

**OFFICIAL PROCEEDINGS
OF THE COUNTY BOARD
LAKE COUNTY, MINNESOTA**

Tuesday, September 25, 2018. A regular meeting of the Board of Commissioners of Lake County, Minnesota, was called to order at 2:00 pm by Board Chairperson Rich Sve. Chair Sve led the audience in the recitation of the Pledge of Allegiance. The meeting was held in the Split Rock River Room at the Lake County Service Center, 616 Third Avenue, Two Harbors, Minnesota.

County Commissioners Present: District 1 Commissioner Peter R. Walsh, District 2 Commissioner Derrick (Rick) L. Goutermont, District 3 Commissioner Richard (Rick) C. Hogenson, District 4 Commissioner Jeremy M. Hurd, and District 5 Commissioner Rich Sve. County Commissioners Absent: None. Others Absent: County Administrator Matthew Huddleston. Also present: Laurel D. Buchanan, Clerk of the Board. Unless otherwise stated, all actions have been approved by unanimous yeas vote. Members of the public were present.

MOTION GOUTERMONT, SECOND HURD: 01 – Approve agenda. Absent: None

Dale Krystosek, Minnesota Board of Water and Soil Resources (BSWR) Performance Review Assistance Program (PRAP) Coordinator, attended the County Board of Commissioners meeting to present the results of the recent BWSR PRAP Level II Performance Review for the Lake County Environmental Services Department (County) and Lake County Soil & Water Conservation District (SWCD). Mr. Krystosek gave a brief overview of the Minnesota Wetland Conservation Act of 1991 (WCA) and statute passed by legislature in 2007 that established requirements for plan implementation review. In 2007 BWSR set up a program (PRAP) to systematically review the performance of local units of government to ensure effective operation. Each year BWSR staff conducts routine reviews of several of these local conservation delivery entities. PRAP Level II performance reviews take place every ten (10) years. A Level II review evaluates progress on plan implementation, operational effectiveness, and partner relationships.

Mr. Krystosek provided a BWSR PRAP Level II Report Summary and reviewed key findings, accomplishments and commendations, recommendations, feedback from partners, and general conclusions. Five performance review areas: 1) communication, 2) quality of work, 3) relations with customers; 4) initiative, and 5) timelines / follow-through. The Lake Soil and Water Conservation District is commended for meeting ten (10) of 14 high performance standards for SWCDs and the Lake County Environmental Services Department is commended for meeting nine (9) of 12 high performance standards for counties (County Local Water Management Performance Standards). The County and SWCD made progress on all 38 of their action items: 100% plan implementation. The County and SWCD have completed ten (10) of their action items and 28 items are ongoing. Some of the BWSR PRAP Level II performance review results include recommendations that apply to both the County and the SWCD, and these are referred to as Joint Recommendations.

One of the recommendations from BWSR PRAP Level II Performance Review is for Lake County to pass a new WCA resolution adopting the Rule. Lake County Environmental Services Department Director Christine McCarthy along with staff member Neva Maxwell discussed the proposed resolution for the Lake County Environmental Services Department to accept the authority and administrative responsibility to implement WCA as the LGU within the legal boundaries of Lake County. The new

resolution omits the language of rescinding the authority upon a change or revision in Rule as well as additional resolution language that delegates WCA decision-making authority to the Lake County Environmental Services Department.

Ms. Maxwell answered questions about previous resolutions of the Lake County Board of Commissioners regarding WCA. Mr. Kystosek talked about clarification changes that were made to WCA in 1996. History of wetland regulation and wetland mitigation ratios were discussed.

The proposed resolution states that WCA requires LGUs to implement the rules and regulations promulgated by BWSR pertaining to wetland draining, filling and excavation. Minnesota Rules chapter 8420 have been adopted by BWSR in accordance with the rulemaking provisions of Minnesota Statutes, chapter 14, for the purpose of implementing WCA. Minnesota Rules 8420.0200, Subpart 1, Item E allows a county, city, or town to delegate implementation of chapter 8420 and the act to another governmental entity by the passage of resolutions by both parties. Both parties must provide notice to BWSR, the Department of Natural Resources, and the Soil and Water Conservation District of the delegation, including a copy of the resolution and a description of the applicable geographic area, within 15 business days of adoption of the resolution.

Lake County is authorized by Minnesota Administrative Rules Part 8420.0200, Subpart 2, Item C, to delegate certain functions with regard to implementation of WCA, including the authority to make decisions on applications, with its staff. The proposed resolution states that decision-making authority for WCA exemption, no-loss, wetland boundary and type, sequencing, replacement plan, and wetland banking applications is placed with the Environmental Services Director.

Lake SWCD Aquatic Invasive Species Coordinator Sonja Smerud was present to answer any water planning questions on behalf of Lake SWCD.

Lake County Environmental Services Director Christine McCarthy was present to answer any questions on the four (4) proposed resolutions for Interim Use Permits (IUP) that were brought forward by her department following the recent Lake County Planning Commission meeting.

Lake County Auditor-Treasurer Linda Libal updated the Board of Commissioners on a recent visit from Minnesota Secretary of State Steve Simon, Minnesota's chief elections administrator responsible for overseeing statewide elections and operating the statewide voter registration system. Mr. Simon met with Lake County Auditor-Treasurer Linda Libal and her staff at the courthouse. Ms. Libal talked about absentee ballots, the upcoming 2018 general election, and the 2020 presidential primary.

Lake County Auditor's Office has been working on an audit with Scott Zahorik, Director of Housing Services for the Arrowhead Economic Opportunity Agency (AEOA) on a State of Minnesota Department of Employment & Economic Development (DEED) Business and Community Development Division on the Small Cities Development Program (SCDP). The State has been allocated funds by the United States Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) Program. The State contracts with Lake County as the Local Government Unit (LGU) to administer projects in accordance with the SCDP. Lake County also contracts with AEOA for technical and administrative assistance in carrying out housing rehabilitation activities under the SCDP grant awarded by DEED. The audit is a review of projects under the CDBG.

Lake County Land Commissioner Nate Eide was present to answer any questions about Forestry Department road projects and requests for board action.

MOTION HURD, SECOND WALSH: 02 – Approve consent agenda as follows:

1. Approve the Board of Commissioners' regular meeting minutes from September 11, 2018.
2. Approve Health and Human Services claim payments in the following amounts:
 - a. Administrative payments \$ 17,261.71
 - b. Region III payments \$ 145,197.25
3. Approve payment in the amount of \$29,962.50 (invoice 69324) to the Office of the State Auditor for year-end 2017 audit services.
4. Authorize payment to Tim Anderson Construction, LLC in the amount of \$44,386 (Invoice #1) for courthouse office remodel / judicial project funded by the Safe and Secure Courthouse Initiative Grant.
5. Authorize payment to Mudek Flooring in the amount of \$7,856 (Invoice #001) for the courthouse office remodel / judicial project funded by the Safe and Secure Courthouse Initiative Grant.
6. Approve transfer of Road & Bridge Unit #8090 (2009 Toro) to Maintenance Department with no interdepartmental funds transfer.
7. Approve transfer of One Ariens Mower and Utility Trailer to the Sheriff's Department (Sentence to Serve (STS)) with no interdepartmental funds transfer. This equipment no longer fits the needs of the facilities department due to the amount of grounds we presently maintain.
8. Approve and authorize County Board Chair to sign the resolution allowing for the Environmental Services Department the authority and administrative responsibility to implement the Wetland Conservation Act (WCA) within the legal boundaries of Lake County; and allow the decision-making authority for WCA exemption, no-loss, wetland boundary type, sequencing, replacement plan and wetland banking applications will be placed with the Environmental Services Director.
9. Approve payment to Silver Hill Land Improvements totaling \$5,086.20 for 2018 Buck Mountain Road, Edge Creek Road and W. Bear Pit Road projects.
10. Approve Highway Department payment of Invoice No. 00043473 in the amount of \$11,818.94 to T.H. Auto Collision Repair Center for Unit #2110 (2011 GMC Sierra) repair.
11. Reject all bids for Highway Facility Project Bid Package #1 Work Scope 14-C Vehicle Lifts.
12. Authorize Highway Department purchase of Stertil Koni Sky 250-10 FM lift with options through State CPV Contract L-348(5) at a cost up to \$107,282.00 plus taxes, freight, and installation if applicable.
13. Amend April 10, 2018, Board of Commissioners' meeting minutes, Motion 04 Item 12: Approve Highway Department payment of \$18,924.00 plus delivery to Ziegler, Inc. for Caterpillar 330FL excavator rental for facility demolition through August 12, 2018.

14. Amend August 14, 2018 Board of Commissioners' meeting minutes, Motion 03 Item 10: Authorize Highway Department repair of Unit #8970 (1997 John Deere mowing tractor) in the amount of \$8,059.72 by Midwest Machinery Co.
15. Approve Highway Department partial payment of \$1,275.00 and authorize Board Chair to sign Little Marais gravel pit lease with Minnesota Department of Natural Resources through June 30, 2027.
16. Authorize Highway Engineer to sign Heck of the North special event permit for September 29, 2018.
17. Approve and authorize the Lake County Board Chair and Lake County Health and Human Services Director to sign the Evidence-Based Home Visiting (EBHV) Program Expansion Grant Project Agreement between the Carlton-Cook-Lake-St. Louis Community Health Board (CHB) and Lake County Health and Human Services for the period of May 18, 2018 through December 31, 2022. Further authorize the Lake County Board Chair and Lake County Health and Human Services Director to sign any subsequent amendments during the term of this Agreement.
18. Approve and authorize the Lake County Board Chair to sign the Joint Powers Agreement (JPA) Governing Participation in a Non-Emergency Medical Transportation (NEMT) Coordination Project.
19. Adopt the findings by the Planning Commission for Interim Use Application I-18-019, Brien Getten/ Two Harbors Hiways LLC.
20. Adopt the finding by the Planning Commission for Interim Use Application 1-18-020, William A. Fisher.
21. Adopt the findings by the Planning Commission for Interim Use Application, I-18-021, Arrowhead Vacation Properties.
22. Adopt the findings by the Planning Commission for Interim Use Application, I-18-022, Judy Lykins/Hwy 61 Revisited LLC.
23. Approve Doug Haus cabin lease, currently in Township 60, Range 6, section 21, to a new location in Southwest of Southeast of Township 59, Range 6, Section 5. The current lease access crosses private land which is no longer an option. Current lease cabin site needs to be cleaned and approved by the Forestry Department.
24. Authorize payment to BMO Harris Bank N.A. in the amount of \$7,874.41 (quarterly invoice dated September 17, 2018), for a Periodic Fee for Irrevocable Standby Letter of Credit No. HACH503422OS. Absent: None

MOTION HOGENSON, SECOND HURD: 03 – Adopt the preliminary 2019 Net Property Tax Levy of \$10,549,265. Absent: None

MOTION WALSH, SECOND GOUTERMONT: 04 – Adopt the preliminary 2019 Net Property Tax Levy for Unorganized Territory No. 1 in the amount of \$32,000. Absent: None.

MOTION HURD, SECOND HOGENSON: 05 – Adopt the preliminary 2019 Net Property Tax Levy for Unorganized Territory No. 2 in the amount of \$341,000 (Revenue Fund in the amount of \$88,000 and Road and Bridge Fund in the amount of \$253,000). Absent: None

MOTION GOUTERMONT, SECOND HOGENSON: 06 – Set date of Tuesday, December 11, 2018, at 6:00 p.m. for public hearing to set final budget and levies for Lake County to be held in the Lake County Courthouse, Law Enforcement Center, 613 Third Avenue, Two Harbors, Minnesota. Absent: None

MOTION WALSH, SECOND GOUTERMONT: 07 – Approve the probationary appointment of Synthia Seliskar to Human Services Professional at the Step 1 rate of \$24.53 per hour effective October 1, 2018. Absent: None

MOTION HOGENSON, SECOND HURD: 08 – Approve the trial appointment of Brent Anderson, Highway Maintenance Worker, to Highway Maintenance Coordinator at the Step 3 rate of \$22.28 per hour effective September 29, 2018. Absent: None

MOTION HURD, SECOND GOUTERMONT: 09 – Adjourn County Board of Commissioners' meeting at 2:45 p.m. Absent: None

From the Board of Commissioners' meeting schedule:

- Agenda meeting at 2:00 p.m. on Tuesday, October 2, 2018; Split Rock River Room located on the main floor of the Lake County Service Center, 616 Third Avenue, Two Harbors, Minnesota.
- Regular meeting at 2:00 p.m. on Tuesday, October 9, 2018; Split Rock River Room located on the main floor of the Lake County Service Center, 616 Third Avenue, Two Harbors, Minnesota.
- Committee of the Whole at 6:00 p.m. on Tuesday, October 16, 2018; the Town of Silver Creek, Town Hall, 1924 Town Road, Two Harbors, Minnesota.
- Budget Meeting at 1:00 p.m. on Friday, October 19, 2018; Split Rock River Room located on the main floor of the Lake County Service Center, 616 Third Avenue, Two Harbors, Minnesota.

ATTEST:

Laurel D. Buchanan
Clerk of the Board

Rich Sve, Chairperson
Lake County Board of Commissioners