

**TRANSCRIPT OF THE PROCEEDINGS  
OF THE BELTRAMI COUNTY BOARD OF COMMISSIONERS  
December 21, 2021**

The Beltrami County Board of Commissioners met in regular session on December 21, 2021, at the County Board Room, County Administration Building, Bemidji, Minnesota.

**CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE**

Chair Reed Olson, called the meeting to order at 5:00 p.m. Commissioners Richard Anderson, Jim Lucachick, and Craig Gaasvig were present. Commissioner Tim Sumner joined via Zoom.

**GENERAL COMMENTS - BOARD CHAIR**

None.

**CITIZENS ADDRESSING THE BOARD**

- Ted Will, representing the Bemidji Rotary Club informed the Board of a neighborhood project they Club has been working on for about 1-1/2 years in the Ridgeway Neighborhood; the highest crime area in the County. They have had some success and are expanding the project to provide more way to help the residents in this neighborhood.
- C.T. Marhula is also working on this project with Dr. Will on behalf of the Rotary Club.

**APPROVAL OF AGENDA**

The following item was corrected on the Consent Agenda:

- Apportionment Resolution Amounts

The following item was added to the Regular Agenda:

- AWCL Lease Negotiation

**GENERAL BUSINESS**

Approved Agenda and Amendments

A motion to approve the Agenda and Amendments was made by Commissioner Lucachick, seconded by Commissioner Anderson, and unanimously carried.

Approved Consent Agenda

A motion to approve the Consent Agenda was made by Commissioner Gaasvig, seconded by Commissioner Lucachick, and unanimously carried.

**CONSENT ITEMS**

Approved Minutes

The Board, by adoption of its Consent Agenda, approved the Minutes of the Board of Commissioners Work Meeting held December 14, 2021, and the Minutes of the Board of Commissioners Regular Meeting held December 14, 2021, as submitted.

Approved Auditor/Treasurer Warrant Payment Listing

The Board, by adoption of its Consent Agenda, received and approved the warrant payment listing submitted by the Auditor/Treasurer's Office.

Approved Payment of Auditor/Treasurer Bills

The Board, by adoption of its Consent Agenda, approved payment of Auditor/Treasurer bills, as submitted.

Approved AIS Program Lease Agreements with MN/DNR

The Board, by adoption of its Consent Agenda, approved the Agreement with MN DNR for the lease of CD3 Boat Cleaning Stations, at a cost of \$500 for a 2 year period and an estimated \$1,000 annual operating and maintenance budget from the AIS Program and contributions from Turtle River Watershed Association.

The CD3 units will be provided by the MN Lakes and Rivers Association. The DNR will provide the lake access locations and the Beltrami County AIS Program will maintain the stations, perform maintenance and evaluate the effectiveness of the units.

Approved Annual Review of County Safety Manual

The Board, by adoption of its Consent Agenda, approved the annual review of the Beltrami County Safety Manual, as required by MN Statute.

Approved 2021 Apportionment Resolution

The Board, by adoption of its Consent Agenda, approved the 2021 Apportionment Resolution:

WHEREAS, 2003, Minnesota Session Laws, Chapter 127, Article 12, Section 24, Subdivision 5; allows for promotion of tourist, agriculture, and industrial developments. The amount to be spent annually for the purposes of the subdivision shall not exceed five dollars per capita of the county's population; now,

WHEREAS, Minnesota Statutes 282.08, Subdivision 4, provides that the County Board of Beltrami, from the proceeds from the sale or rental of tax forfeited land or any product there from may, by

resolution set aside no more than thirty (30) percent of the receipts remaining for the purposes of timber development; for the promotion of tourism, agricultural and industrial development; no more than twenty (20) percent of the receipts remaining for the acquisition and maintenance of County parks; and,

WHEREAS, those townships which include Three Island County Park have an interest in timber revenues from those lands to help support township roads that are utilized for hauling timber.

NOW THEREFORE, BE IT RESOLVED by the County Board of Beltrami, that 30 percent of the receipts for the year of 2021 remaining after administration, special assessments, and bond levy are paid, be set aside to be used for the purpose as specified in MS 282.08, Subdivision 4; of this amount, 90 percent will be distributed to the Forest Development Fund and 10 percent will be distributed to the County Development Fund; and,

BE IT FURTHER RESOLVED that 20 percent of the receipts to be used for the acquisition and maintenance of county parks or recreational areas, and

BE IT FURTHER RESOLVED that any balance remaining must be apportioned as follows: county, 40 percent; town or city, 20 percent; and school district, 40 percent, provided,

BE IT FURTHER RESOLVED, that 70% of all revenues generated through timber harvest from Three Island County Park shall be used for the maintenance of County Parks and Recreation areas within Beltrami County, 20% shall be used for reforestation of County Parks and Recreation areas and the remaining 10% of the revenues will be apportioned to the townships with direct interest for maintenance of township roads.

#### Approved Consumer Scale Agreement

The Board, by adoption of its Consent Agenda, approved the Consumer Scale Agreement between Beltrami County and Alva Bontrager, Jr. for the scaling of Beltrami County wood, as submitted.

#### Approved Resolution to Enroll Deputy in PERA Police & Fire Plan

The Board, by adoption of its Consent Agenda, approved the Resolution to enroll Deputy David Brenna in the PERA Police & Fire Plan:

BE IT RESOLVED the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and

skills to protecting the property and personal safety of others;  
and

BE IT RESOLVED Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police or sheriff departments whose position duties meet the requirements stated therein and listed below.

BE IT FURTHER RESOLVED that the Beltrami County Sheriff's Office, of Beltrami County hereby declares that the position, Full-time Field Operations Deputy, currently held by David Brenna, meets all of the following Police and Fire Plan membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

BE IT FURTHER RESOLVED that this governing body hereby requests that the named

Employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire Plan salary deduction by the governmental subdivision.

NOW, THEREFORE, BE IT RESOLVED that County Board Chair, Reed Olson, and County Administrator Tom Barry, or their successors, are hereby authorized to execute such agreements and amendments thereto, as are necessary to implement the project(s).

#### Approved Health & Human Services Warrant Payment List

The Board, by adoption of its Consent Agenda, received and approved the warrant payment listing submitted by Health & Human Services Department.

#### **REGULAR AGENDA**

##### Opioid Litigation Settlement

Attorney Hanson reviewed the process during the Work Session, and recommended approval of:

Resolution Authorizing county staff to execute all necessary documents to ensure County participation in the multistate settlements relating to opioid distributors and manufacturers, and

in the Minnesota Opioids State-Subdivision Memorandum of Agreement, and declaring support for an amendment to Minn. Stat. § 256.043, subd. 3(d).

**WHEREAS**, the State of Minnesota and numerous Minnesota cities and counties are engaged in nationwide civil litigation against manufacturers and distributors of prescription opioids related to the opioid crisis; and

**WHEREAS**, the Minnesota Attorney General has signed on to multistate settlement agreements with several pharmaceutical distributors, McKesson, Cardinal Health, and AmerisourceBergen, as well as opioid manufacturer Johnson & Johnson, but those settlement agreements are still subject to sign-on by local governments and final agreement by the companies and approval by the courts; and **WHEREAS**, there is a deadline of January 2, 2022, for a sufficient threshold of Minnesota cities and counties to sign on to the above-referenced multistate settlement agreements, and failure to timely sign on may diminish the amount of funds received by not only that city or county but by all Minnesota cities and counties from the settlement funds; and

**WHEREAS**, representatives of Minnesota's local governments, the Office of the Attorney General, and the State of Minnesota have reached agreement on the intrastate allocation of these settlement funds between the State, and the counties and cities, as well as the permissible uses of these funds, which will be memorialized in the Minnesota Opioids State-Subdivision Memorandum of Agreement (the "State-Subdivision Agreement"); and

**WHEREAS**, during negotiations of the State-Subdivision Agreement, representatives of Minnesota's counties prioritized flexibility in how local governments may use settlement funds for opioids abatement and remediation and advocated for counties to receive settlement allocations directly rather than using the distribution mechanism detailed in Minn. Stat. § 256.043, subd. 3(d); and

**WHEREAS**, in order to achieve the goals of flexibility and direct allocation, Minn. Stat. § 256.043, subd. 3(d), must be amended to remove a provision which would otherwise appropriate approximately 50 percent of the state's settlement allocation to county social service agencies for statutorily-prescribed use(s); and

**WHEREAS**, the State-Subdivision Agreement creates an opportunity for local governments and the State to work collaboratively on a unified vision to deliver a robust abatement and remediation plan to address the opioid crisis in Minnesota; now, therefore,

BE IT RESOLVED, BELTRAMI County supports and agrees to the State-Subdivision Agreement; and

**BE IT FURTHER RESOLVED**, BELTRAMI County supports and opts in to the multistate settlements with McKesson, Cardinal Health, and AmerisourceBergen, and with Johnson & Johnson; and

**BE IT FURTHER RESOLVED**, BELTRAMI County authorizes county staff to execute all necessary documents to ensure County participation in the multistate settlements, including the Participation Agreement and accompanying Release, and in the State-Subdivision Agreement; and

**BE IT FURTHER RESOLVED**, BELTRAMI County, supports the amending of Minn. Stat. § 256.043, subd. 3(d), to remove a provision which would appropriate approximately 50 percent of the state's settlement allocation to county social service agencies via the existing Opiate Epidemic Response Fund distribution mechanism for statutorily-prescribed use(s).

A motion was made by Commissioner Sumner, and seconded by Commissioner Lucachick, to approve Staff's recommendation, the Resolution, and Agreement for participation in the multistate settlements relating to opioid distributors and manufacturers. Unanimously carried.

#### Designation of Legal Newspaper for 2022

Each year the County is required to solicit bids for the legal newspaper in which county legal ads will be placed. There are numerous statutory requirements for publication, with the largest being the twice monthly Board Minutes, the Delinquent Tax Notice and the Annual Financial Statement.

As the only eligible newspaper, The Bemidji Pioneer was provided the information concerning the bid process and date. Bids were due Friday, December 10, 2021. The Bemidji Pioneer has submitted a bid that reflects no increase over the 2021 rate.

- Bids per Standard Advertising Unit (SAU): \$9.00
- Rate per SAY on printing of second notice: \$8.15
- Discounts allowed: none

A motion was made by Commissioner Lucachick, and seconded by Commissioner Anderson, to approve the Bemidji Pioneer as the 2022 legal newspaper for Beltrami County at a rate of \$9.00/SAU and \$8/15/SAU for second notices. Unanimously carried.

#### U of M Extension/Beltrami County MOA

A 3-Year Memorandum of Agreement (MOA) between Beltrami County and the University of Minnesota is being proposed. The MOA replaces the previous MOA and incorporates cost of living increases for the current 4-H Youth Development Extension Educator over the term. The County Extension Committee made the recommendation to keep the staffing levels the same as they currently are (the 4-H Youth Development Extension Educator would remain at 1.0 FTE). The MOA also includes an addendum for the SNAP-Ed Educator. There is no charge to the County for the SNAP-Ed Educator. It is included on the Addendum because the County is providing office space for that educator and the University wanted to acknowledge that partnership.

A motion was made by Commissioner Lucachick, and seconded by Commissioner Anderson, to approve the three-year Memorandum of Agreement and Addendum to the Memorandum of Agreement with the U of M Extension, as submitted. Unanimously carried.

#### AWCL Lease Negotiation

Per discussion around the AWCL's request for early termination of their 3-year Lease with the County, which occurred earlier in the Work Session, the Board discussed taking formal action to provide direction to staff and AWCL representatives on the matter.

A motion was made by Commissioner Lucachick and seconded by Commissioner Anderson to authorize County staff to enter into lease negotiations with AWCL for early termination of AWCL's Lease with the conditions that the County be held harmless and that any terms be subject to the Board's final approval. Unanimously carried.

### **COMMISSIONERS' BUSINESS**

#### Legislative/Lobbying Issues

None.

#### Commissioners' Reports

- Commissioners Gaasvig reported on numerous committee assignments from the past week
- Commissioner Olson reported that the day shelter in the old Mississippi Upper Mental Health Facility will be ready to open its doors on December 23.

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Review Upcoming Meeting Schedule

Next regular meeting of the County Board will be January 4, 2022, in the Board Room of the County Administration Building.

**MEETING ADJOURNMENT**

A motion to adjourn the Board meeting at 5:23 p.m. was made by Commissioner Anderson, seconded by Commissioner Gaasvig, and unanimously carried.

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Reed Olson,, Chair

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Thomas H. Barry, County Administrator