: the obligation of the MHB to provide advance notice to the public of actions reviewed and/or certified by the board. It was explained by Bill Patnaude (Beltrami Zoning and TAC Chair), that the two actions could be placed (by amendment) on today's agenda without the same Open Meeting Law notification procedure as county/local level hearings. MHB meetings are not considered a 'public hearing', but rather a meeting open to the public and does not require the mandatory notice requirement. The obligation of Public meeting/hearing notice was satisfied at the local level when the action initially came before that board. Today's review by the MHB is to 'certify' the local government's decision on zoning actions. The agenda can accommodate the additional GBAJPB zoning actions and was adjusted accordingly. **Motion** was made and seconded by Commissioners Neal Gaalswyk (Cass) / Tom Wenzel (Morrison) / to approve an amended agenda – 8 ayes, 0 nays. Motion carried.

1. Beltrami County –

A. **B-8a-12** RE: Review/certify a variance application to construct an addition to an existing non-conforming structure at 41 feet of the OHWM - Cass Lake – applicant: Warren / Cynthia Jensen

► Discussion: Bill Patnaude (Beltrami County ESD) was in attendance to offer details and answer questions about the application. There was additional documentation and photos provided for board review as well. Some other specifics noted in discussion were:

- a) The proposed addition to the rear of structure will be 30' x 40', w/23' max. height – the existing cabin roof can not exceed 18' in height
- b) Addition will not further encroach the OHWM but will sit at 69'
- c) Both existing cabin and addition will have storm gutters and approved vegetation plan
- d) The on-site septic must be increased in size
- e) Applicant will remove boat and screen house from parcel
- f) The application was reviewed/approved by the Beltrami County BOA on 7/27/12

After review/discussion, a **motion** was made and seconded by Commissioners Brian Napstad (Aitkin) / Tom Wenzel (Morrison) to certify the variance w/conditions and the Findings of Fact noted by the Beltrami Board of Adjustment at their 7/23/12 hearing - 8 ayes, 0 nays. Motion carried.

2. Beltrami County (GBA JPB) –

A. **GBA-8a-12** RE: Review/certification to allow variance review for any future requests to build on a currently vacant non-conforming lot - Lake Bemidji (Lagoon-A-Beach) – applicant: Omar Forberg

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- Discussion: Andrew Mack (GBA Zoning Administration) was in attendance to offer details and answer questions about the application. Some other specifics noted in discussion were:
- This lot is under an acre (sub-standard) and platted prior to shoreland rules (1969)
 - The GBA JPB ordinance requires a variance to build – hence, the applicant is asking the MHB to grant a variance establishing it as a ‘buildable’ lot
 - The owner intends to sell the property and would like to sell it as buildable
 - City water and sewer is to the lot and building set backs will be easy to comply with
 - The application was reviewed/approved by the GBA JPB Planning Board on 9/12/12

After review/discussion, a **motion** was made and seconded by Commissioners Neal Gaalswyk (Cass) / Jack Frost (Beltrami) to certify this parcel as ‘buildable’ through the variance process and with Findings as noted by the GBA JPB Planning Commission at their 8/23/12 meeting - 8 ayes, 0 nays. Motion carried.

B. GBA-8b-12 RE: Review/certify three (3) variances per the application to expand on existing cabin at 67’ of the OHWM and build a 32’ x 24’ garage on a vacant back-lot @ 7’ set back of side lot lines - Lake Bemidji – applicant: Karl and Sheri Peterson

- Discussion: Andrew Mack (GBA Zoning Administration) was in attendance to offer details and answer questions about the application. Some other specifics noted in discussion were:
- Current structure (cabin) sits at 67’ of the OHWM, addition to cabin will not encroach further – the structure is seasonal now but will become year-round
 - There are 2 accessory buildings on the lot that encroach the road and the applicant has agreed to remove them (garage and shallow well pump-house)
 - The new garage will sit on the back-lot and the applicant is asking for a 3’ variance to have structure sit at 7’ from side lot lines
 - Property is set up on a community drain field system
 - The application was reviewed/approved by the GBA JPB Planning Board on 9/12/12

After review/discussion, a **motion** was made and seconded by Commissioners Tom Wenzel (Morrison) / Jack Frost (Beltrami) to certify the variance with conditions and the Findings of Fact of the GBA JPB Planning Commission at their 8/23/12 meeting - 8 ayes, 0 nays. Motion carried.

10:22 am – Action Items –

- **CWL / BWSR Grant Water Quality Contract** – Mitch Brinks and Chris Pence from CWC were in attendance and provided grant updates.
- They have successfully completed their circular tour of all 8 counties, and anticipate getting current GIS data assembled by year-end to have EOR begin data analysis after the 2012 field season has ended.
 - Some data may take until 2013/2014 to gather as LIDAR flights (Light Detection and Ranging – precise topography survey of land/water) will be starting and that data will be included at that time.
 - Mitch plans to have a GIS/Water quality draft report to the board by spring 2013. This should identify any holes in data.
 - This report will not include the MPCA Upper Mississippi watershed, Pine River and Leech Lake watershed water quality sampling but will be incorporated in the final report.
 - Only 3 to 4 % of the grant funds have been expensed to-date and 8 to 9 % toward matching funds
 - There is a couple more GIS data agreement to have signed today (Hubbard/Aitkin)

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Chris Pence (CWC Land Services Supervisor) explained to the board that the CWC Water Plan will also be updated by Aug. 2013. His department plans to draft language for a river chapter in hopes that it can be used as a template for the other 7 counties. He intends to bring that draft to the MHB for feedback prior.

► **Water Research – Headwaters RDV** – Ryan Zemek and Aaron Chirpich took the floor and provided a synopsis (and hand out) of the current initiative they are involved with. They are partnering with the Bemidji State University in their efforts to develop a Water Research Institute. While BSU is working the internal logistics of set up, the University has contracted the Headwaters RDV to develop the business plan. The Headwater RDV has started traveling the state to meet w/Watershed districts; SWCD personnel etc. to gather information and are here today to talk with this board to ascertain what challenges there are and where there are opportunities to collaborate on future programs.

► **Upper Mississippi Flood Mitigation (UMFM) Task Force** – Pam Kichler (Admin. Asst.) explained that the office had received an email from Commissioner Davin Tinquist asking this be added to the Agenda. A copy of a Resolution of Support also came from the Cass County Administrators office that included delegate assignment of one of their commissioners (Neal Gaalswyk) to sit on this task force. Neal offered further details and conversation on the topic ensued. The follow is an example of some of the highlights of the conversation:

- 1) The task force is being formed to mitigate issues assoc. with significant water events. The task force is hoping to assemble, when nec., to assess and coordinate possible corrective efforts
- 2) Should the MHB be that coordinating entity? It is a central (8 county) group that already exists
- 3) This developing task force will lead the cause but is currently just looking for MHB support
- 4) Davin explained that this group will be targeting Colonel Price (ACOE) to get him to a table w/interested stakeholders to help formulate a better way to handle these events/issues
- 5) Brian Napstad (Aitkin) will call Colonel Price to advise that a task force is being developed, updates will be forth coming and that he may be asked to a future meeting on the topic
- 6) Each Commissioner here should also explain what is occurring to their respective county

During discussion, Neal Gaalswyk (Cass) also suggested that this board invite the task force to a future meeting to continue discussion. Davin Tinquist (Itasca) will contact the UMFM about attending the Oct. 19th meeting.

Brian Napstad (Aitkin) closed the meeting with a brief over-view of a recent EQB meeting (specifically the topic of EAW worksheets)

There was no further business to discuss. Commissioners Brian Napstad (Aitkin) suggested adjournment of the meeting at 11:30 am.

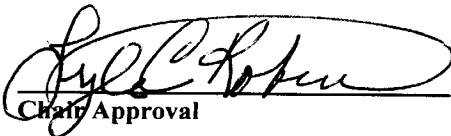
Meeting Adjourned

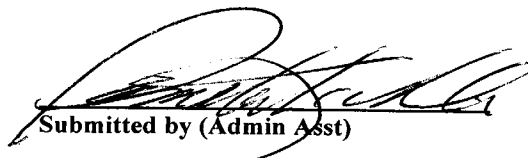
11:30 am – Misc

☀ Legislature Update – none

☀ County Updates – none

Next MHB meeting: Friday, October 19th '12 at 9 am – Cass County Courthouse, Walker.


Chair Approval


Submitted by (Admin Asst)