



AGENDA

PINE COUNTY BOARD MEETING

Tuesday, March 6, 2012 7:00 p.m. Pine County Courthouse, Pine City, MN

- A) Call meeting to order
- B) Pledge of Allegiance
- C) Public Forum
- D) Adopt Agenda Items
- E) Approve Minutes of February 21, 2012 Board Meeting
- F) Approve Consent Items

Minutes of Boards, Committees and Board Memos, Newsletter

- 1. Pine County Land Surveyor Report, February, 2012
- 2. Personnel Committee Minutes, February, 2012
- 3. Transportation Committee Minutes, February, 2012

*****CONSENT AGENDA*****

Auditor/Treasurer

- 1. February 2012 Disbursements
- 2. Applications for Abatement-
Patrick & Mary Jane Kester, 44788 Tamarack River Rd, Hinckley, PID 23.0117.002, pay 2011
James & Joseph McCarthy, New Dosey Township, PID 20.0188.000, pay 2012
- 3. Application for Exempt Permit to conduct MN lawful gambling for St. Mary's Catholic School at Wing's North, 19379 Homestead Rd, Pine City on April 27, 2012 (Pokegama Twp)
- 4. Approval of application for a new tobacco license in Pine County under the jurisdiction of the Auditor, Doosy Smoke Shop, for the period of March 8-December 31, 2012

*****REGULAR AGENDA*****

(Times are approximate)

7:05 p.m. Administrator

1. ATP and MnDOT presentation on Federal projects
2. DNR update on July 2011 Blowdown and upcoming Fire Season

7:25 p.m. Sheriff

1. Pine County Community Wildfire Protection Plan
2. Acknowledge and accept the resignation of Full-time Dispatcher Jodi Houck effective March 10, 2012 and approve immediate replacement
3. Acknowledge and accept the resignation of Full-time Secretary Roxanne Orvis effective March 6, 2012 and approve immediate replacement
4. Acknowledge and approve the hiring of Court Security Officer Aileen Butler effective February 13, 2012 at \$12.69/hr B22
5. Acknowledge and approve the hiring of Court Security Officer Rhonda Darnelle effective February 10, 2012 at \$12.69/hr B22
6. Acknowledge and approve the hiring of Corrections Officer Eric Quigley effective February 23, 2012 at \$15.57/hr B23
7. Acknowledge and approve the hiring of Corrections Officer Zakory Vork effective February 23, 2012 at \$15.57/hr B23
8. Approve payment of judgment of \$1,255 to Carrie Major

8:00 p.m. Auditor/Treasurer

1. Repurchase of Forfeited Land in full – David VanGordon
2. Out of State Travel Policy – Sheriff's Department
3. 2012 Redistricting

8:45 p.m. Assessor

1. Approve Property Appraiser Jennifer Mansavage to attend Legal Description workshops on May 2-3, 2012. Total costs \$120

8:50 p.m. Land/Zoning

1. Summary Publication Floodplain Management Ordinance
2. Floodplain Management Ordinance Adoption

9:10 p.m. Administrator- Continued

3. Approve employee contract with AFSCME Sheriff's Administrative Unit for 2012-2013
4. Acknowledge and accept the resignation of Survey Crew Chief Bruce Bunker effective March 9, 2012
5. Resolution supporting Legislation Modifying Wetland Replacement Requirements

9:25 p.m. Commissioner's Report

Upcoming Meetings

Personnel Committee meeting, **Monday, March 12, 2012, 9:00 a.m.** Administrator's Conference Room, Pine City, MN

Pine County Health and Human Services Board Meeting **Tuesday, March 20, 2012 5:00 p.m.** Public Health Building, Sandstone, MN

Pine County Board Meeting **Tuesday, March 20, 2012 7:00 p.m.** Public Health Building, Sandstone, MN

Tuesday, February 21, 2012 1:00 p.m. Public Health Building, Sandstone, MN

Chairman Chaffee called the meeting to order at 1:00 p.m. Present were Commissioners, Doug Carlson, Curt Rossow, Stephen Hallan, and Mitch Pangerl. Also present was County Administrator Mark LeBrun and County Attorney John Carlson.

The Pledge of Allegiance was said.

Chairman Chaffee called for public comment. Dave Ostenson commented on the need for local government units to lower budgets and tax levies due to the tax law changes or tax burdens will increase. Tom Mestemacher commented on the Sheriff's policy of not allowing deputies to take home vehicles but allowing the Chief Deputy to take home vehicle out of County.

Commissioner Rossow moved to adopt the agenda, Commissioner Hallan seconded. Motion carried.

Commissioner Pangerl moved to approve the minutes of the February 7, 2012 Board meeting. Commissioner Pangerl requested his vote against the employee Union Contract be noted in the minutes. Commissioner Rossow seconded. Motion carried.

Commissioner Hallan moved to approve the consent agenda, Commissioner Carlson seconded. Motion carried.

Minutes of Boards, Committees and Board Memos, Newsletter

1. ECRL Library Board Minutes, January, 2012
2. Land/Zoning Committee notes, February, 2012
3. Water Plan Task Force agenda, February, 2012

*****CONSENT AGENDA*****

Auditor

1. Cash Balance as of January 31, 2012

Revenue Fund	\$ 649,939.37
Health and Human Services Fund	\$ 1,929,458.13
Road and Bridge Fund	\$ 7,456,774.07
Land Management Fund	\$ 1,317,282.89

2. Applications for Abatement-
Laura Ribich, 26715 Northview Rd, Sturgeon Lake, PID31.0035.001, pay 2011
3. Liquor license approval for Partners in Real Estate DBA: Banning Junction, Separate license for On-Sunday Sales and one for Off Sale. Temporary 3.2 license for Sandstone Bulls and Barrels for May 18-20, 2012 in Sandstone
4. Cancellation of 2009 Outstanding Warrants

****REGULAR AGENDA****

Sheriff

Sheriff Cole presented a letter from the BCA denying a request to do an investigation of the department at this time. Commissioner Hallan motioned to acknowledge receipt of letter as presented. Commissioner Pangerl seconded, motion carried.

Sheriff Cole presented for approval a Narcotics and Gang Task Force Grant for 2012 in the amount of \$100,000. Commissioner Pangerl motioned to approve as presented. Chairman Chaffee seconded, motion carried.

Public Works

Engineer LeBrun presented for approval the appointment of Charles Daher as Assistant County Engineer at \$31.25/hr effective March 12, 2012. Commissioner Rossow motioned to approve as presented. Commissioner Hallan seconded, motion carried.

Administrator

Administrator LeBrun presented for approval the appointment of Kelly Schroeder as County Assessor at a salary of \$65,000 effective March 7, 2012. Chairman Chaffee motioned to approve as presented. Commissioner Carlson seconded, motion carried.

Administrator LeBrun presented for approval the transfer of Sheriff's Secretary Roxanne Orvis to Administrative Assistant-Extension at \$17.70/hr effective March 7, 2012. Commissioner Pangerl motioned to approve as presented. Commissioner Rossow seconded, motion carried.

Administrator LeBrun presented the retirement of Property Appraiser Lana Meier effective March 30, 2012 and to authorize replacement. Commissioner Rossow motioned to approve as presented. Chairman Chaffee seconded, motion carried.

Administrator LeBrun presented for approval a Contract to provide Assessor Services with Kanabec County. Commissioner Hallan motioned to approve as presented. Commissioner Rossow seconded, motion carried.

Administrator

Attorney Carlson presented a claim to be submitted to MCIT. Commissioner Carlson motioned to acknowledge submittal of claim to MCIT. Commissioner Rossow seconded, motion carried.

Commissioner Carlson commented on WCA, HF 2105, and legislative district changes.

Commissioner Rossow commented on the Arrowhead Counties Association meeting and the proposed WCA statute changes.

Upcoming Meetings Announced

Water Management Plan Task Force meeting, Tuesday February 21, 2012, 7:00 p.m. City Hall, Hinckley, MN

Sandstone Hospital Board meeting, Tuesday February 21, 2012, 7:00 p.m. Sandstone, MN

Management Team meeting, Tuesday, February 28, 2012, 9:00 a.m. Jury Assembly Room, Pine County Courthouse, Pine City, MN

Pine County Board meeting, Tuesday, March 6, 2012, 7:00 p.m. Boardroom, Pine County Courthouse, Pine City, MN

With no further business, Chairman Chaffee adjourned the County Board meeting at 1:43 p.m., until the next scheduled County Board Meeting on March 6, 2012 at 7:00 p.m. in the Boardroom of the Pine County Courthouse.

Mark LeBrun, Administrator
Clerk to County Board

Steve Chaffee, Chair
Board of County Commissioners

Pine County Land Surveyor Monthly Report

February 2012

Page 2 of 2 pages

Identify and visit HARN GPS control stations that need to have trees cleared.

CSAH 61, T38N R21W, research records, compute search areas, set GPS control, search for, set, tie out and GPS PLSS corners, GLO topo calls, download data and update files.

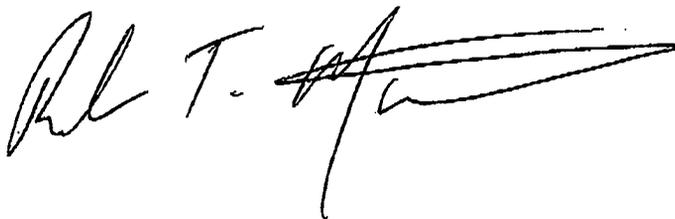
Create and file PLSS corner Certificates done by County Surveyor.

Create and file Certificates of Survey for surveys done by County Surveyor.

Review legal descriptions for ROW Dept. and Land Dept. as needed.

Review Plats and Minor Subdivisions for Zoning Dept. as needed.

Review and file PLSS corner certificates provided by private surveyors.

A handwritten signature in black ink, appearing to read "Robin T. Mathews". The signature is stylized with a long, sweeping horizontal stroke at the end.

Robin T. Mathews, Pine County Surveyor

Monthly Report February 2012.doc

Personnel Committee Meeting Minutes of February 13, 2012 @ 9:00 am

Present: Mark LeBrun, Troy Stewart, Commissioner Steve Chaffee, and Commissioner Curt Rossow.

1. Committee interviewed four applicants for the County Assessor position. Committee recommended hiring Kelly Schroeder at \$65,000 salary. Will be presented to full board on Feb. 21st.
2. Committee interviewed three applicants for the Assistant County Engineer position. Committee recommended hiring Charles Daher at \$31.25/hr. Will be presented to full board on Feb. 21st.

**Minutes for
TRANSPORTATION COMMITTEE
February 14, 2012
10:00 am
Land/Zoning Conference Room**

Committee members present were Curt Rossow, Doug Carlson, and Mark LeBrun, also in attendance was Dave Stevens.

- 1) 2012 Maintenance – Stevens presented a list and budget for summer gravel hauling.
- 2) Maintenance Engineer – LeBrun presented a position proposal for a Maintenance Engineer to replace the Maintenance Superintendent position. Stevens will retire this fall and LeBrun requested to hire a Maintenance Engineer this summer for training by Stevens. Committee recommends approval. Will be presented to Personnel Committee.
- 3) Hwy 61 Signage – Committee recommends installing signage for “Old Hwy 61” as soon as possible.
- 4) ATV trail application – LeBrun has received request for ATV trail along CSAH 46, will follow up with applicant.
- 5) Road Program – LeBrun presented a draft 2012-2016 Road Program. Committee recommends approval and presentation to the full board.

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: March 6, 2012	Consent Agenda <i>(Please Circle)</i> Regular Agenda Estimated Time: <i>(Please Circle)</i> 10 Min. 15 Min. Time needed 30 Min. 45 Min. 1 hour
Department Requesting Action: <u>Auditor/Treasurer</u>	 Department Head Signature 2-28-12 Date

<p>Item for Discussion:</p> <p><i>February 2012 Disbursements</i></p> <p>Board Action Requested: (Attach additional pages if needed)</p> <p align="center">Supporting Documents: Attached None</p>
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***** Pine County *****

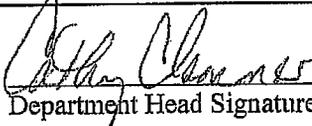
CATHYJ
2/28/12 12:28PM

DISBURSEMENTS JOURNAL REPORT Specific Dates: 02/01/2012 - 02/29/2012

RECAP BY FUND	FUND	AMOUNT	NAME
	1	412,236.91	GENERAL REVENUE FUND
	13	114,654.60	ROAD & BRIDGE FUND
	22	344.62	LAND MANAGEMENT FUND
	38	1,600.00	BUILDING FUND
	76	243,001.17	GROUP HEALTH INS FUND 5/1/95 (GEN)
	80	406,528.52	COUNTY COLLECTIONS AGENCY FUND
	82	557.40	TAXES AND PENALTIES AGENCY FUND
		1,178,923.22	Total Disbursements

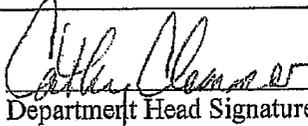
RECAP BY TYPE	TYPE	AMOUNT	NAME
	1	1,179,573.22	AUD
	3	650.00	MVC
		1,178,923.22	Total Disbursements

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: March 6, 2012	<u>Consent Agenda</u> (Please Circle) Regular Agenda Estimated Time: (Please Circle) _____ 10 Min. 15 Min. Time needed 30 Min. 45 Min. 1 hour
Department Requesting Action: <u>Auditor/Treasurer</u>	 Department Head Signature 2-28-12 Date

Item for Discussion: <i>Application for Abatement – Patrick & Mary Jane Kester, 44788 Tamarack River Rd, Hinckley, PID 23.0117.002, pay 2011 James & Joseph McCarthy, New Dosey Township, PID 20.0188.000, pay 2012</i>
Board Action Requested: (Attach additional pages if needed)
Supporting Documents: Attached None

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: March 6, 2012	<u>Consent Agenda</u> (Please Circle) Regular Agenda Estimated Time: (Please Circle) 10 Min. 15 Min. Time needed 30 Min. 45 Min. 1 hour
Department Requesting Action: <u>Auditor/Treasurer</u>	 Department Head Signature 2-28-12 Date

Item for Discussion:

Application for Exempt Permit to conduct Minnesota lawful gambling for St. Mary's Catholic School at Wing's North, 19379 Homestead Rd, Pine City on April 27, 2012 (Pokegama Twp).

Board Action Requested: (Attach additional pages if needed)

Supporting Documents: Attached None

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: <i>March 6, 2012</i>	<u>Consent Agenda</u> <i>(Please Circle)</i> Regular Agenda Estimated Time: <i>(Please Circle)</i> 10 Min. 15 Min. Time needed 30 Min. 45 Min. 1 hour
Department requesting Action: <u>Auditor</u>	<i>Cathy Cleaver 2-28-12</i> Department Head Signature Date

Item for Discussion: (one form per item)

Approval of application for a new tobacco license in Pine County under the jurisdiction of the Auditor
DOOSY SMOKE SHOP.

for the period of March 8- December 31, 2012

*Subject to approval of County Board and County Sheriff
no delinquent taxes*

Board Action Requested: (Attach additional pages if needed)

Supporting Documents: Attached None

STATE OF MINNESOTA
COUNTY OF PINE

LICENSE NUMBER
55-12

TOBACCO LICENSE

LICENSE AND PERMISSION IS HEREBY GRANTED TO:

DOOSY SMOKE SHOP

To keep for sale, and to sell tobacco, tobacco-related products, and tobacco-related items at:

150 Main Street, Pine City, MN 55063

For the period of March 9, 2012 through December 31, 2012

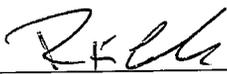
Pursuant to the provisions of Pine County Ordinance No. 98-01, being an ordinance regulating the sale, use and possession of tobacco, tobacco-related products, and tobacco-related items in Pine County.

Dated: March 6, 2012

Pine County Auditor-Treasurer

Chairperson, Pine County Board of Commissioners

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: March 6, 2012	Consent Agenda <i>(Please choose)</i> Regular Agenda Estimated Time: <i>(Please Circle)</i> _____ 10 Min. 15 Min. Time needed 30 Min. 45 Min. 1 hour
Department requesting action: <u>Sheriff</u>	 <u>2-28-2012</u> Department Head Signature Date

Item for Discussion: (one form per item)

To the County Board of Commissioners

The Pine County Sheriff requests the Pine County Board of Commissioners approve the Pine County Community Wildfire Protection Plan.

This plan represents the collaborative effort between County, State and Tribal emergency response partners, establishing an understanding of the risks and response options as a result of the July 2011 blow down in Pine County.

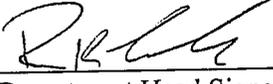
This plan is a working document, and will be up-dated as conditions and response options change. In its present state, the plan represents a snap shot of current conditions and their associated dangers.

The Pine County Sheriff requests Board approve this plan.

Board Action Requested: (Attach additional pages if needed)

Supporting Documents: Attached None

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: March 6, 2012	Consent Agenda <i>(Please choose)</i> Regular Agenda Estimated Time: <i>(Please Circle)</i> _____ 10 Min. 15 Min. Time needed 30 Min. 45 Min. 1 hour
Department requesting action: <u>Sheriff</u>	 2-28-2012 Department Head Signature Date

Item for Discussion: (one form per item)

Request the Board accept and acknowledge the resignation of full-time Dispatcher Jodi Houck, effective March 10, 2012.

She has accepted a position with the Carlton County Sheriff's Office as a Dispatcher.

Request the Board accept and acknowledge the resignation and approve an immediate replacement.

Board Action Requested: (Attach additional pages if needed)

Supporting Documents: Attached None

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: March 6, 2012	Consent Agenda <i>(Please choose)</i> Regular Agenda Estimated Time: <i>(Please Circle)</i> _____ 10 Min. 15 Min. <small>Time needed</small> 30 Min. 45 Min. 1 hour
Department requesting action: <u>Sheriff</u>	 _____ Department Head Signature Date

Item for Discussion: (one form per item)

Request the Board accept and acknowledge the resignation of full-time Sheriff's Secretary Roxanne Orvis, effective March 6, 2012.

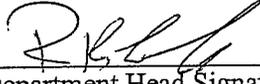
She has accepted a position with the Pine County Extension.

Request the Board accept and acknowledge the resignation and approve an immediate replacement.

Board Action Requested: (Attach additional pages if needed)

Supporting Documents: Attached None

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: March 6, 2012	Consent Agenda <i>(Please choose)</i> Regular Agenda Estimated Time: <i>(Please Circle)</i> <u>5 min</u> 10 Min. 15 Min. <small>Time needed</small> 30 Min. 45 Min. 1 hour
Department requesting action: Sheriff / Jail	 Department Head Signature 2-24-2012 Date

<p>Item for Discussion: (one form per item)</p> <p><i>Acknowledge and approve the hiring of Court Security Officer Aileen Butler effective 02-13-2012, starting wage \$12.69, B-22 classification.</i></p> <p><i>Acknowledge and approve the hiring of Court Security Officer Rhonda Darnelle effective 02-10-2012, starting wage \$12.69, B-22 classification.</i></p> <p><i>Acknowledge and approve the hiring of part time Correction Officer Eric Quigley effective 02-23-2012, starting wage \$15.57, B-23 classification.</i></p> <p><i>Acknowledge and approve the hiring of part time corrections Officer Zakary Vork effective 02-23-2012, Starting wage \$15.57, B23 classification.</i></p> <p><i>All positions were approved to maintain minimal staffing requirements.</i></p>
<p>Board Action Requested: (Attach additional pages if needed)</p> <p align="right">Supporting Documents: Attached None</p>

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: March 6, 2012	Consent Agenda <i>(Please choose)</i> Regular Agenda Estimated Time: <i>(Please Circle)</i> _____ 10 Min. 15 Min. Time needed 30 Min. 45 Min. 1 hour
Department requesting action: <u>Sheriff</u>	 2-28-2012 Department Head Signature Date

Item for Discussion: (one form per item)

The Pine County Sheriff requests, the Pine County Board review and approve the attached 2007 judgment and claim against the Pine County Sheriff's Office.

Please review documents for details, this matter has been discussed with the County Attorney.

Request approval to pay judgment of **\$1,255.00** to Carrie Major.

Board Action Requested: (Attach additional pages if needed)

Supporting Documents: Attached None



Pine County Sheriff's Office

Robin K. Cole, Sheriff

*Steven Blackwell, Chief Deputy
Rick Boland, Chief of Corrections*

February, 23, 2012

Pine County Attorney
Pine County Courthouse
635 Northridge Drive NW
Suite 310
Pine City, MN 55063

RE: Carrie Major vehicle

County Attorney:

On or about February 10, 2011, I, Sheriff Robin Cole, received a telephone call for a female party identifying herself as a Carrie Major. She stated that in 2005 she was arrested and during the course of that arrest her vehicle was impounded by then Deputy Dan Vosika, who told her the vehicle was going to be forfeited. Carrie stated that in 2005 she filed a claim in District Court to have her vehicle returned, and in 2007 won a judgment ordering that the vehicle be returned or compensation be made. I asked Carrie if she had the Courts judgment, and why she had waited so long to bring it forward. She replied that she had brought the judgment to then Sheriff Mansavage in 2007, and that he refused to honor it. She went on to say that Mansavage laughed at her, challenged her to try and collect the judgment. Carrie agreed to forward the court documents, which I received on February 20, 2011. The document provided by Carrie was a copy of a Tenth District Conciliation Court Judgment dated September 27, 2007, signed by Judge Reuter ordering the return of a 1993 Pontiac Grand Pre or compensation for it. The judgment indicates that the Plaintiff (Carrie) appeared in court, but also indicates a "default."

I checked the associated case file and found that the original arrest involved a traffic stop in connection to a forgery incident which led to the discovery of a very small amount of narcotics and other items. Carrie was not the driver at the time of the stop, but was the owner of the vehicle.

Contained in a transcribed conversation between Carrie and then Deputy Vosika, is a statement by Vosika that the vehicle is going to be seized because it was used in the commission of a felony. The case file contains no documentation detailing a forfeiture action for this vehicle. Records do show the vehicle was towed from the scene by G&D Towing, Sandstone. It is not clear where the vehicle was taken but other information tends to indicate that the vehicle was towed to the G&D lot.

All PCSO records were checked in relation to this incident. A computer file was located containing an electronic copy of Carrie's original hand written Statement of Claim and Summons dated November 3, 2005, naming the Pine County Sheriff's Office as the defendant in a Conciliation Court matter involving

Carrie's vehicle. Also found in this file was a copy of a Notice of Hearing document "Carrie J Major vs. Pine Co Sheriff's Office" with a hearing date of September 24, 2007.

A check of DMV recorders showed that Carrie's vehicle title was transferred from her, to the owner of the tow company on July 7, 2012, and then transferred to another party on August 15, 2007. These transfers apparently occurred while the PCSO was on notice of pending legal action involving this vehicle.

A check of the Pine County Auditor's Office showed that no money has been paid to a Carrie Jean Major, for any reason.

It appears that Carrie Major has a legitimate claim against the Pine County Sheriff's Office. Then, Sheriff Mansavage seemingly ignored the 2005 "Statement of Claim and Summons" and the 2007 "Notice of Hearing." There is no documentation allowing for the "Seizure" of his vehicle, and a Court Judgment to return or compensate was apparently also ignored. Carrie Major's recourse to collect this judgment would have included civil actions processed and served through the Sheriff's Office, an undertaking she was afraid to do.

I recommend payment of \$1,255.00 to Carrie Major to settle the 2007 judgment against the Pine County Sheriff's Office.

Respectfully,



Sheriff R. Cole

Cc: Pine County Administrator
Pine County Board of Commissioners

***Pine County Sheriff's Office
635 Northridge Dr. NW, Ste.100
Pine City, MN 55063
320-629-8380***

RESOLUTION

WHEREAS, David VanGorden, the former owner, has made and filed an application with the County Auditor for the repurchase of the hereinafter described parcel of tax forfeited land, in accordance with the provisions of Minnesota Statutes 1945, Section 282.241, as amended, which land is situated in the County of Pine, Minnesota, and described as follows, to-wit:

Northwest Quarter of Southwest Quarter Fractional (NW1/4 of SW1/4), Section Thirty-one (31), Township Forty-one (41), Range Nineteen (19)
PID #01.0237.000

and WHEREAS, said applicant has set forth in his application that: *Divorce and Health Problems*

and

Enabling me to resell the property and start over.

and WHEREAS, this Board is of the opinion that said application should be granted for such reasons,

NOW THEREFORE BE IT RESOLVED, that the application of David VanGorden, for the repurchase of the above described parcel of tax forfeited land be and the same is hereby granted and the County Auditor is hereby authorized and directed to permit such repurchase according to the provisions of Minnesota Statutes 1945, Section 282.241, as amended.

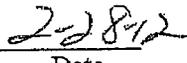
Dated at Pine City, Minnesota, this 6th day of March 2012.

Attest:

Chairman, Board of County Commissioners
Pine County, Minnesota

County Auditor

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: March 6, 2012	Consent Agenda <i>(Please Circle)</i> <u>Regular Agenda</u> Estimated Time: <i>(Please Circle)</i> 10 Min. 15 Min. <small>Time needed</small> <u>30 Min.</u> 45 Min. 1 hour
Department Requesting Action: <u>Auditor/Treasurer</u>	 Department Head Signature  Date

Item for Discussion:

Pine County Out of State Travel Policy/Sheriff's Department

Board Action Requested: (Attach additional pages if needed)

Supporting Documents: Attached None



CATHY J. CLEMMER
AUDITOR-TREASURER

PINE COUNTY COURTHOUSE * 635 Northridge Dr NW * Suite 240 * PINE CITY, MN 55063

Maddie Amundson	320-591-1670
Cathy J. Clemmer	320-591-1668
Julian Hansen	320-591-1660
Paul Johnson	320-591-1669
Pam Lawrence	320-591-1667
Terry Lovgren	320-591-1666
Kathy Reiser	320-591-1664
Fax	320-591-1671

TO: Pine County Board of Commissioners
FROM: Cathy J. Clemmer
RE: Out of State Travel Policy
DATE: February 28, 2012

The purpose of this memo is to address concerns with Sheriff Cole's interpretation of how the County's out-of-state travel policy applies to him and his departments. As it relates to my responsibilities and the accountability of public funds, transparency of monies spent on behalf of County employees, including elected officials, is very important and has been the subject of much discussion in the past.

Contained in Sections 12.3, 12.4 and 12.6 of the Pine County Personnel Policies Manual is very specific language addressing the requirement for prior approval by the County Board of any out-of-state conference/training travel done by employees and elected officials, as well as the number of employees who should attend these trainings/conferences. Enacted in 2005, M.S. 471.661 requires a County to implement a policy controlling travel outside the state of Minnesota by elected officials which is supported by the County's existing policy. (Copies attached).

Invoices have been submitted and paid for out-of-state travel approved by the Sheriff and I asked Sheriff Cole if he followed the County's policy in getting approval by the County Board prior to attendance at these trainings/conferences. He said statutorily he didn't have to follow the County's policy and also provided several other reasons - (1) it was in his budget, (2) that he is too busy to take training requests to the County Board and (3) that he 'sends his people all over'. I mentioned to him that during our annual audits, our auditor's also check for compliance with County policies. The Sheriff said the expenses occurred in 2012 and the auditors are auditing the year 2011.

While I can't dispute his statutory authority as that is outside my jurisdiction, I feel it is incumbent of the County to provide full and open disclosure and discussion as to how taxpayer dollars are spent. The following are some of the payments authorized by the Sheriff without the prior approval by the County Board:

October 22-26, 2011

Chicago, Illinois - International Association of Chiefs of Police (IACP) Annual Conference
Sheriff Cole, Chief Deputy Steve Blackwell and their wives.

Registration: \$320.00 each. County was reimbursed \$100.00 each for their wives as prescribed in
the County's travel policy

Hyatt Regency-Chicago: \$2,782.74

Fuel: \$124.28

February 12-16, 2012

Las Vegas, NV - unknown training for Jeff Randall

Airfare: \$299.60

Stratosphere Casino Hotel: \$170.34

Fuel/Expenses: \$205.43

June 9-14, 2012

Long Beach, CA - National Emergency Number Association (NENA)

Marcella Danielson and Audrey Schroeder

Registration: \$549.00

Airfare: \$1,088.40

Additional documentation shows other charges that have an undetermined purpose.

I have discussed this situation with the County Attorney and the Office of the State Auditor. The Sheriff asserts he only has to operate within the budget approved by the County Board. The following is the Sheriff's budget vs. actual expenditures at 12-31-11 which is provided to all department heads on a monthly basis:

Sheriff's Dept	Budgeted Expenditures: \$3,391,575	Actual Expenditures: \$3,520,421
Dispatch	Budgeted Expenditures: \$520,465	Actual Expenditures: \$522,276
Jail	Budgeted Expenditures: \$3,134,686	Actual Expenditures: \$3,120,190

Combined Total: Budgeted: \$7,046,726 Actual: \$7,162,887 Over Budget: \$116,161

The County Board implements policies it deems are necessary and advantageous to ensuring compliance with all governing statutes and which also provide for full disclosure. An employee or elected official who feels he/she is not obligated to follow such policies undermines the confidence of the public in knowing their tax dollars are being appropriately monitored and safe guarded and is detrimental to Pine County as a whole. The public and our constituents demand transparency in how funds are spent and as such, this situation requires at a minimum, discussion by the County Board.

Recommendations or guidance by the County Board as the budgetary authority would be welcomed.

Respectfully,



8.—All mileage vouchers must be submitted to the Auditors office. No mileage expense voucher will be paid if not submitted by Feb 15th of the following year in which the expense was incurred.

9. Any questions, please contact the Auditors office.

12.3 Travel on County Business

This policy applies to all employees and elected officials of Pine County (*Except HHS employees*). In the event that this policy conflicts with a current collective bargaining agreement, the latter controls. In the event there be any conflict with State or Federal law, the latter controls. It is intended that this policy conform to M.S. §471.96(1) and 471.97 governing expenses incurred by employees in the conduct of County business. It is designed to provide the basis for determining whether there is authority for County Expenditure, the expenditure serves a public purpose, and the expenditure is necessary and directly related to the betterment of the County.

12.4 Travel Requests and Approvals

All travel requests are approved by the responsible authority.

1. The County Board of Commissioners shall approve all travel costs through the annual budget process.
2. All travel for personnel requires the approval of the Department Head.
3. All travel that is not budgeted requires the approval of the County Board.
4. All overnight travel or a conference of more than one day (whether or not the County is paying for lodging) requires County Board approval. These items need to appear on the Consent Agenda prior to attendance and payment.
5. Any conference, seminar, training, etc., in which the total cost is within budget does not need board approval.
6. Any out-of-state conference/training travel requires prior County Board approval and a personal appearance or written presentation outlining the need, benefit, etc., of the travel, to the County Board.
7. The Department Head is responsible for ensuring that funds are available to pay for all expenses they approve.

12.5 Billing

Whenever possible, employees are to make travel arrangements in advance and request the County be billed. All authorized travel expenses that are not billed directly to the County are to be paid by the employee subject to reimbursement upon approval of a Travel Expense Claim.

12.6 Travel Authorization Guidelines

In order to determine what travel is of the most value and which employees should go, the following guidelines have been established:

1. The costs of the conference, institute, training program and related travel must be within the annual travel expense budget appropriation approved by the County Board.

2. Only one employee per department should be sent to a conference, institute, or training program which exceed \$50.00 per individual, unless it can be clearly supported by the Department Head that there is a need to send another.
3. Contacts made or information gathered must be expected to benefit the improved operation of the County and respective department.
4. Utmost discretion is to be exercised in submitting a request for out-of-state or overnight travel. Conferences are to be unquestionably professional in content and should be selected only when a similar conference cannot be found locally in the same calendar year.
5. Travel for training purposes is limited to technical training specific to an individual's job that is not currently available through the County.
6. During the course of the annual budgetary process and in quarterly reports due at the end of each quarter, the responsible authority must make available to the County Board a detailed list of employees (including name and position title) who traveled for training purposes within that fiscal quarter, the destination of such travel, the reason for such travel, and all incurred expenses.

12.7 Authorized Expenses

Mileage for Personal Vehicle: Employees are reimbursed for traveling on official County business with a private automobile at the prevailing rate as set by the County Board. Mileage must be approved by Department Head and is paid on the most reasonable direct route as follows:

1. When traveling from the normal work location (i.e. Courthouse, County Garage etc.) and returning to it, the mileage allowance is actual miles traveled.
2. When traveling from a normal work location to a work site then to the employees residence, mileage is the miles of those which the employee normally travels.
3. When traveling out of county for work purposes, start calculation from home or your primary office site – whichever is shorter.
4. Work-related visits made before coming to the office: calculate mileage beginning from home or the primary office site – whichever is shorter.
5. The normal work location for employees assigned to multiple work locations, is the work location scheduled for the day on which the expense was incurred.
6. When personal vehicles are used for extended travel not available by commercial transportation, travel reimbursement is made on an actual mileage basis. Where there is commercial transportation available, reimbursement shall be the prevailing mileage allowance rate or tourist airfare, which ever is less. When two or more employees are traveling in one car, reimbursement is made to the employee whose vehicle was used.
7. If you have no primary office site, mileage starts from your home. Calculate only work-related mileage.

471.661 OUT-OF-STATE TRAVEL.

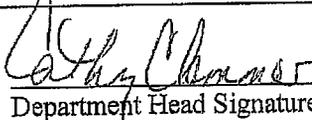
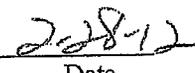
The governing body of each statutory or home rule charter city, county, school district, regional agency, or other political subdivision, except a town, must have on record a policy that controls travel outside the state of Minnesota for the applicable elected officials of the relevant unit of government. The policy must be approved by a recorded vote and specify:

- (1) when travel outside the state is appropriate;
- (2) applicable expense limits; and
- (3) procedures for approval of the travel.

The policy must be made available for public inspection upon request. Subsequent changes to the policy must be approved by a recorded vote.

History: 2005 c 156 art 2 s 38; 2009 c 152 s 21

PINE COUNTY REQUEST FOR BOARD ACTION

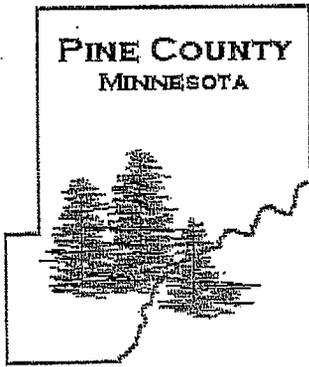
Requested Board Date: March 6, 2012	Consent Agenda <i>(Please Circle)</i> <u>Regular Agenda</u> Estimated Time: <i>(Please Circle)</i> 10 Min. 15 Min. <u>Time needed</u> <u>30 Min.</u> 45 Min. 1 hour
Department Requesting Action: <u>Auditor/Treasurer</u>	 Department Head Signature  Date

Item for Discussion:

County Commissioner Redistricting Discussion

Board Action Requested: (Attach additional pages if needed)

Supporting Documents: Attached None



CATHY J. CLEMMER
AUDITOR-TREASURER

PINE COUNTY COURTHOUSE * 635 Northridge Dr NW * Suite 240 * PINE CITY, MN 55063

Maddie Amundson	320-591-1670
Cathy J. Clemmer	320-591-1668
Julian Hansen	320-591-1660
Paul Johnson	320-591-1669
Pam Lawrence	320-591-1667
Terry Lovgren	320-591-1666
Kathy Reiser	320-591-1664
Fax	320-591-1671

TO: Pine County Board of Commissioners
FROM: Cathy Clemmer
RE: Redistricting Calendar
DATE: February 28, 2012

Following the 2010 census, it has been determined Pine County is not required to redistrict our county commissioner districts. However, the county may still decide to redistrict if the new districts could better meet population equality and other factors. Before acting to redistrict, the county board, or a redistricting commission if one is appointed, must publish three weeks' notice of its purpose, stating the time and place of the meeting where the matter will be considered.

Counties cannot redistrict until all cities and townships have completed redistricting or reestablishing precinct boundaries (April 3, 2012). The last date to publish the notice of intent to redistrict is April 10, 2012 (April 5, 2012 for Pine County newspapers to meet the statutory deadline). Should the County Board choose to redistrict, the following is a schedule that provides the County's completion of the process by the required date of May 1, 2012:

March 6th – Present option of and schedule of redistricting process to the County Board for discussion and/or decision.

March 15th – Publish notice of intent to redistrict. Solicit public involvement.

April 10th – Public Hearing to consider redistricting plans.

April 17th – Public Hearing to consider redistricting plans or to redistrict commissioner districts by resolution.

May 1st – deadline to redistrict commissioner districts by resolution

May 8th – deadline to file redistricting plan with County Auditor.

Pine County Board of Commissioners
February 28, 2012
Page Two

You will note I have listed April 17th as a date to either consider additional plans or to redistrict by resolution. If additional time is desired, the last date to redistrict by resolution is May 1, 2012. The public hearing notices would be adjusted accordingly.

If you have any questions, please let me know.

Respectfully,

A handwritten signature in cursive script, appearing to read "Cathy J. Cleaver". The signature is written in dark ink and is positioned below the typed name "Cathy J. Cleaver".

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: March 6, 2012	Consent Agenda <i>(Please choose)</i> <u>Regular Agenda</u> Estimated Time: <i>(Please Circle)</i> <u>5 min</u> 10 Min. 15 Min. <small>Time needed</small> 30 Min. 45 Min. 1 hour
Department requesting action: ASSESSOR	 _____ Department Head Signature Date

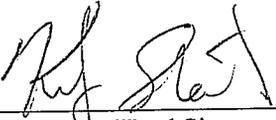
Item for Discussion: (one form per item)

Approve property appraiser Jennifer Mansavage to attend Legal Description workshops on May 2nd & 3rd. Course credit of 6 hours will be given in order to maintain her current assessor's license. Course fee is \$120.

Board Action Requested: (Attach additional pages if needed)

Supporting Documents: Attached None

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: <p align="center">March 6, 2012</p>	Consent Agenda <i>(Please choose)</i> Regular Agenda Estimated Time: <i>(Please Circle)</i> <u>5</u> 10 Min. 15 Min. <small>Time needed</small> 30 Min. 45 Min. 1 hour
Department requesting action: <p align="center">Land/Zoning/Solid Waste</p>	 Department Head Signature Date: <u>2-27-12</u>

Item for Discussion: (one form per item)

Summary Publication Floodplain Management Ordinance

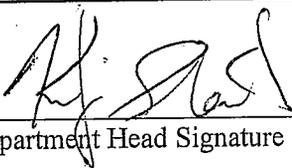
- After adopting new official controls or amending existing ones, the board must publish them at least once, as part of the proceedings of the meeting, in the official newspaper of the county.
- Pursuant to Minnesota Statute 375.51 Subd. 3, a lengthy ordinance need not be published in its entirety if a proper summary of the ordinance and notice that the full text printed copy is available for inspection at the County Auditor's office or by standard or electronic mail is published.
- The Floodplain Management Ordinance is lengthy (24 pages when including the cover page table of contents) and would require substantial publication cost.
- A 2 ¼ page summary publication is attached and proposed for approval.

Board Action Requested: (Attach additional pages if needed)

Adoption of the attached summary publication.

Supporting Documents: Attached None

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: March 6, 2012	Consent Agenda <i>(Please choose)</i> Regular Agenda Estimated Time: <i>(Please Circle)</i> _____ 10 Min. 15 Min. Time needed 30 Min. 45 Min. 1 hour
Department requesting action: Land/Zoning/Solid Waste	 _____ Department Head Signature 2-27-12 Date

Item for Discussion: (one form per item)

Floodplain Management Ordinance Adoption

Complete Ordinance Attached For Approval.

Staff memo "Adoption of The New Flood Plain Ordinance" attached including:

- Background
- Mandate(s)
- Process
- Recommendation
- Enclosures

Board Action Requested: (Attach additional pages if needed)

Adoption of the attached Flood Plain Ordinance.

Supporting Documents: **Attached** None

PINE COUNTY REQUEST FOR BOARD ACTION

Requested Board Date: March 6, 2012	Consent Agenda <i>(Please Circle)</i> Regular Agenda Estimated Time: <i>(Please Circle)</i> <u>5 Min.</u> Min. Time needed 20 Min. 45 Min. 1 hour
Department requesting action: <u>Administrator</u>	 2/07/12 Department Head Signature Date

<p>Item for Discussion:</p> <p>Approve employment contract with AFSCME Sheriff's Administrative unit for 2012-13</p> <p>Board Action Requested: (Attach additional pages if needed) Approve</p> <p align="right">Supporting Documents: Attached None</p>
<hr/> <hr/>

PINE COUNTY REQUEST FOR BOARD ACTION

<p>Requested Board Date:</p> <p>March 6, 2012</p>	<p>Consent Agenda (Please Circle)</p> <p><u>Regular Agenda</u></p> <p>Estimated Time: (Please Circle)</p> <p>5 Min. <u>10 Min.</u> 15 Min.</p> <p>Time needed</p> <p>30 Min. 45 Min. 1 hour</p>
<p>Department requesting action:</p> <p>County Surveyor</p>	<p><i>[Signature]</i> 2/28/12</p> <p>Department Head Signature Date</p>

Item for Discussion:

Resignation of Bruce Bunker, Survey Crew Chief
Grade B24.

Board Action Requested: (Attach additional pages if needed)

Accept Resignation.

~~BOARD Approval to fill vacancy ASAP.~~

Supporting Documents: Attached None

**Pine County Board of County Commissioners
Support for Legislation Modifying
Wetland Replacement Requirements**

RESOLUTION #030612-___

WHEREAS, State Representative Anzelc has authored legislation modifying wetland replacement requirements in counties with 80% or more of their pre-settlement wetlands remaining, officially known as House File No. 2105, and

WHEREAS, Pine County has in excess of 80% of its pre-settlement wetlands remaining, and

WHEREAS, current state law regulating replacement of wetlands affected by building activities creates undue hardship for economic development activities in Pine County , and

WHEREAS, modification of wetland replacement requirements would enhance local economic development activity, and

WHEREAS, the provisions of HF 2105 are in full compliance with statutory requirements that Minnesota retain an overall no net loss of wetlands policy.

NOW, THEREFORE BE IT RESOLVED, that on this 6th day of March, 2012, the Pine County Board of Commissioners supports House File No. 2105, modifying wetland replacement requirements, as proposed by State Representative Anzelc.

SIGNED:

By: Steve Chaffee, Chairman Pine County Board of Commissioners

Attest: Mark LeBrun, Clerk to the County Board

ARROWHEAD COUNTIES ASSOCIATION

Aitkin, Carlton, Cook, Itasca, Koochiching, Lake, Pine, St. Louis

February 21, 2012

Aitkin County Board Chair Wedel
Carlton County Board Chair Pihlman
Cook County Board Chair Hall
Itasca County Board Chair McLynn
Koochiching County Board Chair McBride
Lake County Board Chair Sve
Pine County Board Chair Chaffee
St. Louis County Board Chair Nelson

Dear County Board Chair,

Arrowhead Counties Association has been requested by State Representative Anzelc to supply a resolution supporting HF 2105, Legislation Modifying Wetland Replacement Requirements. Attached is our resolution supporting that legislation.

We ask that your county consider adding a resolution of support for HF 2105. If you agree with this legislation and would like to voice your support, please send your county's resolution to:

State Representative Tom Anzelc
307 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, Minnesota 55155

Thank you,



Marv Bodie
Chair, Arrowhead Counties Association

Enclosures

ARROWHEAD COUNTIES ASSOCIATION

Aitkin, Carlton, Cook, Itasca, Koochiching, Lake, Pine, St. Louis

RESOLUTION February 15, 2012

Support for Legislation Modifying Wetland Replacement Requirements

WHEREAS State Representative Anzelc has authored legislation modifying wetland replacement requirements in counties with 80% or more of their pre-settlement wetlands remaining, officially known as House File No. 2105; and

WHEREAS, Arrowhead Counties Association members all have in excess of 80% of their pre-settlement wetlands remaining; and

WHEREAS, current state law regulating replacement of wetlands affected by building activities creates undue hardship for economic development activities in the member counties; and

WHEREAS, modification of wetland replacement requirements in the Arrowhead Counties Association member counties would enhance local economic development activity in these counties.

WHEREAS, the provisions of HF 2105 are in full compliance with statutory requirements that Minnesota retain an overall no net loss of wetlands policy.

NOW, THEREFORE, BE IT RESOLVED, that the Arrowhead Counties Association members support House File No. 2105, modifying wetland replacement requirements, as proposed by State Representative Anzelc.

Adopted, and Approved by the Arrowhead Counties Association February 15, 2012.



Marv Bodie

Chair, Arrowhead Counties Association

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No.

2105

*Mark
LeBrun*

02/08/2012 Authored by Anzelc and Dill

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to waters; modifying wetland replacement requirements; amending
1.3 Minnesota Statutes 2010, section 103G.2241, subdivisions 9, 11, by adding
1.4 a subdivision; Minnesota Statutes 2011 Supplement, section 103G.222,
1.5 subdivision 1.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2011 Supplement, section 103G.222, subdivision 1,
1.8 is amended to read:

1.9 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or
1.10 partially, unless replaced by restoring or creating wetland areas of at least equal public
1.11 value under a replacement plan approved as provided in section 103G.2242, a replacement
1.12 plan under a local governmental unit's comprehensive wetland protection and management
1.13 plan approved by the board under section 103G.2243, or, if a permit to mine is required
1.14 under section 93.481, under a mining reclamation plan approved by the commissioner
1.15 under the permit to mine. For project-specific wetland replacement completed prior to
1.16 wetland impacts authorized or conducted under a permit to mine within the Great Lakes
1.17 and Rainy River watershed basins, those basins shall be considered a single watershed
1.18 for purposes of determining wetland replacement ratios. Mining reclamation plans shall
1.19 apply the same principles and standards for replacing wetlands by restoration or creation
1.20 of wetland areas that are applicable to mitigation plans approved as provided in section
1.21 103G.2242. Public value must be determined in accordance with section 103B.3355 or
1.22 a comprehensive wetland protection and management plan established under section
1.23 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently
1.24 and semipermanently flooded areas of types 3, 4, and 5 wetlands.

- 2.1 (b) Replacement must be guided by the following principles in descending order
2.2 of priority:
- 2.3 (1) avoiding the direct or indirect impact of the activity that may destroy or diminish
2.4 the wetland;
- 2.5 (2) minimizing the impact by limiting the degree or magnitude of the wetland
2.6 activity and its implementation;
- 2.7 (3) rectifying the impact by repairing, rehabilitating, or restoring the affected
2.8 wetland environment;
- 2.9 (4) reducing or eliminating the impact over time by preservation and maintenance
2.10 operations during the life of the activity;
- 2.11 (5) compensating for the impact by restoring a wetland; and
- 2.12 (6) compensating for the impact by replacing or providing substitute wetland
2.13 resources or environments.

2.14 For a project involving the draining or filling of wetlands in an amount not exceeding
2.15 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,
2.16 paragraph (a), the local government unit may make an on-site sequencing determination
2.17 without a written alternatives analysis from the applicant.

2.18 (c) If a wetland is located in a cultivated field, then replacement must be
2.19 accomplished through restoration only without regard to the priority order in paragraph
2.20 (b), provided that a deed restriction is placed on the altered wetland prohibiting
2.21 nonagricultural use for at least ten years.

2.22 (d) If a wetland is drained under section 103G.2241, subdivision 2, paragraphs
2.23 (b) and (e), the local government unit may require a deed restriction that prohibits
2.24 nonagricultural use for at least ten years unless the drained wetland is replaced as provided
2.25 under this section. The local government unit may require the deed restriction if it
2.26 determines the wetland area drained is at risk of conversion to a nonagricultural use within
2.27 ten years based on the zoning classification, proximity to a municipality or full service
2.28 road, or other criteria as determined by the local government unit.

2.29 (e) Restoration and replacement of wetlands must be accomplished in accordance
2.30 with the ecology of the landscape area affected and ponds that are created primarily to
2.31 fulfill storm water management, and water quality treatment requirements may not be
2.32 used to satisfy replacement requirements under this chapter unless the design includes
2.33 pretreatment of runoff and the pond is functioning as a wetland.

2.34 (f) Except as provided in ~~paragraph~~ paragraphs (g) and (h), for a wetland or public
2.35 waters wetland located on nonagricultural land, replacement must be in the ratio of two
2.36 acres of replaced wetland for each acre of drained or filled wetland.

3.1 (g) For a wetland or public waters wetland located on agricultural land ~~or in a greater~~
3.2 ~~than 80 percent area~~, replacement must be in the ratio of one acre of replaced wetland
3.3 for each acre of drained or filled wetland.

3.4 ~~(h)~~ (h) For wetland or public waters wetland in areas with 20 percent or less of the
3.5 presettlement wetland acreage intact, the board shall, by rule, establish a replacement ratio
3.6 sufficient to replace each acre of drained or filled wetland and to offset the losses of
3.7 wetland and public waters wetland resulting from the exemption under section 103G.2241,
3.8 subdivision 10a.

3.9 ~~(h)~~ (i) Wetlands that are restored or created as a result of an approved replacement
3.10 plan are subject to the provisions of this section for any subsequent drainage or filling.

3.11 ~~(i)~~ (j) Except in a greater than 80 percent area, only wetlands that have been
3.12 restored from previously drained or filled wetlands, wetlands created by excavation in
3.13 nonwetlands, wetlands created by dikes or dams along public or private drainage ditches,
3.14 or wetlands created by dikes or dams associated with the restoration of previously drained
3.15 or filled wetlands may be used in a statewide banking program established in rules adopted
3.16 under section 103G.2242, subdivision 1. Modification or conversion of nondegraded
3.17 naturally occurring wetlands from one type to another are not eligible for enrollment in a
3.18 statewide wetlands bank.

3.19 ~~(j)~~ (k) The Technical Evaluation Panel established under section 103G.2242,
3.20 subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop
3.21 wetland characteristics of soils, vegetation, and hydrology before recommending that the
3.22 wetland be deposited in the statewide wetland bank. If the Technical Evaluation Panel has
3.23 reason to believe that the wetland characteristics may change substantially, the panel shall
3.24 postpone its recommendation until the wetland has stabilized.

3.25 ~~(k)~~ (l) This section and sections 103G.223 to 103G.2242, 103G.2364, and
3.26 103G.2365 apply to the state and its departments and agencies.

3.27 ~~(l)~~ (m) For projects involving draining or filling of wetlands associated with a new
3.28 public transportation project, and for projects expanded solely for additional traffic
3.29 capacity, public transportation authorities may purchase credits from the board at the
3.30 cost to the board to establish credits. Proceeds from the sale of credits provided under
3.31 this paragraph are appropriated to the board for the purposes of this paragraph. For the
3.32 purposes of this paragraph, "transportation project" does not include an airport project.

3.33 ~~(m)~~ (n) A replacement plan for wetlands is not required for individual projects that
3.34 result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction,
3.35 or replacement of a currently serviceable existing state, city, county, or town public road
3.36 necessary, as determined by the public transportation authority, to meet state or federal

4.1 design or safety standards or requirements, excluding new roads or roads expanded solely
4.2 for additional traffic capacity lanes. This paragraph only applies to authorities for public
4.3 transportation projects that:

4.4 (1) minimize the amount of wetland filling or draining associated with the project
4.5 and consider mitigating important site-specific wetland functions on site;

4.6 (2) except as provided in clause (3), submit project-specific reports to the board, the
4.7 Technical Evaluation Panel, the commissioner of natural resources, and members of the
4.8 public requesting a copy at least 30 days prior to construction that indicate the location,
4.9 amount, and type of wetlands to be filled or drained by the project or, alternatively,
4.10 convene an annual meeting of the parties required to receive notice to review projects to
4.11 be commenced during the upcoming year; and

4.12 (3) for minor and emergency maintenance work impacting less than 10,000 square
4.13 feet, submit project-specific reports, within 30 days of commencing the activity, to the
4.14 board that indicate the location, amount, and type of wetlands that have been filled
4.15 or drained.

4.16 Those required to receive notice of public transportation projects may appeal
4.17 minimization, delineation, and on-site mitigation decisions made by the public
4.18 transportation authority to the board according to the provisions of section 103G.2242,
4.19 subdivision 9. The Technical Evaluation Panel shall review minimization and delineation
4.20 decisions made by the public transportation authority and provide recommendations
4.21 regarding on-site mitigation if requested to do so by the local government unit, a
4.22 contiguous landowner, or a member of the Technical Evaluation Panel.

4.23 Except for state public transportation projects, for which the state Department of
4.24 Transportation is responsible, the board must replace the wetlands, and wetland areas of
4.25 public waters if authorized by the commissioner or a delegated authority, drained or filled
4.26 by public transportation projects on existing roads.

4.27 Public transportation authorities at their discretion may deviate from federal and
4.28 state design standards on existing road projects when practical and reasonable to avoid
4.29 wetland filling or draining, provided that public safety is not unreasonably compromised.
4.30 The local road authority and its officers and employees are exempt from liability for
4.31 any tort claim for injury to persons or property arising from travel on the highway and
4.32 related to the deviation from the design standards for construction or reconstruction under
4.33 this paragraph. This paragraph does not preclude an action for damages arising from
4.34 negligence in construction or maintenance on a highway.

4.35 ~~(n)~~ (o) If a landowner seeks approval of a replacement plan after the proposed
4.36 project has already affected the wetland, the local government unit may require the

5.1 landowner to replace the affected wetland at a ratio not to exceed twice the replacement
5.2 ratio otherwise required.

5.3 ~~(o)~~ (p) A local government unit may request the board to reclassify a county or
5.4 watershed on the basis of its percentage of presettlement wetlands remaining. After
5.5 receipt of satisfactory documentation from the local government, the board shall change
5.6 the classification of a county or watershed. If requested by the local government unit,
5.7 the board must assist in developing the documentation. Within 30 days of its action to
5.8 approve a change of wetland classifications, the board shall publish a notice of the change
5.9 in the Environmental Quality Board Monitor.

5.10 ~~(p)~~ (q) One hundred citizens who reside within the jurisdiction of the local
5.11 government unit may request the local government unit to reclassify a county or watershed
5.12 on the basis of its percentage of presettlement wetlands remaining. In support of their
5.13 petition, the citizens shall provide satisfactory documentation to the local government unit.
5.14 The local government unit shall consider the petition and forward the request to the board
5.15 under paragraph ~~(o)~~ (p) or provide a reason why the petition is denied.

5.16 Sec. 2. Minnesota Statutes 2010, section 103G.2241, subdivision 9, is amended to read:

5.17 Subd. 9. **De minimis.** (a) Except as provided in paragraphs (b) and (c), a
5.18 replacement plan for wetlands is not required for draining or filling the following amounts
5.19 of wetlands as part of a project:

5.20 ~~(1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and~~
5.21 ~~tamarack wetlands, outside of the shoreland wetland protection zone in a greater than~~
5.22 ~~80 percent area;~~

5.23 ~~(2)~~ 5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and
5.24 tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent
5.25 area, except within the 11-county metropolitan area;

5.26 ~~(3)~~ (2) 2,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland
5.27 protection zone in a less than 50 percent area, except within the 11-county metropolitan
5.28 area;

5.29 ~~(4)~~ (3) 100 square feet of wetland types not listed in clauses (1) ~~to (3)~~ and (2) outside
5.30 of the building setback zone of the shoreland wetland protection zones in all counties;

5.31 ~~(5)~~ (4) 400 square feet of wetland types listed in clauses (1) ~~to (3)~~ and (2), beyond
5.32 the building setback zone, as defined in the local shoreland management ordinance, but
5.33 within the shoreland wetland protection zone. ~~In a greater than 80 percent area, the local~~
5.34 ~~government unit may increase the de minimis amount up to 1,000 square feet if the~~
5.35 ~~wetland is isolated and is determined to have no direct surficial connection to the public~~

6.1 ~~water~~: To the extent that a local shoreland management ordinance is more restrictive than
 6.2 this provision, the local shoreland ordinance applies;

6.3 ~~(6)~~ (5) up to 20 square feet of wetland, regardless of type or location;

6.4 ~~(7)~~ (6) 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and
 6.5 tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent
 6.6 area within the 11-county metropolitan area; or

6.7 ~~(8)~~ (7) 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland
 6.8 protection zone in a less than 50 percent area within the 11-county metropolitan area.

6.9 For purposes of this paragraph, the 11-county metropolitan area consists of the
 6.10 counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne,
 6.11 Washington, and Wright.

6.12 (b) The amounts listed in paragraph (a), clauses (1) to ~~(8)~~ (7), may not be combined
 6.13 on a project.

6.14 (c) This exemption no longer applies to a landowner's portion of a wetland when
 6.15 the cumulative area drained or filled of the landowner's portion since January 1, 1992, is
 6.16 the greatest of:

6.17 (1) the applicable area listed in paragraph (a), if the landowner owns the entire
 6.18 wetland;

6.19 (2) five percent of the landowner's portion of the wetland; or

6.20 (3) 400 square feet.

6.21 (d) This exemption may not be combined with another exemption in this section on
 6.22 a project.

6.23 (e) Property may not be divided to increase the amounts listed in paragraph (a).

6.24 Sec. 3. Minnesota Statutes 2010, section 103G.2241, is amended by adding a
 6.25 subdivision to read:

6.26 Subd. 10a. Greater than 80 percent areas. A replacement plan for wetlands is not
 6.27 required in greater than 80 percent areas.

6.28 Sec. 4. Minnesota Statutes 2010, section 103G.2241, subdivision 11, is amended to
 6.29 read:

6.30 Subd. 11. **Exemption conditions.** (a) A person conducting an activity in a wetland
 6.31 under an exemption in subdivisions 1 to ~~10~~ 10a shall ensure that:

6.32 (1) appropriate erosion control measures are taken to prevent sedimentation of
 6.33 the water;

6.34 (2) the activity does not block fish passage in a watercourse; and

7.1 (3) the activity is conducted in compliance with all other applicable federal,
7.2 state, and local requirements, including best management practices and water resource
7.3 protection requirements established under chapter 103H.

7.4 (b) An activity is exempt if it qualifies for any one of the exemptions, even though it
7.5 may be indicated as not exempt under another exemption.

7.6 (c) Persons proposing to conduct an exempt activity are encouraged to contact the
7.7 local government unit or the local government unit's designee for advice on minimizing
7.8 wetland impacts.

7.9 (d) The board shall develop rules that address the application and implementation
7.10 of exemptions and that provide for estimates and reporting of exempt wetland impacts,
7.11 including those in section 103G.2241, subdivisions 2, 6, and 9.

