

# ADJOURNED MEETING OF THE COUNTY BOARD OF COMMISSIONERS July 10, 2012 – BOARD AGENDA

- 9:00 1) J. Mark Wedel, County Board Chairperson
- A) Call to Order
  - B) Pledge of Allegiance
  - C) Board of Commissioners Meeting Procedure
  - D) Approval of Agenda
  - E) Citizens' Public Comment\*
- 2) Consent Agenda
- A) Correspondence File July 3, 2012 – July 9, 2012
  - B) Approve 7/3/12 County Board Minutes
  - C) Approve Resolution – Election Judges
  - D) Approve June Manual Warrants
  - E) Adopt Local 49 LLCC Contract Ratification
  - F) Approve After the Fact Sale of County Owned Property
  - G) Approve Resolution – Local Road Improvement Program Grant  
S.P. 01-603-12
  - H) Approve Resolution – MnDOT Intersection Conflict Warning
  - I) Approve Teamsters Non-Licensed Essential Unit Memorandum of Agreement
  - J) Accept \$50 Donation to Aitkin County Sheriff's POSSE – Persian Gulf Support Group
- 9:02 3) Patrick Wussow, County Administrator
- A) Employee Recognition
- 9:05 4) Scott Turner, Sheriff
- A) Flood Update
- 9:30 5) Patrick Wussow, County Administrator
- A) 9:30 Potentially Dangerous Dog Hearing – Tank
- 9:50 6) John Welle, County Engineer
- A) Approve Resolution – Award Bid S.A.P. 01-632-04
  - B) Approve Resolution – Award Bid C.P. 01-090-23
  - C) Approve Right of Way Plat No. 17, S.A.P. 01-612-014
  - D) Flood Related Road Damage Update
- 10:30 7) Ross Wagner, Economic Development & Forest Industry Coordinator
- A) Approve Aitkin County Corridor Access Policy

(Note: 2 Page Agenda)

\* Comments from visitors must be informational in nature and not exceed five (5) minutes per person. The County Board cannot engage in a discussion or debate in those five minutes but will take the information and find answers if that is appropriate. As part of the County Board protocol, it is unacceptable for any speaker to slander or engage in character assassination at a public Board meeting.

**\*\* Please note: all times, except public advertised hearings, are approximate and subject to change without notice.**

- 11:00 8) Patrick Wussow, County Administrator**  
A) Flood Update  
1. No Wake Follow Up  
2. Emergency Expenditures  
B) Approve Personnel Committee Recommendation  
1. FT Attorney – County Attorney’s Office
- 11:45 9) Kirk Peysar, Fair Board Secretary/Treasurer**  
A) Aitkin County Fair Update
- 12:00 10) Board Discussion**  
Mark Wedel – Historical Society, Airport  
Laurie Westerlund – DAC, All Veterans Memorial Dedication  
Don Niemi – Snake River, ECRL Finance Mtg  
Brian Napstad –  
Anne Marcotte –
- 12:45 Adjourn**

\* Comments from visitors must be informational in nature and not exceed five (5) minutes per person. The County Board cannot engage in a discussion or debate in those five minutes but will take the information and find answers if that is appropriate. As part of the County Board protocol, it is unacceptable for any speaker to slander or engage in character assassination at a public Board meeting.

**\*\* Please note: all times, except public advertised hearings, are approximate and subject to change without notice.**

# AITKIN COUNTY BOARD

July 3, 2012

The Aitkin County Board of Commissioners met this 3<sup>rd</sup> day of July, 2012 at 9:02 a.m. with the following members present: Chairperson J. Mark Wedel, Commissioners Laurie Westerlund, Don Niemi, Brian Napstad, Anne Marcotte, County Administrator Patrick Wussow, and Administrative Assistant Sue Bingham.

**CALL TO ORDER**

Motion by Commissioner Napstad, seconded by Commissioner Marcotte and carried, all members voting yes to approve the July 3, 2012 amended agenda. Item 5C was added: Approve Resolution – Authorizing Flood Related Expenditures Not Budgeted.

**APPROVED AGENDA**

Motion by Commissioner Westerlund, seconded by Commissioner Niemi and carried, all members voting yes to approve the Consent Agenda as follows: A) Correspondence File: June 26, 2012 – July 2, 2012; B) Approve County Board Minutes Emergency Meeting: June 22, 2012; C) Approve County Board Minutes: June 26, 2012; D) Approve Commissioner Warrants: General Fund \$280,952.44, Road & Bridge \$81,623.02, Health & Human Services \$1,217.92, Trust \$25,082.35, Forest Development \$1,506.31, Long Lake Conservation Center \$49,554.20 for a total of \$439,936.24; E) Accept \$200 STS Donation – Malmo Township; F) Approve Teamsters Funeral Leave Memorandum of Agreements; G) Approve Gravel Crushing Quotes

**CONSENT AGENDA**

Under the consent agenda, motion by Commissioner Westerlund, seconded by Commissioner Niemi and carried, all members voting yes to approve quotes from DLL Excavating of Little Falls, MN for crushing 50,000 tons of Class 5 aggregate at Pliny Township pit - \$88,000.00, and 30,000 tons of Class 5 aggregate at Gun Lake Gravel pit - \$56,400.00. Due to recent flooding, additional materials beyond the stated amounts will likely be processed.

**GRAVEL CRUSHING**

Scott Turner, Sheriff gave the Board an update on the flood situation.

**FLOODING**

Motion by Commissioner Niemi, seconded by Commissioner Westerlund and carried, all members voting that the Aitkin County Board as the Animal Control Authority finds the evidence presented against the dog named "Moby" is not sufficient to uphold the dangerous dog designation. The Animal Control Authority therefore reduces the dangerous dog designation to potentially dangerous dog.

**DANGEROUS DOG HEARING**

Break: 10:09 a.m. to 10:19 a.m.

**BREAK**

Motion for a resolution by Commissioner Marcotte, seconded by Commissioner Napstad and carried, all members voting yes to approve resolution – Temporary Variance Suspension:

**WHEREAS**, on June 22, 2012, the Aitkin County Board of Commissioners declared a local emergency due to extensive flooding from recent rain event, and

**RESOLUTION 070312-067 TEMPORARY VARIANCE SUSPENSION**

**WHEREAS**, many riparian properties have experienced extensive erosion within steep slopes and shore and bluff impact zones, and

**WHEREAS**, many riparian properties will require more than 30 cubic yards of excavation or

placement of material within steep slopes and shore and bluff impact zones to reclaim the property to pre-erosion conditions, and

**WHEREAS**, the Aitkin County Board of Commissioners have adopted a Shoreland Management Ordinance which contains provisions to regulate the use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources, and

**WHEREAS**, Section 5.32,D,(1) of the Aitkin County Shoreland Management Ordinance limits the amount of excavation and placement of material within steep slopes and shore and bluff impact zones to 30 cubic yards and within an existing or proposed recreational use area or access path, and

**WHEREAS**, the declared local emergency from the recent rain and flooding events is a rare event that is an act of nature and not created or caused by any individual property owner.

**THEREFORE**, in order to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources, riparian property owners who have sustained erosion within steep slopes and shore and bluff impact zones may need to exceed the 30 cubic yards of excavation and placement of material to reclaim or restore the property to pre-erosion conditions.

**BE IT RESOLVED**, that the Aitkin County Board of Commissioners temporarily suspends the 30 cubic yard maximum amount of excavation and fill within steep slopes and shore and bluff impact zones until December 31, 2012.

Motion for a resolution by Commissioner Marcotte, seconded by Commissioner Napstad and carried, all members voting yes to approve resolution – Temporary Aitkin County Lakes Slow-No Wake Zone:

**WHEREAS**, due to extraordinary weather conditions, including excessive rainfall during June of 2012, record high water elevations prevail on all Aitkin County lakes, and

**WHEREAS**, wave action from wind and watercraft has and will exacerbate shoreline erosion and cause damage to real and personal property, and

**WHEREAS**, high water levels coupled with increased wave action have led to the inundation of low-lying yards and structures, and

**WHEREAS**, in an effort to protect property and limit environmental damage to lakes from shoreline erosion where the County can and may exert some control, the County Board of Commissioners enacts this 3<sup>rd</sup> day of July, 2012, the following Temporary Special Controls to Section 5 Regulations of the Watercraft Ordinance.

**NOW THEREFORE, BE IT RESOLVED**, the following lakes shall continue to have a slow-no wake zone on the entire lake:

Lake Name	Township
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**RESOLUTION  
070312-068  
TEMPORARY  
AITKIN COUNTY  
LAKES SLOW-  
NO WAKE  
ZONE**

Fleming	Fleming
Gun	Fleming
Horseshoe	Shamrock
Minnewawa	Shamrock
Wilkins	Fleming

**BE IT FURTHER RESOLVED**, that no person shall operate a watercraft at greater than slow-no wake speed for a distance of 300' from the shoreline on the following lakes:

<b>Lake Name</b>	<b>Township</b>
Cedar	Farm Island
Dam	Glen
Diamond	Farm Island
Elm Island	Nordland
Esquagamah	Waukenabo
Hammal – (Bass)	Farm Island
Hanging Kettle	Farm Island
Hill Lake	Hill Lake
Jenkins	Fleming
Long	Glen
Ripple	Nordland
Round	Waukenabo
Section 10 (Wladimiraf)	Nordland
Section 12	Nordland
Sissabagamah	Nordland
Sunset	Farm Island
Thornton (Thorton)	Farm Island
Townline	Farm Island

- i. This 300' no wake zone is in effect until the lake water elevation is 12" or less above that lake's Ordinary High Water (OHW) mark as identified by official lake gauge data. The Aitkin County Board authorizes the Aitkin County Administrator to remove lakes from the no-wake list as data is gathered. The up-to-date list will be maintained at the county's official website.
- ii. This resolution does not affect Resolution #060112-052 as identified for Big Sandy Lake and the associated area.
- iii. This resolution suspends Resolution #062612-066.
- iv. The no wake restrictions for all other lakes in Aitkin County are lifted.

Motion for a resolution by Commissioner Napstad, seconded by Commissioner Westerlund and carried, all members voting yes to approve resolution – Temporary Aitkin County Lakes Slow-No Wake Zone:

**WHEREAS**, due to extraordinary weather conditions, including excessive rainfall during June of 2012, record high water elevations prevail on all Aitkin County lakes, and

**WHEREAS**, wave action from wind and watercraft has and will exacerbate shoreline erosion and cause damage to real and personal property, and

**WHEREAS**, high water levels coupled with increased wave action have led to the inundation of low-lying yards and structures, and

**WHEREAS**, in an effort to protect property and limit environmental damage to lakes from shoreline erosion where the County can and may exert some control, the County Board of Commissioners enacts this 3<sup>rd</sup> day of July, 2012, the following Temporary Special Controls to Section 5 Regulations of the Watercraft Ordinance.

**NOW THEREFORE, BE IT RESOLVED**, the following lakes shall continue to have a slow-no wake zone on the entire lake:

Lake Name	Township
Fleming	Fleming
Gun	Fleming
Horseshoe	Shamrock
Minnewawa	Shamrock
Wilkins	Fleming

**BE IT FURTHER RESOLVED**, that no person shall operate a watercraft at greater than slow-no wake speed for a distance of 300' from the shoreline on the following lakes:

Lake Name	Township
Cedar	Farm Island
Dam	Glen
Diamond	Farm Island
Elm Island	Nordland
Esquagamah	Waukenabo
Hammal – (Bass)	Farm Island
Hanging Kettle	Farm Island
Hill Lake	Hill Lake
Jenkins	Fleming
Long	Glen
Ripple	Nordland
Round	Waukenabo
Section 10 (Wladimiraf)	Nordland
Section 12	Nordland
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Townline	Farm Island

- i. This 300' no wake zone is in effect until the lake water elevation is 12" or less above that lake's Ordinary High Water (OHW) mark as identified by official lake gauge data. The Aitkin County Board authorizes the Aitkin County Administrator to remove lakes from the no-wake list as data is gathered. The up-to-date list will be maintained at the county's official website.
- ii. This resolution does not affect Resolution #060112-052 as identified for Big Sandy Lake and the associated area.
- iii. This resolution is in effect from July 8, 2012 through July 12, 2012.
- iv. The no wake restrictions for all other lakes in Aitkin County are lifted.

Break: 11:53 a.m. to 12:01 p.m.

Commissioner Marcotte left at 11:54 a.m.

Bobbie Danielson, Human Resources Manager presented Personnel Committee recommendation to the Board.

Tom Burke, Health and Human Services Director discussed the concerns and need to fill the full time position of Public Health Nurse. This is a budgeted position that is open due to a resignation. Motion by Commissioner Westerlund, seconded by Commissioner Napstad and carried (4-0 Marcotte absent), all members voting yes to approve filling this position.

Motion for a resolution by Commissioner Westerlund, seconded by Commissioner Napstad and carried (4-0 Marcotte absent), all members voting yes to approve resolution – Authorizing Flood Related Expenditures Not Budgeted:

**WHEREAS**, due to extraordinary weather conditions, including excessive rainfall during June of 2012, record high water elevations prevail on all Aitkin County lakes and rivers, and

**WHEREAS**, Aitkin County has adopted a 2012 Budget to address the annual expenditures and revenues for operating Aitkin County on a daily basis, and

**WHEREAS**, Aitkin County has declared a major disaster and approved resolution 062612-064 requesting a Presidential Disaster Declaration, and

**WHEREAS**, this disaster requires the County Board to provide for services which result in expenditures that were unexpected in the 2012 Budget, and

**WHEREAS**, senior staff have discussed the need to "move quickly" to address immediate needs in

**BREAK**

**MARCOTTE  
LEAVES**

**PERSONNEL  
COMMITTEE**

**PUBLIC  
HEALTH NURSE**

**RESOLUTION  
070312-070  
AUTHORIZING  
FLOOD  
RELATED  
EXPENDITURES  
NOT  
BUDGETED**

# AITKIN COUNTY BOARD

July 3, 2012

the County related to the disaster, and

**WHEREAS**, the County Board realize that some issues like debris removal and septic tank related issues arise between County Board meetings and that staff need to react quickly.

**NOW THEREFORE, BE IT RESOLVED**, that the County Administrator is authorized to approve expenditures related to this disaster. The Administrator will maintain a list of such authorizations and present it to the County Board at each Board meeting.

Kirk Peysar, and Jim Bright of the Aitkin County Fair Board discussed the cancellation of the 2012 Aitkin County Fair.

During the meeting the Board discussed: i) Mtg with Governor in Duluth, ii) ROPE

Motion by Commissioner Napstad, seconded by Commissioner Niemi and carried, all members voting yes to adjourn the meeting at 12:41 p.m. until Tuesday, July 10, 2012 at 9:00 a.m.

**COUNTY FAIR  
CANCELLED**

**BOARD  
DISCUSSION**

**ADJOURN**

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J. Mark Wedel, Chairperson  
Aitkin County Board of Commissioners

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Patrick Wussow, County Administrator



By Commissioner: xx

071012-0xx

**ELECTION JUDGES**

**BE IT RESOLVED**, the Aitkin County Board of Commissioners appoints the following persons to serve as Election Judges for the Mail Balloting Precincts for the 2012 Primary and General Election:

**Head Judges:**

Kate LeClair  
Elaine Hallbeck  
Denise Lee  
Sara Math  
Roberta Elvecrog  
Judith Blomberg

**Election Judges:**

Lucille Franzen  
Jim Hicks  
Debra Goble  
Carla Emons  
Jolene Gansen  
Karen Ladd  
Jacqueline Armstead  
Paulette Anderson  
Lori Tibbetts  
Rich Courtemanche  
Verner Hixon  
Nancy Eddy

Commissioner xx moved the adoption of the resolution and it was declared adopted upon the following vote

FIVE MEMBERS PRESENT

All Members Voting Yes

STATE OF MINNESOTA)  
County of Aitkin) ss.  
Office of County Auditor,)

I, Kirk Peysar, Auditor, of the County of Aitkin, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 10th day of July A.D., 2012, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Aitkin, Minnesota, this 10th day of July A.D. 2012

KIRK PEYSAR, County Auditor

BY \_\_\_\_\_, Deputy

# Aitkin County

## WARRANT REGISTER



Manual Warrants

*June*

<u>Warr #</u>	<u>Vendor #</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Description</u>	<u>Account Number</u>	<u>Invoice #</u>	<u>PO #</u>
				<u>OBO#</u>	<u>On- Behalf- of- Name</u>	<u>From Date</u>	<u>To Date</u>
747	8410	Bremer Bank 101 MINNESOTA AVENUE NORTH AITKIN, MN 56431-					
			244.00	24- 0- 003902 ck return- per 2	13- 943- 000- 0000- 2001	JR Ferlita	
			192.00	07- 0- 003402 NSF PER 2	13- 943- 000- 0000- 2001	MARK LARSON	
			78.00	07- 0- 003403 NSF PER 2	13- 943- 000- 0000- 2001	MARK LARSON	
			424.00	08- 0- 036003 ck return per 2	13- 943- 000- 0000- 2001	N.Thompson	
			186.16	08- 0- 011101 NSF PER 2	13- 943- 000- 0000- 2001	R.FORESTER	
			128.52	08- 0- 012000 NSF PER 2	13- 943- 000- 0000- 2001	R.FORESTER	
			171.60	08- 0- 012100 NSF PER 2	13- 943- 000- 0000- 2001	R.FORESTER	
			264.24	08- 0- 028000 NSF PER 2	13- 943- 000- 0000- 2001	R.FORESTER	
			654.16	23- 0- 000300 NSF PER 2	13- 943- 000- 0000- 2001	R.FORESTER	
			997.36	23- 0- 019100 NSF PER 2	13- 943- 000- 0000- 2001	R.FORESTER	
			711.96	56- 1- 119200 NSF PER 2	13- 943- 000- 0000- 2001	R.FORESTER	
	Warrant #	747	Total	4,052.00	Date 6/5/12		
748	8410	Bremer Bank 101 MINNESOTA AVENUE NORTH AITKIN, MN 56431-					
			3,195.95	Claims	01- 044- 904- 0000- 6360		
	Warrant #	748	Total	3,195.95	Date 6/6/12	5/29/12	6/1/12
749	5462	Bremer Bank (Elan Ach) ELAN ACH AITKIN, MN 56431-					
			52.82	batteries/card- digital cameras	01- 043- 000- 0000- 6405		
			9.59	MN Map for County Car	01- 045- 000- 0000- 6405		
			4.00	2x HDMI male to female cable	01- 049- 000- 0000- 6402		
			6.00	3x HDMI male to female cable	01- 049- 000- 0000- 6402		
			9.00	5x HDMI to DVI adapter	01- 049- 000- 0000- 6402		
			8.68	2x DVI to HDMI cable	01- 049- 000- 0000- 6402		
			80.74	EP meals/gas/parking- cert prog	05- 400- 400- 0402- 6330		
			435.96	EP/Hotel- Stacey	05- 400- 400- 0402- 6330		
			124.82	EP- meals for cert pgm	05- 400- 400- 0402- 6330		
			12.09	EP meals- Cert prgm- Stacey	05- 400- 400- 0402- 6330		
			75.90	EP supplies Cert Program	05- 400- 400- 0402- 6405		
			18.20	EP supplies Cert Program	05- 400- 400- 0402- 6405		
			314.64	Parent Magic Supplies	05- 430- 700- 4800- 6405		
			39.00	stamps	19- 521- 000- 0000- 6205		

# Aitkin County

## WARRANT REGISTER



Manual Warrants

<u>Warr #</u>	<u>Vendor #</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Description</u>	<u>Account Number</u>	<u>Invoice #</u>	<u>PO #</u>
				<u>OBO#</u>	<u>On- Behalf- of- Name</u>	<u>From Date</u>	<u>To Date</u>
			131.40	LLCC Web site hosting	19- 521- 000- 0000- 6230		
			25.00	CD binder	01- 252- 000- 0000- 6405	Amazon	
			95.00	Dictionary of RE Appraisal	01- 043- 000- 0000- 6405	Appraisal Inst	
			30.00	Valuation of Wetlands book	01- 043- 000- 0000- 6405	Appraisal Inst	
			70.00	Rural Property Appraisal book	01- 043- 000- 0000- 6405	Appraisal Inst	
			15.00	shipping of Appraisal books	01- 043- 000- 0000- 6405	Appraisal Inst	
			144.25	Tapes and end nails	01- 043- 000- 0000- 6405	BenMeadows	
			30.00	critter food	19- 522- 000- 0000- 6416	bug company	
			125.00	hotel deposit/Turner MSA conf.	01- 200- 003- 0000- 6332	Craguns	
			8.75	coffee for STS crew	01- 253- 000- 0000- 6405	Family Dollar	
			95.46	hotel/MAAO summer seminar	01- 043- 000- 0000- 6332	Hicks/Sanbeck	
			211.00	MN State Bar Assoc. dues	01- 090- 000- 0000- 6240	J.Ratz	
			199.00	MN State Bar Assoc.dues	01- 090- 000- 0000- 6240	L.Rakotz	
			225.00	Reg Fee/Turner NSAC conf.	01- 200- 003- 0000- 6241	Nashville	
			52.14	coffee for STS crew	01- 253- 000- 0000- 6405	Pamida	
			199.00	MN State Bar Assoc.dues	01- 090- 000- 0000- 6240	R.Trapp	
			199.00	MN State Bar Assoc.dues	01- 090- 000- 0000- 6240	S,Winge	
			95.46	hotel/MAAO summer seminar	01- 043- 000- 0000- 6332	Tibbetts/Weste	
			96.77	inmate pain relievers	01- 252- 000- 0000- 6262	Wal- Mart	
			42.70	groceries	01- 252- 000- 0000- 6418	Wal- Mart	
			16.39	kitchen supplies	01- 252- 000- 0000- 6420	Wal- Mart	
			7.78	seasonings for commissary	01- 252- 252- 0000- 6405	Wal- Mart	
	Warrant #	749	Total	3,305.54	Date 6/7/12		
750	8410	Bremer Bank 101 MINNESOTA AVENUE NORTH AITKIN, MN 56431-					
				15.00	NSF- Rachel Nichols	01- 520- 000- 0000- 5510	
	Warrant #	750	Total	15.00	Date 6/7/12		
751	8410	Bremer Bank 101 MINNESOTA AVENUE NORTH AITKIN, MN 56431-					
				46.95	credit card fee	19- 522- 000- 0000- 6217	
	Warrant #	751	Total	46.95	Date 6/11/12		
752	8410	Bremer Bank 101 MINNESOTA AVENUE NORTH AITKIN, MN 56431-					
				2,955.42	claims	01- 044- 904- 0000- 6360	

6/4/12

6/8/12

# Aitkin County

## WARRANT REGISTER



Manual Warrants

Warr #	Vendor #	Vendor Name	Total	Description		Account Number	Invoice #	PO #
				Amount	OBO#			
	Warrant #	752	Total	2,955.42	Date 6/13/12			
753	780	Bremer Bank MORTGAGE- DEED TAX AITKIN, MN 56431-		26,998.98	May deed tax	09- 000- 000- 0000- 2025		
				32,728.99	May mortgage Reg	09- 000- 000- 0000- 2026		
	Warrant #	753	Total	59,727.97	Date 6/19/12			
754	8410	Bremer Bank 101 MINNESOTA AVENUE NORTH AITKIN, MN 56431-		2,502.77	claims	01- 044- 904- 0000- 6360	6/11/12	6/14/12
	Warrant #	754	Total	2,502.77	Date 6/20/12			
755	5462	Bremer Bank (Elan Ach) ELAN ACH AITKIN, MN 56431-		25.00	monthly iPad data plan	01- 049- 000- 0000- 6231		
				4.00	return 2x HDMI cable adapter	01- 049- 000- 0000- 6402		
				6.00	return 3x HDMI cable adapter	01- 049- 000- 0000- 6402		
				47.91	Plantronics Handset Lifter	01- 120- 000- 0000- 6405		
				30.26	magnetic board/dry erase mkrs	01- 120- 000- 0000- 6405		
				39.88	Water Test Equipment.....	01- 392- 000- 0000- 6405		
				66.25	WIC- portable file box	05- 400- 410- 0413- 6405		
				18.94	Peer BF- Meals- Naomi L.	05- 400- 430- 0408- 6330		
				23.47	replace keyboard for Stacey	05- 400- 440- 0410- 6405		
				92.92	DVD- Emotional Manipulation	05- 430- 700- 4800- 6405		
				41.56	Walkie Talkies- SA#48505121	05- 430- 740- 3300- 6020		
				10.97	Sand Timers- SA#48433997	05- 430- 740- 3300- 6020		
				89.00	laptop battery	11- 925- 000- 0000- 6405		
				7.49	postage on package	19- 521- 000- 0000- 6205		
				543.90	supplies/fishing & Forhorn	19- 522- 000- 0000- 6416		
				37.14	fishing camp supplies	19- 522- 000- 0000- 6416		
				716.82	fishing & Forhorn camp suppl.	19- 522- 000- 0000- 6416		
				7.21	Hotel,parking/MEC Trng- Accting	05- 400- 440- 0410- 6333	06/06- 06/07/12	
				3.34	Meals/MEC Trng- Accting	05- 400- 440- 0410- 6333	06/06- 06/07/12	
				103.00	Hotel,parking/MEC Trng- IM	05- 420- 600- 4800- 6330	06/06- 06/07/12	
				48.54	Meals/MEC Trng- IM	05- 420- 600- 4800- 6330	06/06- 06/07/12	
				19.05	Hotel,parking/MEC Trng- Accting	05- 420- 600- 4800- 6333	06/06- 06/07/12	

# Aitkin County

## WARRANT REGISTER



Manual Warrants

<u>Warr #</u>	<u>Vendor #</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Description</u>	<u>Account Number</u>	<u>Invoice #</u>	<u>PO #</u>
				<u>OBO#</u>	<u>On- Behalf- of- Name</u>	<u>From Date</u>	<u>To Date</u>
			8.82	Meals/MEC Trng- Accting	05- 420- 600- 4800- 6333	06/06- 06/07/12	
			25.23	Hotel,parking/MEC Trng- Accting	05- 430- 700- 4800- 6333	06/06- 06/07/12	
			11.69	Meals/MEC Trng- Accting	05- 430- 700- 4800- 6333	06/06- 06/07/12	
			112.25	Hotel/Extra WIC- Jan West	05- 400- 410- 0413- 6330	06/12- 06/13/12	
			29.87	Meals/Extra WIC- Jan West	05- 400- 410- 0413- 6330	06/12- 06/13/12	
			6.50	DP&C Trng.- Jan West	05- 400- 400- 0402- 6330	06/14/12	
			242.44	(6) spare phones for Courthous	01- 001- 000- 0000- 6625	18101	
			33.94	(6) extra display phones	05- 400- 440- 0410- 6405	18102	
			89.70	(6) extra display phones	05- 420- 600- 4800- 6405	18102	
			118.80	(6) extra display phones	05- 430- 700- 4800- 6405	18102	
			188.46	Hotel balance/MSA conf.Turner	01- 200- 003- 0000- 6332	5/18/12	
			59.91	EP meals/gas/parking	05- 400- 400- 0402- 6330	5/25- 6/1/12	
			77.65	Hotel balance/EP Cert Program	05- 400- 400- 0402- 6330	5/29- 6/1/12	
			21.75	meals at WIC conference	05- 400- 410- 0413- 6330	6/13/12	
			70.75	hotel/Oak Symposium	11- 925- 000- 0000- 6332	6/13/12	
			70.75	hotel/Oak Symposium	11- 925- 000- 0000- 6332	6/13/12	
			70.75	hotel/Oak Symposium	11- 925- 000- 0000- 6332	6/13/12	
			94.62	Balance of June Comp.conf.	01- 090- 000- 0000- 6208	Beauchem	
			33.15	replacement posts for Tapes	01- 043- 000- 0000- 6405	BenMeadows	
			397.24	trail camera,card,battery,moun	11- 925- 000- 0000- 6406	Best Buy	
			486.50	Black&Color toner for Ricoh	01- 122- 000- 0000- 6405	BlueDog Inc	
			30.00	critter food	19- 522- 000- 0000- 6416	Bug Company	
			696.12	table cover & grocery tote	01- 391- 000- 0000- 6800	Crestline	
			30.07	jail medical supplies	01- 252- 000- 0000- 6262	Dollar Tree	
			213.64	(2) Northfire Red Maples	01- 110- 000- 0000- 6590	GR Gardens	
			10.67	(2) Tree Wraps	01- 110- 000- 0000- 6590	GR Gardens	
			5.59	food	19- 523- 000- 0000- 6418	Gamma's	
			421.62	Milestone pesticide	11- 925- 000- 0000- 6406	NW Crop Protec	
			17.05	cooler bag & reusable ice pack	01- 392- 000- 0000- 6205	Pamida	
			28.40	WIC supplies	05- 400- 410- 0413- 6405	Paulbecks	
			94.62	Balance of June Comp.conf.	01- 090- 000- 0000- 6208	Speldrich	
	Warrant #	755	Total	5,761.20	Date 6/21/12		
756	780	Bremer Bank					
		MORTGAGE- DEED TAX					
		AITKIN, MN 56431-					
			17,581.81	June Accelerated Deed tax	09- 000- 000- 0000- 2025		
			18,668.83	June Accelerated Mtg Reg	09- 000- 000- 0000- 2026		
	Warrant #	756	Total	36,250.64	Date 6/26/12		

# Aitkin County

## WARRANT REGISTER



Manual Warrants

<u>Warr #</u>	<u>Vendor #</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Description</u> <u>OBO#</u>	<u>Account Number</u> <u>On- Behalf- of- Name</u>	<u>Invoice #</u> <u>From Date</u>	<u>PO #</u> <u>To Date</u>
757	8410	Bremer Bank 101 MINNESOTA AVENUE NORTH AITKIN, MN 56431-	1,464.15	claims	01- 044- 904- 0000- 6360	6/18/12	6/22/12
		Warrant # 757 Total	1,464.15	Date 6/27/12			
758	8410	Bremer Bank 101 MINNESOTA AVENUE NORTH AITKIN, MN 56431-	42,137.37	State General Tax	09- 000- 000- 0000- 2058		
		Warrant # 758 Total	42,137.37	Date 6/27/12			
759	8410	Bremer Bank 101 MINNESOTA AVENUE NORTH AITKIN, MN 56431-	5.00	07- 0- 017410 chgback fee	01- 042- 000- 0000- 5524	D.Swensen	
			5.00	04- 0- 012500 chgback fee	01- 042- 000- 0000- 5524	J.Letourneau	
			5.00	35- 0- 030803 chgback fee	01- 042- 000- 0000- 5524	S.Johnston	
		Warrant # 759 Total	15.00	Date 6/28/12			
44253	12091	Commissioner of Transportation Mn/Dot- Attn: Bob Lillevold 6000 Minnehaha Avenue South St Paul, MN 55111- 4079	12,000.00	2008 Ford F150	03- 308- 000- 0000- 6600	VIN 81383	
		Warrant # 44253 Total	12,000.00	Date 6/4/12			
44254	170	Aitkin Motor Company 108 2ND ST NE AITKIN, MN 56431-	24,086.46	2012 F150	11- 925- 000- 0000- 6630	VIN 83148	
		Warrant # 44254 Total	24,086.46	Date 6/5/12			
44255	5748	Purchase Power PO BOX 371874 PITTSBURGH, PA 15250-	5,000.00	postage	01- 044- 048- 0000- 6205		
		Warrant # 44255 Total	5,000.00	Date 6/7/12			
44256	799	Fuhrer/Joseph P.O. BOX 151 PINE RIVER, MN 56474-	3,250.00	contract inspections	01- 122- 000- 0000- 6231	10@325	

# Aitkin County

## WARRANT REGISTER



### Manual Warrants

<u>Warr #</u>	<u>Vendor #</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Description</u>	<u>Account Number</u>	<u>Invoice #</u>	<u>PO #</u>
				<u>OBO#</u>	<u>On- Behalf- of- Name</u>	<u>From Date</u>	<u>To Date</u>
	Warrant #	44256	Total	3,250.00	Date 6/8/12		
44257	11081	Thane Hawkins Polar Chevrolet 1801 E COUNTY ROAD F WHITE BEAR, MN 55110-					
	Warrant #	44257	Total	82,247.35	(4) 2012 Impalas as budgeted Date 6/12/12	01- 200- 000- 0000- 6620	C1299514
44258	12112	Rochester Title 2727 18th Ave NW Rochester, MN 55901-					
	Warrant #	44258	Total	350.00	29- 1- 222200 Tax refund per 2 Date 6/12/12	13- 943- 000- 0000- 2001	S.Holets
44259	9026	MII Life/Select Account P.O. BOX 64193 SAINT PAUL, MN 55164- 193					
	Warrant #	44259	Total	296.46	Participant fees Date 6/13/12	01- 044- 904- 0000- 6231	888235
44260	12113	Zeman/Robert PO Box 11055 Minneapolis, MN 55411-					
	Warrant #	44260	Total	3.54	11- 0- 001405 tax court interest 98.00 11- 0- 001405 tax court refund Date 6/13/12	01- 044- 000- 0000- 6231 13- 943- 000- 0000- 2004	R.Zeman R.Zeman
44261	12114	North Star Towing, Inc. 833 North St Anoka, MN 55303-					
	Warrant #	44261	Total	250.00	victims impound fee Date 6/19/12	01- 255- 031- 0000- 5840	
44262	6160	MII - Veba ATTN: VEBA ADMINISTRATION PO BOX 64193 ST. PAUL, MN 55164- 193					
	Warrant #	44262	Total	250.00	M.Moriarty VEBA 2nd Q Date 6/20/12	01- 100- 000- 0000- 6149	
44263	12115	Canfield/Dellwin					

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# Aitkin County

## WARRANT REGISTER



### Manual Warrants

<u>Warr #</u>	<u>Vendor #</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Description</u>	<u>Account Number</u>	<u>Invoice #</u>	<u>PO #</u>
				<u>OBO#</u>	<u>On- Behalf- of- Name</u>	<u>From Date</u>	<u>To Date</u>
		29931 State Highway 210 Aitkin, MN 56431-					
		Warrant # 44263	Total	22.00	01- 7- 087457 MH overpay per 2	13- 943- 000- 0000- 2001	D.Canfield
				22.00	Date 6/25/12		
44264	12116	Engen/Jeffrey 15525 Jackson St NE Ham Lake, MN 55304-					
		Warrant # 44264	Total	4.20	21- 7- 050808- MH overpay per 2	13- 943- 000- 0000- 2001	J.Engen
				4.20	Date 6/25/12		
44265	12117	Hillyer/Margaret 33193 State Highway 18 Aitkin, MN 56431-					
		Warrant # 44265	Total	1,761.76	21- 1- 067200 overpay per 2	13- 943- 000- 0000- 2001	M.Hillyard
				1,761.76	Date 6/25/12		
44266	12118	Hodge/Charles 68584 US Highway 169 Hill City, MN 55748-					
		Warrant # 44266	Total	26.00	12- 7- 018901 MH overpay per 2	13- 943- 000- 0000- 2001	E.Hall
				26.00	Date 6/25/12		
44267	11941	MII- HSA Atten: HSA Administration PO Box 64193 St Paul, MN 55164- 193					
		Warrant # 44267	Total	1,000.00	Q 3&4 Contrib.J.Hughes	01- 042- 000- 0000- 6148	
				1,000.00	Date 6/27/12		
44268	6160	MII - Veba ATTN: VEBA ADMINISTRATION PO BOX 64193 ST. PAUL, MN 55164- 193					
		Warrant # 44268	Total	250.00	Q 2 Contrib.Erin Melz	05- 400- 440- 0411- 6149	
				250.00	Date 6/27/12		



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# Aitkin County

## WARRANT REGISTER



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Manual Warrants

<u>Warr #</u>	<u>Vendor #</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Description</u>	<u>Account Number</u>	<u>Invoice #</u>	<u>PO #</u>
				<u>OBO#</u>	<u>On- Behalf- of- Name</u>	<u>From Date</u>	<u>To Date</u>
		<b>Final Total...</b>	292,325.73	131	Transactions		

# Aitkin County



Warr # Vendor #

RECAP BY FUND

<u>FUND</u>	<u>AMOUNT</u>	<u>NAME</u>
1	106,728.82	General Fund
3	12,000.00	Road & Bridge
5	2,372.11	Health & Human Services
9	138,115.98	State
11	25,206.57	Forest Development
13	6,313.96	Taxes & Penalties
19	1,588.29	Long Lake Conservation Center
	292,325.73	TOTAL

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 7/5/2012

Via: Patrick Wussow, County Administrator

From: Bobbie Danielson, HR Manager

Title of Item: *Bobbie Danielson*

Adopt Local 49 LLCC Contract

Requested Meeting Date: 7/10/2012 Estimated Presentation Time: consent agenda

Presenter: Bobbie Danielson

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- Approve under Consent Agenda
- For discussion only with possible future action
- Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Other (please list) \_\_\_\_\_
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes  No  (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: *fund 19, Salaries - 6101*

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No

BJD  
\_\_\_\_\_  
HR Review

**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

Provide (1) copy of supporting documentation **NO LATER THAN Wednesday at Noon** to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items **WILL NOT** be placed on the Board agenda unless complete documentation is provided for the Board packets.

# AITKIN COUNTY HUMAN RESOURCES

**Bobbie Danielson, HR Manager**  
bobbie.danielson@co.aitkin.mn.us  
**Nicole Visnovec, HR Specialist**  
nicole.visnovec@co.aitkin.mn.us

Phone 218-927-7306  
Job Hotline 218-927-7393  
Fax 218-927-7374  
www.co.aitkin.mn.us

To: County Commissioners  
From: Bobbie Danielson, HR Manager   
Date: July 5, 2012  
Subject: Adopt Local 49 LLCC Contract (Wage Re-opener for 2012)

## **Background Information**

An agreement has been reached with Local 49 LLCC concerning 2012 wages. The contract has been updated to include the following:

Wages: 0% general adjustment, plus steps. There will be zero increase to the overall pay scale in 2012 over 2011 pay rates. Employees not already at the top of the 13-step pay scale who are due to receive a step increase will be eligible for step movement. The language includes: All employees shall remain at their rate of pay at the expiration of this Agreement until a new Agreement is executed by the parties.

In addition, a one-time wage adjustment payment will be made to Dave Conway in the amount of \$1,054.79. Local 49 LLCC settled its 2010 contract with no steps, prior to other units settling. All other units, including non-union, received steps in 2010. This is a one-time adjustment.

## **Action Requested**

Motion to ratify the 2010-2012 Local 49 LLCC collective bargaining agreement and authorize the Chairperson and HR Manager to sign.

Please feel free to contact me if you have any questions or concerns.

AGREEMENT

between

AITKIN COUNTY BOARD OF COMMISSIONERS

and

THE INTERNATIONAL UNION OF OPERATING  
ENGINEERS LOCAL NO. 49

(Long Lake Conservation Center Employees)

January 1, 2010 through December 31, 2012

*Comments/Changes noted on pages 10-13.*

IUOE Local 49 – LLCC 2010 - 2012 Agreement  
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IUOE Local 49 – LLCC 2010 – 2012 Agreement

This Agreement is entered into by and between the Aitkin County Board of Commissioners (hereafter “Employer”) and International Union of Operating Engineers Local No. 49 (hereafter “Union”).

**ARTICLE 1. PURPOSE**

The purpose of this Agreement is to describe the respective rights of the Employer and the Union with regard to wages, hours and terms and conditions of employment at Long Lake Conservation Center. The Employer, the Union, and their respective representatives hereby agree to apply the terms of this Agreement fairly in accordance with its intent and meaning and consistent with the status of the Union as the exclusive bargaining representative of the employees in the designated unit.

**ARTICLE 2. RECOGNITION**

2.1 The Employer hereby recognizes the Union as the exclusive bargaining representative for the following employees:

All Maintenance employees, Food Service employees, and Cooks employed by Aitkin County (Long Lake Conservation Center), Aitkin, Minnesota, who are public employees within the meaning of Minn. Stat. § 179A.03, subd. 14, excluding supervisory, confidential, and all other employees.

2.2 The Employer shall not enter into any agreements with the employees coming under the jurisdiction of this Agreement, either individually or collectively, which in any way conflicts with the terms and conditions of this Agreement, except through the exclusive representative.

**ARTICLE 3. DEFINITIONS**

3.1 Employer: Aitkin County Board of Commissioners.

3.2 Employee: A person employed by the Employer at the Long Lake Conservation Center who is a member of the bargaining unit represented by the Union.

3.3 Permanent Employee: An employee who has completed the probationary period.

3.4 Probationary Employee: An employee who has not completed the probationary period.

3.5 Regular Employee: A person hired to fill a permanent full-time position.

**ARTICLE 4. MANAGEMENT RIGHTS**

- 4.1 The Employer retains the full and unrestricted right to manage all manpower, and to manage, change or eliminate existing methods of operation, facilities and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct and determine the number of personnel; to establish work schedules; and to perform any inherent managerial functions not specifically limited by this Agreement.
- 4.2 Any term or condition of employment not specifically established or modified by this Agreement shall remain solely within the discretion of the Employer to modify, establish or eliminate.

**ARTICLE 5. UNION SECURITY**

- 5.1 The Employer agrees to deduct from the wages of each employee who is a member of the Union and who authorizes it in writing an amount equal to the regular monthly Union dues. Such deduction shall be made each month, and shall be transmitted to the Union together with a list of employees from whose pay the deductions have been made.
- 5.2 Upon request of the Union, the Employer shall deduct from the wages of each bargaining unit employee who is not a member of the Union and who authorizes the deduction in writing, a fair share fee that does not exceed eighty-five (85%) percent of the regular monthly Union dues. Such deductions shall be made in the same manner as dues under Section 5.1.
- 5.3 The Union agrees to indemnify and hold the Employer harmless against any and all claims, suits, orders, or judgments brought or issued against the Employer as a result of any action taken or not taken by the Employer under the provisions of this Article.

**ARTICLE 6. GRIEVANCE PROCEDURE**

- 6.1 Definition of a Grievance: A grievance is defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of this Agreement.
- 6.2 Employee Representatives: The Employer will recognize representatives designated by the Union as the grievance representative of the bargaining unit having the duties and responsibilities established by this Article. The Union shall notify the Employer in writing of the name of such Employee representatives and of their successors when so designated.
- 6.3 Processing of a Grievance: It is recognized and accepted by the Union and the Employer that the processing of grievances as hereinafter provided is limited by the job duties and responsibilities of the employees and shall therefore be accomplished during normal working hours only when consistent with such employee duties and responsibilities. The



IUOE Local 49 – LLCC 2010 – 2012 Agreement

aggrieved employee and Employee representative shall be allowed a reasonable amount of time without loss of pay when a grievance is investigated and presented to the Employer during normal working hours, provided the employee and the Employee representative have notified and received the approval of the designated supervisor who has determined that such absence is reasonable and would not be detrimental to the work programs of the Employer.

6.4 Procedure: Grievances, as defined by Article 6, Section 6.1, shall be resolved in conformance with the following procedure:

Step 1. An employee claiming a violation concerning the interpretation or application of this Agreement shall, within fifteen (15) working days after the employee(s), through the use of reasonable diligence, should have had knowledge of the occurrence that gave rise to the grievance, present such grievance to the Executive Director or designee. The Executive Director or designee will discuss and give and answer to such Step 1 grievance within fifteen (15) working days after receipt. A grievance not resolved in Step 1 and appealed to Step 2 shall be placed in writing setting forth the nature of the grievance, the facts on which it is based, the provision or provisions of the Agreement allegedly violated, and the remedy requested, and shall be appealed to Step 2 within fifteen (15) working days after the Executive Director's or designee's final answer in Step 1. Any grievance not appealed in writing to Step 2 by the Union within fifteen (15) working days shall be considered waived.

Step 2. If appealed, the written grievance shall be presented by the Union and discussed with the Land Commissioner or designee. The Land Commissioner or designee shall give the Union the Employer's Step 2 answer in writing within fifteen (15) working days after receipt of such Step 2 grievance. If a resolution of the grievance results, the terms of that resolution shall be written on or attached to the grievance and shall be signed by all parties. A grievance not resolved in Step 2 may be appealed to Step 3 within fifteen (15) working days following the Land Commissioner's or designee's final Step 2 answer. Any grievance not appealed in writing to Step 3 by the Union within fifteen (15) working days shall be considered waived.

Step 3. If appealed, the written grievance shall be presented by the Union and discussed with the County Administrator or designee. The County Administrator or designee shall give the Union the Employer's answer in writing within fifteen (15) working days after receipt of such Step 3 grievance. If a resolution of the grievance results, the terms of that resolution shall be written on or attached to the grievance and shall be signed by all parties. A grievance not resolved in Step 3 may be appealed to Step 4 within fifteen (15) working days following the County Administrator's or designee's final answer in Step 3. Any grievance not appealed in writing to Step 4 within fifteen (15) working days shall be considered waived.

Step 3A. If the Employer and the Union mutually agree, a grievance unresolved in Step 3 may be submitted to the Minnesota Bureau of Mediation Services for mediation within

IUOE Local 49 – LLCC 2010 – 2012 Agreement

five (5) working days following the Step 3 Employer response. If the grievance is submitted to mediation and is resolved, the settlement shall be reduced to writing and signed by both the Employer and the Union. If the grievance is submitted to mediation and is not resolved, it may be appealed to Step 4 within fifteen (15) working days following the date of the mediation meeting.

Step 4. If no settlement is reached in Step 3 or Step 3A, the grievance may be submitted to arbitration, and the decision of the arbitrator shall be final and binding on the parties. If the parties are unable to agree upon the appointment of the arbitrator within five (5) working days after submission of the grievance to arbitration, either party may then request of the Bureau of Mediation Services, State of Minnesota, to furnish a list of seven (7) prospective arbitrators. From this list, each party shall alternately strike one name until one name remains. The last remaining individual shall be designated as arbitrator. The grieving party shall strike first.

6.5 Arbitrator's Authority:

Subd. 1. The arbitrator shall have no right to amend, modify, nullify, ignore, add to, or subtract from the terms and conditions of this Agreement. The arbitrator shall consider and decide only the specific issue(s) submitted in writing by the Employer and the Union, and shall have no authority to make a decision on any other issue submitted.

Subd. 2. The arbitrator shall be without power to make decisions contrary to, or inconsistent with, or modifying or varying in any way the application of laws, rules or regulations having the force and effect of law. The arbitrator's decision shall be submitted in writing within thirty (30) days following the end of the hearing or the submission of briefs by the parties, whichever is later, unless the parties agree to an extension. The decision shall be binding on both the Employer and the Union and shall be based solely on the arbitrator's interpretation or application of the express terms of this Agreement and to the facts of the grievance presented.

Subd. 3. The fees and expenses for the arbitrator's services and proceedings shall be borne equally by the Employer and the Union provided that each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. If both parties desire a verbatim record of the proceedings, the cost shall be shared equally.

6.6 Waiver: If a grievance is not presented within the time limits set forth above, it shall be considered "waived." If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof in writing, it shall be considered settled on the basis of the Employer's last answer. If the Employer does not answer a grievance or an appeal thereof within the specified time limits, the Union may elect to treat the grievance

IUOE Local 49 – LLCC 2010 – 2012 Agreement

as denied and move the grievance to the next step. The time limit in each step may be extended by mutual agreement of the Employer and the Union in writing.

- 6.7 Choice of Remedy: If, as a result of the written Employer response in Step 3, the grievance remains unresolved, and if the grievance involves the suspension, demotion or discharge of an employee who has completed the required probationary period, the grievance may be appealed either to Step 4 of Article 6.4 or a procedure such as: Veterans Preference or Fair Employment. If appealed to any procedure other than Step 4 of Article 6.4, the Union and the aggrieved employee shall indicate in writing which procedure is to be utilized - Step 4 of Article 6.4, or another appeal procedure - and shall sign a statement to the effect that the choice of any other hearing precludes the Union and the aggrieved employee from making subsequent appeal through Step 4 of Article 6.4 except that with respect to statutes under the jurisdiction of the United States Equal Opportunity Employment Commission, an employee pursuing a statutory remedy is not precluded from also pursuing an appeal under this grievance procedure.

**ARTICLE 7. DISCIPLINE**

- 7.1 The Employer will discipline employees who have completed their probationary period for just cause only. Discipline will be in one or more of the following forms:
- A. Oral reprimand,
  - B. Written reprimand,
  - C. Suspension,
  - D. Demotion, or
  - E. Discharge.
- 7.2 Written reprimands, and notices of suspension, demotion and discharge will be placed in the employee's personnel file. The employee will receive a copy of such reprimands and/or notices.
- 7.3 An employee suspended for cause shall accrue no benefits during that period.

**ARTICLE 8. PROBATIONARY PERIOD**

- 8.1 Newly hired and rehired employees will serve a six (6) month (1040 hours) probationary period.
- 8.2 During the probationary period, a newly hired or rehired employee may be disciplined or discharged at the sole discretion of the Employer.

**ARTICLE 9. HOURS OF WORK AND OVERTIME**

- 9.1 Work Week: The normal work week for full-time employees shall consist of five (5) days and forty (40) hours. The work days and hours of work shall be determined by the Executive Director. It is understood that there is no guarantee the five (5) work days per week will be consecutive work days.
- 9.2 Overtime Hours: Overtime compensation will be based on status under the Fair Labor Standards Act (FLSA). All non-exempt employees who are assigned by the Employer to work in excess of 40 hours in a work week shall be compensated for such overtime hours at the rate of one and one-half (1-1/2) times the regular straight time rate of pay.
- 9.3 Rest Break: If the needs of the service permit, all employees shall be allowed two (2) fifteen minute rest breaks in each eight (8) consecutive hours of work at times designated by their immediate supervisor or the Executive Director.
- 9.4 Minimum Call Outs: When a regular employee reports for work in accordance with their work schedule without having previously been notified not to report for work, or if an employee is called back to work after completing her/his regular workday or is called out for work during her/his regular scheduled time and/or day off, (s)he shall receive a minimum of two (2) hours' work or two (2) hours' pay in lieu thereof.
- 9.5 Nothing contained in this Article shall be interpreted to be a guarantee of a minimum or maximum number of hours the Employer may assign employees.

**ARTICLE 10. HOLIDAY PROVISIONS**

- 10.1 All full-time regular employees shall be entitled to the following eight (8) hour paid holidays:

New Year's Day	Labor Day
Martin Luther King Day	Veterans' Day
Presidents' Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Fourth of July	Christmas Day

- 10.2 When an employee is required to work on any of the designated holidays listed in Section 10.1, the employee shall be paid at time and one-half (1-1/2) rates in addition to their base wage.
- 10.3 When an employee does not work on any of the designated holidays listed in Section 10.1, the holiday shall nevertheless count as eight (8) hours worked for the purpose of computing overtime for hours worked in excess of forty (40) in any such week. When

IUOE Local 49 – LLCC 2010 – 2012 Agreement  
 necessary, the Executive Director and/or the Aitkin County Board of Commissioners may require an employee to work on a holiday.

- 10.4 When any of the holidays designated in Section 10.1 fall on a Sunday, the following day shall be observed as the holiday. When the holiday falls on a Saturday, it shall be observed on the previous Friday. (Not applicable if the employee is required to work on any of these holidays.)
- 10.5 When a paid holiday falls during an employee’s vacation period, the employee shall receive holiday pay for that day.

**ARTICLE 11. VACATIONS**

11.1 All full-time regular employees shall be granted vacation benefits as follows:

<u>Completed Years of Service</u>	<u>Rate of Accumulation of Vacation Days Per Month of Work</u>	<u>Working Days Employee May Earn as Vacation Per Year</u>
0	1	12 (96 hours)
3	1.25	15 (120 hours)
5	1.50	18 (144 hours)
10	1.75	21 (168 hours)
15+	2	24 (192 hours)

- 11.2 Vacation is granted for the purpose of employee recreation and, therefore, no employee shall be permitted to cash out their vacation benefits in lieu of time off.
- 11.3 Upon termination of employment for any cause, permanent employees shall be paid for any unused accumulated vacation.
- 11.4 An employee may accumulate vacation hours up to a maximum of 24 days (192 hours). Vacation days over the 24 day (192 hour) maximum will be forfeited as accumulated on the monthly rate until such time as the employee is below the 24 day (192 hour) maximum.
- 11.5 A probationary employee shall accumulate vacation days at the rate of one (1) day (eight hours) per month, but may not use any of these days for vacation until (s)he has obtained permanent status.

**ARTICLE 12. SICK LEAVE**

12.1 All full-time regular employees shall earn paid sick leave at the rate of one (1) day (eight hours) per month of continuous employment and the employee shall be allowed to accumulate any unused sick leave from year to year up to a total of one hundred twenty

IUOE Local 49 – LLCC 2010 – 2012 Agreement

(120) days (960 hours). Employees begin earning sick leave as of the day of employment and may use sick leave during a probationary period.

- 12.2 Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Sick leave is hereby defined to mean the absence of an employee because of illness of the employee or his/her spouse, parent, or child(ren) requiring the attendance of such employee. The Executive Director may require a doctor's certificate to verify the employee's absence. In the case of attendance upon other members of an employee's household, prior approval of the Executive Director is required.

**ARTICLE 13. LEAVES OF ABSENCE**

13.1 Paid Leave

- A. Funeral: All full-time regular employees shall be allowed a maximum of three (3) days (24 hours) leave without loss of pay when a death occurs in an employee's family, which shall be construed to mean spouse, child, parent, sibling, father-in-law, mother-in-law, daughter-in-law, son-in-law, grandparents and grandchildren. Two (2) additional days (16 hours) may be allowed when travel is necessary, subject to the approval of the Executive Director. Additional time, if needed, may be allowed by the Executive Director, but such additional time in excess of the five (5) days (40 hours) provided above shall be charged against the employee's sick leave.
- B. Personal: All full-time regular employees shall be granted four (4) days (32 hours) personal leave each calendar year; such leave shall not be cumulative. Personal leave days shall be granted on a pro-rated basis. (i.e., one day (eight hours) per quarter)
- C. Jury Duty: All regular employees required to serve on jury duty shall be paid the difference between pay for such jury duty and their normal earnings for all full days' absence. Employees shall keep expenses reimbursed to them by the court for jury duty service. If an employee is excused from jury duty after reporting and subsequently returns to work, (s)he shall suffer no loss in pay for the day.

13.2 Unpaid Leave Other than Family and Medical Leave

- A. The regular employee requesting a leave of absence less than thirty (30) days, may apply for same in writing to the Executive Director for consideration of their approval. The request shall include the length of leave requested and the reason for said leave. The Executive Director shall approve or deny said request within five (5) working days of the request. Emergency requests shall be considered at the time received.

IUOE Local 49 – LLCC 2010 – 2012 Agreement

- B. The regular employee requesting a leave of absence greater than thirty (30) days, may apply for same in writing to the Aitkin County Board of Commissioners for consideration of their approval. The request shall include the length of leave requested and the reason for said leave.
- C. Approval of leave of absence greater than thirty (30) days may be considered at the next regularly-held Aitkin County Board of Commissioners meeting after the leave of absence request is made.
- D. Employees shall not accrue sick leave, holidays or vacation leave benefits during an unpaid leave of absence.
- E. Temporary employees may be used to fill in for employees who are on an authorized leave of absence. Such employees shall be notified that the position they are filling is of a temporary nature and employment will cease upon the return of the individual who is on leave of absence.
- F. The probationary period shall be extended by a period of time equal to the total number of duty days on leave.

13.3 Family and Medical Leave

Family and Medical Leave shall be granted in accordance with legal mandates and Aitkin County Policy.

**ARTICLE 14. INSURANCE**

- 14.1 Health Insurance: All regular employees whose actual hours are 30 or more per week shall qualify for health and life insurance. The Employer and employee contributions toward premiums shall be the same as the amount agreed upon between the Employer and AFSCME Council 65 in the Human Services and Courthouse bargaining units.

The Employer's VEBA account contributions shall be made quarterly as part of the first warrant cycle of the quarter. In the event that an employee leaves employment for any reason other than death, the employee shall be required to reimburse the Employer for the VEBA contribution prorated on a monthly basis for any full month that remains. The Employer shall have the right to deduct this amount from the employee's final paycheck.

If an employee has eligible expenses that exceed the Employer's year to date deductible contribution, the employee may request advance payment up to the remainder allocation for the plan year.

The Employer's VEBA account contribution shall be the same as the amount agreed upon between the Employer and AFSCME Council 65 in the voluntary negotiated settlements for employees in the Human Services and Courthouse bargaining units.

*leave as is. will follow afscme when afscme settles.*

IUOE Local 49 – LLCC 2010 – 2012 Agreement

- 14.2 Life Insurance: The Employer agrees to provide and pay for a life insurance policy of \$15,000.00 for all regular full-time employees, and to provide life insurance coverage of \$10,000.00 for their spouse and dependents to age 19.

**ARTICLE 15. SENIORITY**

- 15.1 Seniority. “Seniority” shall mean length of continuous employment from the employee’s original date of hire at the Long Lake Conservation Center.
- 15.2 Seniority List. There shall be a seniority list established which shall include all permanent and part-time bargaining unit employees at the Long Lake Conservation Center.
- 15.3 Break in Seniority. Seniority shall be broken if an employee:
- A. Quits or is discharged.
  - B. Is laid off for a period exceeding one (1) year.
  - C. Fails to report for work at the end of a leave of absence.
  - D. Fails to accept a recall from layoff.
- 15.4 Layoff and Recall. In the event of a layoff, the least senior employee in the affected classification will be laid off first. In the event of recall from layoff, the most senior laid off employee in the affected classification will be recalled first.

**ARTICLE 16. WAGE ADMINISTRATION**

- 16.1 In determining the starting rate of pay for newly hired employees, the Employer may recognize comparable work experience and/or qualifications.
- 16.2—Effective January 1, 2010, there will be a general adjustment of 3% to the County compensation wage schedule. Step increases will be frozen for 2010. Effective January 1, 2011, there will be no general adjustment (0%) to the County compensation wage schedule. Step increases will be granted in 2011. Effective January 1, 2012, there will be no general adjustment (0%) to the County compensation wage schedule. Step increases will be granted in 2012. In addition, a one-time (gross pay) wage adjustment payment will be made to Dave Conway in the amount of \$1,054.79. This Agreement will be reopened for negotiation of the 2012 general wage adjustment and step adjustments. Steps that would have occurred in 2010 will be delayed until January 1, 2011. The next steps will continue as if the delay in 2010 never occurred. Retroactive pay will not apply. Example: Employee at the point of receiving steps every two years. Employee is scheduled to receive a step increase on 5/12/2010. Steps are frozen so employee does not receive an increase on 5/12/2010. When steps are put back into place for 2011, the employee would receive their 2010 step increase on 1/11/2011 and would also receive their next step increase on 5/12/2012. Each employee will receive their appropriate step



IUOE Local 49 – LLCC 2010 – 2012 Agreement  
~~increase (if applicable) and placement on their anniversary date. In no event shall an employee's wage be adjusted to exceed the maximum of the appropriate salary range.~~



All employees shall remain at their rate of pay at the expiration of this Agreement until a new Agreement is executed by the parties.

- 16.3 An employee who is promoted to a higher paid classification will be placed on Step 1 (six month step) or the step that results in at least a \$0.25 per hour increase, whichever is greater. Thereafter, the employee will receive step increases on their classification anniversary date according to the time interval between steps, subject to the limitations on step increases in Section 16.2.
- 16.4 An employee whose job classification is upgraded or downgraded will go the same step at the higher or lower classification pay rate, and in accordance with County policy.

**ARTICLE 17. APPLICATION OF FRINGE BENEFITS FOR PART-TIME EMPLOYEES**

- 17.1 Part-time employees employed an average of fourteen (14) hours per week or thirty-five percent (35%) of the normal work week, whichever is less, shall be eligible for benefits as follows:

Holidays: Part-time employees shall be paid for all holidays on a pro-rated basis.

Sick Leave: Part-time employees shall receive sick leave on a pro-rated basis.

Vacation: Part-time employees shall receive vacations on a pro-rated basis.

Group Insurance: Part-time employees who regularly work thirty (30) hours or more per week throughout the calendar year shall receive coverage as provided for in Article 14.

Personal Leave: Part-time employees shall receive paid personal leave, leaves of absence, and funeral leave, should they be entitled, on a pro-rated basis.

- 17.2 Pro ration shall be based on the percentage of compensated hours divided by 2,080 hours per year.

**ARTICLE 18. EDUCATIONAL TUITION**

Employees shall not be eligible for educational tuition during the term of this contract, January 1, 2010 through December 31, 2012.

- 18.1 Continuing education will be established and utilized to improve performance in the current position and/or prepare the employee for advancement within County government. This will be in addition to training required to maintain licenses and

IUOE Local 49 – LLCC 2010 – 2012 Agreement  
certifications. Training expenses may be paid by Long Lake Conservation Center as outlined in Section 18.2.

- 18.2 The cost of participation in formalized courses of study will be reimbursed to an employee who has permanent status in the amount equal to one-third (1/3) of the tuition cost provided that:
- A. The employee satisfactorily completes the course and receives either a “P” in a Pass/No Pass course, or at least a “C” in an A-F course.
  - B. The employee remains in the employment of Aitkin County Long Lake Conservation Center for a period of one year following completion of the course.
  - C. The course be approved by the Executive Director and the Aitkin County Board of Commissioners prior to taking the course.

**ARTICLE 19. DURATION**

This Agreement shall continue in full force and effect from January 1, 2010 to December 31, 2012, and from year to year thereafter unless either party shall give notice of a desire to terminate or amend said Agreement. Either party desiring to terminate or amend this Agreement shall notify the other in writing at least sixty (60) days prior to the termination date of this Agreement.

This Agreement between Aitkin County Board of Commissioners and the International Union of Operating Engineers, Local No. 49, signed this ~~25<sup>th</sup>~~<sup>2<sup>nd</sup></sup> day of ~~July~~<sup>May</sup>, 2010~~2010~~<sup>2012</sup>.



\_\_\_\_\_  
Chairperson, Aitkin County Board of Commissioners

\_\_\_\_\_  
Aitkin County Human Resources Manager

\_\_\_\_\_  
IUOE Local No. 49 Business Representative

\_\_\_\_\_  
IUOE Local No. 49 Business Manager

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 7-5-12

Via: Patrick Wussow, County Administrator

From: John Welle

Title of Item:  
Approval to Sell County Property

Requested Meeting Date: 7-10-12 Estimated Presentation Time: Consent Agenda

Presenter: NA

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No  (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

**Date: July 5, 2012**

**Consent Agenda Item:**

Approval to sell County Property

**Summary:**

This past spring, eight used pieces of culvert were placed on the MnBID auction site and sold for a total of \$1,744.50. After the fact Board approval is requested for this sale of county-owned property.

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 7-5-12

Via: Patrick Wussow, County Administrator

From: John Welle

Title of Item:  
Local Road Improvement Grant – S.P. 01-603-12

Requested Meeting Date: 7-10-12 Estimated Presentation Time: 5 minutes

Presenter: John Welle

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

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- Copy of applicable state/federal statute/regulation (excerpts acceptable)
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- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT**

**Date: July 5, 2012**

**Regular Agenda Item:**

Local Road Improvement Program Grant – S.P. 01-603-12

**Summary:**

Earlier this year, this project was awarded a \$375,000 state bond grant through the Local Road Improvement Program. An agreement with the State of Minnesota needs to be executed to access these funds, with the attached resolution providing authorization to enter into the agreement.

**For Agreement to State Transportation Fund  
Local Road Improvement Program, Account 262**

**SP 001-603-012**

**Grant Terms and Conditions**

**May 25, 2012**

**WHEREAS**, The County of Aitkin has applied to the Commissioner of Transportation for a Grant from the Minnesota State Transportation Fund for construction of Local Road Improvement Project No. 01216.

**WHEREAS**, the Commissioner of Transportation has given notice that funding for this local road improvement project is available; and

**WHEREAS**, The amount of the Grant has been determined to be \$375,000.

**NOW, THEREFORE BE IT RESOLVED**, That the County of Aitkin does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.52 and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the road project, but not required

**NOW, THEREFORE BE IT RESOLVED**, That the Aitkin County Engineer is authorized to execute the Agreement and any amendments to the Agreement.

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners      Date: 7-5-12

Via: Patrick Wussow, County Administrator

From: John Welle

Title of Item:

MnDOT Intersection Conflict Warning Agreement

Requested Meeting Date: 7-10-12      Estimated Presentation Time: 5 minutes

Presenter: John Welle

**Type of Action Requested** (check all that apply)

- For info only, no action requested       Approve under Consent Agenda
- For discussion only with possible future action       Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion       Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
- Request to schedule public hearing or sale       Other (please list) \_\_\_\_\_
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**



**Date: July 5, 2012**

**Regular Agenda Item:**

MnDOT Intersection Conflict Warning and Highway Lighting Agreement

**Summary:**

As part of the on-going Toward Zero Deaths highway safety initiative, MnDOT has identified twenty intersections throughout the state on which they would like to install an intersection conflict warning system. The intersection of US Hwy 169/TH 210 and CSAH 12/CR 83 located one mile east of the stoplight in Aitkin is one of the twenty intersections. Essentially, this system will provide motorists entering the intersection with a lighted message to indicate that other traffic is entering the intersection. The approximate \$100,000 cost of the system will be paid entirely by federal highway safety funds, with MnDOT providing all engineering services for the project. By the agreement language, Aitkin County would be responsible for the monthly electricity bill for the signs. Since we already pay for electrical service at this intersection for the intersection lighting system that was installed a few years ago, the additional electrical cost would only be approximately \$20 per month.

**Draft Resolution:**

WHEREAS, the intersection of U.S. Hwy 169/Trunk Highway 210 and Aitkin County State-Aid Highway 12/Aitkin County Road 83 has been identified by the Minnesota Department of Transportation for installation of an Intersection Conflict Warning System, and

WHEREAS, the Minnesota Department of Transportation has proposed to enter into Agreement No. 01472 with Aitkin County to facilitate construction and operation of this system.

NOW, THEREFORE, BE IT RESOLVED that Aitkin County enter into Mn/DOT Agreement No. 01472 with the State of Minnesota, Department of Transportation to provide electrical energy for the new Intersection Conflict Warning System at the intersection of U.S. Hwy 169/Trunk Highway 210 and Aitkin County State-Aid Highway 12/Aitkin County Road 83, under State Project No. 8816-1765 (T.H. 210), within Aitkin County.

BE IT FURTHER RESOLVED that the Aitkin County Engineer is hereby authorized to execute this Agreement and amendments to the Agreement.

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 7/5/2012

Via: Patrick Wussow, County Administrator

From: Bobbie Danielson, HR Manager

Title of Item:

Adopt Teamsters Non-licensed Essential Unit MOA Regarding Part-timers

Requested Meeting Date: 7/10/2012 Estimated Presentation Time: 5 minutes

Presenter: Bobbie Danielson

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
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- Item should be addressed in closed session under MN Statute
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes  No  (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: salaries 01-252-6101

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

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- Bid/quote comparison worksheet
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- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

*4 PPT employees instead of multiple 67 day temps. Will discuss.*

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

**MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement is entered into between Aitkin County (hereafter "County") and the General Drivers, Warehousemen, Helpers & Inside Employees Local Union No. 346 (hereafter "Union").

**WHEREAS**, the County and the Union are parties to a collective bargaining agreement negotiated pursuant to the Public Employment Labor Relations Act; and

**WHEREAS**, the 2011-2013 collective bargaining agreement includes a MOA related to permanent part-time employees that indicates during negotiations for the 2011 collective bargaining agreement, the parties agreed to meet to negotiate language concerning permanent part-time employees if the County decides to hire permanent part-time employees starting in calendar year 2011; and

**WHEREAS**, the County and has decided to hire permanent part-time employees; and

**WHEREAS**, the parties met on June 12, 2012 to negotiate language concerning permanent part-time employees.

**NOW, THEREFORE**, the parties agree to the following language updates concerning permanent part-time employees, effective July 10, 2012. It is understood that only the sentences and/or paragraphs that have been modified are shown below and that all other language in the contract remains intact and is not altered by this Memorandum of Agreement.

**ARTICLE 1.**

**UNION SECURITY**

All new regular full-time and permanent part-time employees shall become a member of the Local Union on or after the 91st day of their employment. When an employee does not wish to become a member of the Local Union, they shall make arrangements with the Local Union to pay a Fair Share Fee as provided for by legislation. Each employee in the bargaining unit covered by this Agreement and certification who fails to acquire and maintain membership in the exclusive representative Union shall, beginning on the 91st day following the beginning of such employment or the effective date of this Agreement whichever is later, pay to the Union each month a Fair Share Fee for services rendered by the exclusive representative. The required contribution shall in no instance exceed a pro rata share of the specific expenses incurred for services rendered by the representative in relationship to negotiations and administration of grievance procedures. The Employer, upon notification of the exclusive representative of such employees and of the amount of the Fair Share Fee, shall check off said fee each month from the earnings of the employee and transmit the same to the exclusive representative. Students who are employed on a temporary basis shall not be subject to the Fair Share clause.

**ARTICLE 3.**

**EMPLOYMENT STATUS DEFINITIONS**

A regular full-time employee is hereby defined as a person hired to fill a permanent position with full employment annually.

Teamster's Non-Licensed Essential Unit

A temporary or seasonal employee is hereby defined as a person hired for a period of time not to exceed six (6) months and they shall be separated from the payroll at the end of such period. At the time of hiring, temporary and seasonal employees will be notified that their employment is temporary or seasonal and that they shall accrue no rights under this Agreement for such periods of time worked. Successive appointments to temporary or seasonal positions will not be made unless mutually agreed to between the County and the Union.

A permanent part-time employee is hereby defined as a person hired to work less than a regular full-time employee on a regular basis, typically between 14 and 29 hours per week on average. Part-time employees who work less than 14 hours per week on average are not covered by this Agreement.

**ARTICLE 5.**

**SENIORITY**

The seniority of all employees covered by the terms of this Agreement shall begin with the employee's starting date of employment as a regular full-time or permanent part-time employee, provided, however, that no time prior to discharge or quit shall be included. The employee's seniority shall not be diminished by temporary lay-off due to lack of work, shortage of funds or any other contingency beyond the control of either party to this Agreement.

The policy of seniority shall prevail to regular full-time and permanent part-time employees.

The seniority list shall be posted and kept up-to-date annually by the Sheriff. A copy of the list shall be made available to the Secretary of Local No. 346. Said seniority list shall contain the name and starting date of each employee. Permanent part time employees shall be carried on the bottom of the list in proper sequence and the list shall so state that they are part time.

No seasonal employee, permanent part-time employee, or temporary employee shall exceed in seniority a regular employee who fills a full-time position.

In the event the County decides to lay off employees, layoff shall be in the inverse order of seniority by classification. Permanent part-time employees shall be laid off prior to full-time employees. A Jailer being laid off who has greater bargaining unit seniority may bump the least senior Dispatcher. A Dispatcher being laid off who has greater bargaining unit seniority may bump the least senior Jailer. A Senior Jailer/Dispatcher being laid off who has greater bargaining unit seniority may bump the least senior employee in either the Jailer or the Dispatcher classification. An employee being laid off who exercises seniority rights to bump into another classification shall be in a probationary status as to the new position for ninety (90) days.

**ARTICLE 8.**

Permanent part-time employees will be issued two (2) uniforms.

**ARTICLE 10.**

**WEEKLY HOURS AND OVERTIME RATES**

When a regular full-time employee reports to work in accordance with the work schedule without having been previously notified not to report to work or if any employees are called back to work after completing the scheduled work day, or are called out for work during scheduled time off, they shall receive the minimum of two (2) hours pay at time and one-half (1-1/2). When a permanent part-time employee reports to work in accordance with the work schedule without having been previously notified not to report to work, they shall receive a minimum of two (2) hours work, paid at the employee's straight time rate of pay.

**ARTICLE 13.**

**PROMOTIONS**

Promotions from permanent part-time employment to regular full-time employment shall be made according to the above paragraph. Full-time employees will be given first consideration over permanent part-time employees when Jail Sergeant positions become available.

**ARTICLE 15.**

**HOLIDAYS**

Permanent part-time employees who work an average of fourteen (14) or more hours per week shall be eligible for prorated holiday pay. Proration shall be based on full-time hours of 2,080 hours per year.

Seasonal and temporary employees are not eligible for holiday pay.

When a full-time or permanent part-time employee is required to work on any of these holidays, they shall be paid at the rate of time and one-half (1-1/2) in addition to their regular holiday pay.

When a full-time employee does not work on any of the above-named holidays, the holiday shall, nevertheless, count as eight (8) hours' work for the purpose of computing overtime. Full-time employees may elect to use their accrued and unused vacation, up to the number of hours in each employee's regularly scheduled shift, to complete a holiday.

**ARTICLE 16.**

**VACATIONS**

Permanent part-time employees who work an average of fourteen (14) or more hours per week shall be eligible for prorated vacation pay. Proration shall be based on full-time hours of 2,080 hours per year.

Seasonal and temporary employees are not eligible for vacation pay.

Full-time employees who have taken at least 80 hours of vacation during the calendar year may elect to take straight time pay in lieu of a maximum of 80 hours of earned vacation in December. Such vacation will not be counted as hours worked for the purpose of computing overtime.

Upon termination of employment for any cause, regular full-time and permanent part-time employees shall be paid for any accumulated vacation credits, including prorated payments for periods of less than one (1) year.

**ARTICLE 17.**

**SICK LEAVE:**

**Section 1.**

Permanent part-time employees who work an average of fourteen (14) or more hours per week shall be eligible for prorated sick leave pay. Proration shall be based on full-time hours of 2,080 hours per year.

Seasonal and temporary employees are not eligible for paid sick leave.

**Section 2.**

All regular full-time employees of Aitkin County, who were hired on or before April 1, 2008, after completion of ten (10) years continuous service, shall be entitled to severance pay upon retirement, death, layoff, or resignation. An employee must be laid off for more than one year before being entitled to severance pay. The requirement of ten (10) years continuous service is waived as to any payment of severance pay due to death or retirement pursuant to a bona fide retirement plan. Such severance pay shall be allowed as follows:

Upon layoff for more than one year, retirement, or resignation, the severance benefit will be paid to the eligible full-time employee. In the event of death, the severance pay shall be paid to the employee's estate. The severance pay benefit is eliminated for all employees hired after April 1, 2008.

**ARTICLE 18.**

**PERSONAL LEAVE**

A regular full-time employee shall be granted three (3) days (24 hours) personal leave each year, not to be accumulative. Employees may elect to use their accrued and unused vacation, up to the number of hours in each employee's regularly scheduled shift, to complete a personal leave day. Personal leave days shall be granted on a pro-rated basis for full-time employees working a portion of the calendar year.

Permanent part-time, seasonal, and temporary employees are not eligible for personal leave.

**ARTICLE 19.**

**FUNERAL LEAVE**

Permanent part-time employees who work an average of fourteen (14) or more hours per week shall be eligible for pro-rated funeral leave if the employee is scheduled to work, but needs time off to make arrangements for or to attend the funeral of an immediate relative, as defined above. Proration shall be based on full-time hours of 2,080 hours per year.

Seasonal and temporary employees are not eligible for paid funeral leave.

**ARTICLE 21.**

**INSURANCE AND BONDS**

**GROUP HEALTH INSURANCE**

Regular full-time employees and their dependents shall be provided with group insurance through the Teamsters Local 346 Health Fund, Benefit Plan E, and effective July 1, 2000, Benefit Plan G. Coverage starts on the first of the month following date of hire. The Employer's contribution toward the total premium for group insurance shall be as follows:

Part-time employees who work less than <sup>30 B.D.</sup>40 hours per week on average are not eligible for health insurance benefits.

**LIFE INSURANCE**

Permanent part-time employees are not eligible for life insurance.

Teamster's Non-Licensed Essential Unit

This Memorandum of Agreement constitutes the complete and total agreement of the parties regarding this matter.

**IN WITNESS WHEREOF**, the parties have caused this Memorandum of Agreement to be executed this  
10th day of July, 2012.

FOR COUNTY OF AITKIN:

FOR LOCAL NO. 346:

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Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners      Date: 07-05-12

From: Sheriff Scott Turner

Title of Item: POSSE Donation

Requested Meeting Date: 07/10/2012      Est. Presentation Time: \_\_\_\_\_

Presenter: Sheriff Scott Turner

**Type of Action Requested** (check all that apply)

- For info only, no action requested       Approve under Routine Business
- For discussion only with possible future action       Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion       Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
  
- Request to schedule public hearing or sale       Other (please list)      **Consent Agenda**
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget?  Yes       No (attach explanation)
- What type of expenditure is this? \_\_\_\_\_ Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes       No
- Applicable job description(s) may require revision.  Yes       No
- Item may impact a bargaining unit agreement or county work policy.  Yes       No
- Item may change the department's authorized staffing level.  Yes       No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list)

**Provide eleven (11) copies of supporting documentation NO LATER THAN Wednesday at 8:00am to make the Board's agenda for the following Tuesday. Items WILL NOT be placed on the Board agenda unless complete documentation is provided for mailing in the Board packets. (see reverse side for details)**



**SCOTT A. TURNER**  
**SHERIFF OF AITKIN COUNTY**

217 Second Street NW, Room 185  
Aitkin, MN 56431

218-927-7435 Emergency 911  
Sheriff Fax 218-927-7359 / Dispatch Fax 218-927-6887  
TOLL FREE 1-888-900-2138

**MEMO**

TO: Board of Commissioners      DATE: June 26, 2012  
FROM: Sheriff Scott Turner      RE: POSSE Donation

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The Persian Gulf Support Group has made a generous donation of \$50 to the Aitkin County Sheriff's POSSE.

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners      Date: July 2, 2012

Via: Patrick Wussow, County Administrator

From: Patrick Wussow, County Administrator

Title of Item:

Employee Recognition

Requested Meeting Date: July 10, 2012 Estimated Presentation Time: 5 minutes

Presenter: Patrick Wussow, County Administrator

**Type of Action Requested** (check all that apply)

- For info only, no action requested       Approve under Consent Agenda
- For discussion only with possible future action       Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion       Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
- Request to schedule public hearing or sale       Other (please list) \_\_\_\_\_
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) employee list

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

# AITKIN COUNTY ADMINISTRATION

**Aitkin County Courthouse**  
217 Second Street N.W. Room 130  
Aitkin, MN 56431  
218-927-7276  
Fax: 218-927-7374

**TO: Aitkin County Board of Commissioners**

**FROM: Patrick Wussow, County Administrator**

**RE: Employee Recognition**

**DATE: July 3, 2012**

Each quarter the County recognizes employees for their years of service. At today's meeting you will congratulate employees that have had anniversary dates in the past three months. Please help us in acknowledging their years of service as a valued Aitkin County Employee.

Attached are the individuals and their years of accomplishment.

Second Quarter 2012 Recognition

**5 Years**

Sally Huhta, Auditor

*No*

**20 Years**

Deb Tuper, H&HS

*Yes*

**25 Years**

Sue Tange, H&HS

*Yes*

Larry Danielson, R&B

*No*

Janice Fairchild, H&HS

*No*

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners      Date: 7-3-12

Via: Patrick Wussow, County Administrator

From: Patrick Wussow, County Administrator

Title of Item:

Flood Update

Requested Meeting Date: 7-10-12      Estimated Presentation Time: \_\_\_\_\_

Presenter: Scott Turner, Sheriff

**Type of Action Requested** (check all that apply)

- For info only, no action requested       Approve under Consent Agenda
- For discussion only with possible future action       Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion       Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
- Request to schedule public hearing or sale       Other (please list) \_\_\_\_\_
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) No packet materials – verbal update at meeting

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 06/22/12

Via:

From: Undersheriff John Drahota

Title of Item: Potentially Dangerous Dog hearing

Requested Meeting Date: 07/10/12 Est. Presentation Time: 9:30

Presenter: Undersheriff John Drahota

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_
- Approve under Routine Business
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) **Approve or Rescind Potentially Dangerous Dog Notice**

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget?  Yes  No (attach explanation)
- What type of expenditure is this?  Operating  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No

_____ HR Review
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**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) Police Report, Statement, Misc. forms, photos

Provide eleven (11) copies of supporting documentation **NO LATER THAN Wednesday at 8:00am** to make the Board's agenda for the following Tuesday. Items **WILL NOT** be placed on the Board agenda unless complete documentation is provided for mailing in the Board packets. (see reverse side for details)

# AITKIN COUNTY ADMINISTRATION

**Aitkin County Courthouse**  
217 Second Street N.W. Room 130  
Aitkin, MN 56431  
218-927-7276  
Fax: 218-927-7374

**TO: Aitkin County Board of Commissioners**

**FROM: Patrick Wussow, Aitkin County Administrator**

**RE: Request for Hearing to Remove Potentially Dangerous Dog  
Designation- Dog Named Tank**

**DATE: July 5, 2012**

Attached you will find a request from Terrance Banker, 220 Warren St., P.O. Box 12, Tamarack, MN to contest the designation of Potentially Dangerous Dog for his dog named Tank. Staff will mail the agenda and related packet information to Mr. Banker.

Undersheriff Drahota and members of the Aitkin County Sheriff's Department will be at the hearing to present and answer any questions relating to their information contained as part of this packet.

The County Board will need to determine if the dog named Tank is potentially dangerous as defined by Mn. Statute.

Please note that the complainant has been notified of the hearing and been invited to speak.

**SCOTT A. TURNER**  
**SHERIFF OF AITKIN COUNTY**

217 Second Street NW, Room 185  
Aitkin, MN 56431

218-927-7435 Emergency 911  
Sheriff Fax 218-927-7359 / Dispatch Fax 218-927-6887  
TOLL FREE 1-888-900-2138

**MEMO**

TO: County Board Members

DATE: 6/22/2012

FROM: Undersheriff John Drahota

RE: Potentially Dangerous Dog Notice

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Please note that since the victim is a juvenile, his identification information has been redacted to comply with data privacy.



COPY

ICR# 12-1986

**AITKIN COUNTY SHERIFF'S OFFICE  
ANIMAL CARE AND CONTROL PROGRAM**

**NOTICE OF DETERMINATION**

**OF**

**POTENTIALLY DANGEROUS DOG**

TO: Name: Terrance Edward Banker  
Address: 220 Warren St/POBx Tamarack, MN  
Phone#: 608-475-1528 55787

Your dog, a Lab/Chessie Cross, has been determined to be  
(description)  
a potentially dangerous dog within the meaning of Minnesota Statutes 347.50 Subd 3.

The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification pursuant to Minnesota Statute 347.515. The name of the microchip manufacturer and the identification number of the microchip must be provided to the animal control authority within 30 days of this notice.

Failure to comply with the microchip requirement is a misdemeanor and may be punished by up to 90 days in jail and/or a fine of \$1000.00.

6/5/12  
Date

[Signature]  
Deputy

I have read and understand the contents of this notice and acknowledge receipt of a copy thereof.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner or Caretaker

Not Home - Left in door.

Check if owner refused to sign

Dog's Name "Tank"

White Copy: Deputy

Yellow Copy: Owner

JUN 18 2012

Aitkin County Sheriff's Office  
Animal Care and Control Program

Date: 06/15/12

ICR # 12-1986

**DECLARATION OF OWNERSHIP AND REQUEST FOR HEARING**

I Certify that I am the owner or person claiming an interest in the animal(s) described on the Notice, and

- 1)  I request a hearing to contest the determination of a Potentially Dangerous or a Dangerous Dog.
- 2)  My animal has been impounded and I request a hearing for the determination of whether reasonable grounds for the impoundment exist.
- 3)  My animal has been impounded and I relinquish ownership of the impounded animal described on the Impoundment Notice to the Aitkin County Sheriff's Office for appropriate disposition by Animal Control. I hereby release the Aitkin County Sheriff's Office, its employees, agents and Animal Control employees and agents from any and all liability arising from the acceptance and disposition of the animal(s).

To the best of my knowledge the animal(s) has ~~not~~ not (check one) bitten any persons or animals in the past fourteen (14) days.

SIGNATURE: Terrance E. Banker Date: 06/15/12

PRINTED NAME: Terrance E. Banker

ADDRESS: 220 Warren St. PO Box 12  
Tamarack MN 55787

PHONE: HOME: 684-415-1528 WORK: 218-330-5377

DRIVER'S LICENSE #: ~~DE~~ D704040527611

**THIS NOTICE MUST BE RETURNED BY PERSONAL DELIVERY OR MAIL AND RECEIVED BY THE AITKIN COUNTY ADMINISTRATOR'S OFFICE WITHIN FOURTEEN (14) DAYS FROM THE DATE LISTED ABOVE TO RECEIVE A HEARING BEFORE THE ANIMAL CONTROL AUTHORITY.**

Aitkin County Administrator's Office  
217 2<sup>nd</sup> Street NW, RM# 130  
Aitkin, MN 56431  
Phone: 218-927-7276

I did not receive notice until <sup>06/07</sup>06/07/12 [Signature]

# AITKIN COUNTY ADMINISTRATION

**Patrick Wussow, County Administrator**

Aitkin County Courthouse

217 Second Street N.W.

Aitkin, MN 56431

218-927-7276

Fax: 218-927-7374

June 22, 2012

Terrance Banker  
220 Warren Street  
P.O. Box 12  
Tamarack, MN 55787

Dear Mr. Banker:

Your request for a hearing to contest the determination of potentially dangerous or dangerous dog has been received.

A hearing will be held on Tuesday, July 10, 2012 at 9:30 a.m. in the Aitkin County Boardroom. At that time the Aitkin County Board, as the Animal Control Authority, will hear your arguments. The complainant will also be invited to attend the hearing.

If you have any questions, please feel free to call me.

Sincerely,

Patrick Wussow  
County Administrator

cc: Sheriff



### Aitkin County Sheriff's Office

217 Second Street NW, Room 185  
Aitkin, MN 56431  
(218) 927-7435

#### Incident Detail Report

Printed On: Fri, Jun 22, 2012

<b>Case Number:</b> J2012001986	<b>NCIC:</b> MN0010000	<b>Status:</b> CAD Import	<b>Status By:</b>
<b>Juvenile:</b> Yes	<b>Protected:</b> No	<b>Case Hold:</b> No	<b>Additional Reports:</b> Yes
			<b>Status Date Time:</b> 06/04/2012 14:03

**Call For Service**

**Date Reported:** 6/4/2012 **Monday** **12:22** **Date Committed Start:** 6/4/2012 **12:22** **Date Committed End:**

**Received By:** 339 **How Received:** CAD

**Description:** Animal Complaint **CAD Seq Nbr:** ACSO:2012:2589

**Event Type:** **CAD Agency:** Aitkin County

**Case Status:** **Case Disposition:**

**Scene**

**Location:**

**Business Name:**

**Low House Nbr:** 251 **High House Nbr:** **Community Code:**

**Street:** NELSON AVE E

**Unit Nbr/Type:** **Intersection Street:**

**City/State/Zip:** Tamarack, MN 55787 **Address:**

**LGN:** 0700 **GEO Code:** **Weather Conditions:**

**Place Committed:** 251 NELSON AVE E (TINGDALE ST N/WARREN ST N Near:Tamarack)

**Officer Information**

<u>Officer</u>	<u>Dt/Tm Dispatched</u>	<u>Dt/Tm Assigned</u>	<u>Dt/Tm Arrived</u>	<u>Dt/Tm Cleared</u>	<u>Role</u>
207	6/4/2012 12:55		6/4/2012 13:13	6/4/2012 13:58	Primary
204	6/4/2012 12:24	6/4/2012 12:31			

**Offense Detail**

**ISN:** 01 **Offense Code:** 7818 **Literal:** potentially dang dog/dang dog

**Statute:** **Status:** Exceptionally cleared **Status Date:** 06/04/2012 **Criminal Activity:**

**Counts:** **Larceny Type:** **Campus Code:** **Offense Level:**

**CAD Offense Code:** **CAD Literal:** Animal Complaint

**CAD Disposition:** Cleared

**Remark:**

**Disposition:**

**Aitkin County Sheriff's Office**  
**Case Number 2012001986 (MN0010000)**

**Incident Detail Report**

**Printed On: Fri, Jun 22, 2012**

**Associations**

**Name:** Banker, Terrance Edward      *Driver License:* D704040527611  
*Role:* Owner      *Resident:*  
*Phone:*      *DOB:* 10/24/1953      *Age (Range):* 58      *Organization Type:*  
*Address:* 220 Warren St, Tamarack, MN 55787      *LGN:*  
*Sex:* Male      *Race:*      *Disability:*  
*Eye Color:* Blue      *Hair Color:*      *Height:* 6'00"      *Weight:* 180 lbs.

**Name:** Demenge, Thomas Winfield Eugene      *Driver License:*  
*Role:* Mentioned In Report      *Resident:* Yes  
*Phone:* (218)768-2642      *DOB:* 9/6/1978      *Age (Range):* 33      *Organization Type:*  
*Address:* 210 Nelson Ave E, Tamarack, MN 55787      *LGN:*  
*Sex:* Male      *Race:* White      *Disability:*  
*Eye Color:* Hazel      *Hair Color:* Brown      *Height:* 5'08"      *Weight:* 170 lbs.

**Name:** Lawrey, Trisha Lynn      *Driver License:* H608092920514  
*Role:* Mentioned In Report      *Resident:*  
*Phone:* (218)729-9896      *DOB:* 10/22/1973      *Age (Range):* 38      *Organization Type:*  
*Address:* 210 NELSON AVE E, Tamarack, MN 55787      *LGN:*  
*Sex:* Female      *Race:* White      *Disability:*  
*Eye Color:* Green      *Hair Color:* Unknown      *Height:* 5'05"      *Weight:* 143 lbs.

**Name:** Wyttenback, Randy Allen      *Driver License:* W35173051116  
*Role:* Mentioned In Report      *Resident:*  
*Phone:* (218)851-3618      *DOB:* 2/13/1977      *Age (Range):* 35      *Organization Type:*  
*Address:* 251 Nelson Ave, Tamarack, Mn 55787      *LGN:*  
*Sex:* Male      *Race:* White      *Disability:*  
*Eye Color:* Blue      *Hair Color:* Brown      *Height:* 5'10"      *Weight:* 190 lbs.

**Name:** (Juvenile)      *Driver License:*  
*Role:* Other      *Resident:*  
*Phone:*      *DOB:*      *Age (Range):* 12      *Organization Type:*  
*Address:*      *LGN:*  
*Sex:* Male      *Race:*      *Disability:*  
*Eye Color:*      *Hair Color:*      *Height:*      *Weight:*

**Media**

<u>Date</u>	<u>Identification</u>	<u>Narrative</u>
6/6/2012	12-1986	Notice of Determination of Potentially Dangerous Dog

**Incident Detail Report**

Narrative

R: LGN 0700 Dog bite to juveniles leg breaking the skin

R: Dog's name is "Tank" Chocolate lab / Chesapeake Bay Retriever cross

AITKIN COUNTY SHERIFF'S DEPARTMENT  
INVESTIGATIVE REPORT

INV. REPORT BY: Niemeyer, #207

CASE: 12-1986

OTHER OFFICERS: NA

NATURE OF CASE: Dog Bite

LOCATION: Tamarack

SUMMARY: Party reported son was bitten by a dog.

PERSONS MENTIONED:

COMPLAINANT: Name/DOB: Randy Allen Wytenback.dob/021377  
Address: 251 Nelson Ave Tamarack, MN 55787  
Local:  
Telephone: (H/W): 218-851-3258

VICTIM: Name/DOB: [REDACTED]  
Address: [REDACTED]  
Local:  
Telephone: (H/W):

SUSPECT: Name/DOB: Terrance Edward Banker.dob/102453  
Address: 220 Warren Street Tamarack, MN 55787  
Local:  
Telephone: (H/W): 608-475-1528

MENTIONED: Name/DOB: Thomas Winfield Eugene Demenge.dob/090678  
Address: 210 Nelson Ave Tamarack, MN 55787  
Local:  
Telephone: (H/W): 218-768-2642

MENTIONED: Name/DOB: Trisha Lynn Lawrey.dob/102273  
Address: 210 Nelson Ave Tamarack, MN 55787  
Local:  
Telephone: (H/W): 218-768-2642

PROPERTY STOLEN: NA

TYPE OF EVIDENCE AND LOCATION: Photos and statements

DATE AND TIME OCCURRED: 06-04-12 at approximately 1230 hours

TIME ARRIVED: 1313

TIME CLEARED:

DETAIL:

On 06-04-12, at 1315 hours, I responded to a dog bite complaint in Tamarack. The complainant, Randy Wyttenback, had reported that his 12 year old son [REDACTED], had been bitten by the neighbor's dog.

Upon my arrival, I spoke with Randy, Stacy and [REDACTED] Wyttenback. [REDACTED] stated that he had been over to the church next door for lunch. He went outside the church and saw "Tank", a "big brown dog". Tank belongs to the Pastor of the church, Terrance Banker. [REDACTED] said he has pet Tank on numerous occasions and the dog has never bit him. He said he walked to the dog and reached out to pet him. The dog came up to him and bit him on his upper right thigh. I took a photo of the bite mark. The marks were pretty faint at that time. I asked [REDACTED] to take me to the church and show me exactly what happened.

The church sits on the northeast corner of Warren Street and Nelson Avenue. Just to the north and slightly to the west of the church sits a garage. The Banker trailer house is north of the garage. [REDACTED] said he was standing between the church and the garage when he saw Tank. The dog was closer to the trailer. The bite incident took place approximately where [REDACTED] had been standing, which was closer to the church. He said after the dog bit him, it ran back to the trailer and ran around a while before it stopped and just watched him. Then [REDACTED] went home. When his dad found out about the bite, he drove his vehicle over to the Banker's (they weren't home), chased the dog down and tried to put it in its kennel. He said he had to hit the dog with his cane because it came after him. He was able to lock it in its kennel.

While [REDACTED] was showing me the area where the incident took place, I saw the dog in the kennel. I walked up to it to take a photo and he began growling and snarling at me. I could not get a decent photo with the dog in the kennel. I could see that it was a male and it was brown. Banker later told me that the dog was a Lab and Chesapeake Bay Retriever cross.

I spoke with two parties who live on Nelson, across the street from the church, Tom Demenge and Trisha Lawrey. They did not witness the bite, but they did witness Randy Wyttenback driving to the Banker's and hitting the dog. They both stated that they knew [REDACTED] to be a nice boy and did not believe he would have done anything to provoke the dog.

I spoke with Randy Wyttenback about his driving conduct and behavior with the dog. I advised him that even though I understood his anger, he needed to manage that anger a little better and use caution.



Banker was not home, but I was able to make contact with him via cell. He was very angry about Randy Wyttenback hitting his dog. He was also adamant that [REDACTED] must have provoked the dog into biting and said he has an electric fence to keep the dog on the property. I asked him if it could have malfunctioned. He said he just put new batteries in it. During subsequent conversations with Banker, he said he did not believe his dog bit [REDACTED] and that no one else in town believed it either.

I took an additional photo of [REDACTED] bite mark on 6-5-12. It was much more prominent. I also saw that the skin had been broken. I took a taped statement about the incident from [REDACTED], with his father present. I also took photos at the scene.

I left a Notice of Determination of Potentially Dangerous Dog, along with the statute and Declaration of Ownership in Banker's door, as he was not home.

Disposition pending.

End of report.

Deputy Niemeyer, #207

AITKIN COUNTY SHERIFF'S OFFICE  
VOLUNTARY STATEMENT

THIS STATEMENT IS GIVEN VOLUNTARILY BY:  
STATEMENT IS IN REFERENCE TO ICR #:  
DEPUTY TAKING STATEMENT:  
DATE OF STATEMENT:

12-1986

DEPUTY TERRI NIEMEYER

JUNE 5, 2012

---

Q ICR NUMBER 12-1986. BE SPEAKING WITH RANDY WYTENBACK AND HIS 12 YEAR OLD SON [REDACTED] THE DATE IS JUNE 5<sup>TH</sup>, 2012. ALL RIGHT [REDACTED] TELL ME AGAIN WHAT HAPPENED WITH THE DOG. START FROM THE BEGINNING, TAKE YOUR TIME.

A O.K. UM, I WENT TO CHURCH FOR THE (INAUDIBLE) PROGRAM AND THEN I I WENT INSIDE AND HE TO COOL OFF 'CAUSE THE DOOR WAS OPEN. AND I WALKED BACK OUT. I SAW TANK HE'S A, HE'S A BIG BROWN DOG. HE'S NORMALLY FRIENDLY. I WENT OVER TO PET HIM. HE CAME OVER AND BIT ME. MY BACK OF MY RIGHT LEG AND SORT OF HIGH.

Q O.K. WHEN YOU WENT OVER TO PET HIM WHAT EXACTLY DID YOU DO? DID YOU JUST...

A I REACHED MY HAND OUT. I WAS LIKE HEY TANK HI.

Q O.K. AND THEN HE BIT YA.

A THEN HE CAME UP AND BIT ME YES.

Q WHAT HAPPENED AFTER THAT?

A HE WENT BACK TOWARDS THE HOUSE AND KINDA LIKE CIRCLED AROUND AND WATCHED ME.

Q WHAT'D YOU DO?

A I PRETTY MUCH WENT HOME.

Q O.K. WHERE WERE, WERE YOU BEHIND THE GARAGE OR CLOSER TO THE CHURCH OR CLOSER TO THE TRAILER HOUSE WHEN HE BIT YOU?

A I WAS CLOSER TO THE CHURCH.

Q O.K. ALL RIGHT. GOOD ENOUGH, THAT'S ALL I NEEDED.

AITKIN COUNTY SHERIFF'S OFFICE  
VOLUNTARY STATEMENT

THIS STATEMENT IS GIVEN VOLUNTARILY BY:  
STATEMENT IS IN REFERENCE TO ICR #:  
DEPUTY TAKING STATEMENT:  
DATE OF STATEMENT:

12-1986  
DEPUTY TERRI NIEMEYER  
JUNE 5, 2012

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WITNESS	PERSON MAKING THIS STATEMENT	DATE
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WITNESS	I HAVE RECEIVED COPY	DATE
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I HEREBY CERTIFY THIS IS AN ACCURATE REPRODUCTION OF ALL QUESTIONS ASKED AND ANSWERED AS BEST I COULD TRANSCRIBE FROM THE TAPED STATEMENT TAKEN ON JUNE 5, 2012, BY DEPUTY TERRI NIEMEYER OF:

**SCOTT A. TURNER**  
**SHERIFF OF AITKIN COUNTY**

217 Second Street NW, Room 185  
Aitkin, MN 56431

Telephone: 218-927-2138  
Toll Free: 1-888-900-2138  
Fax: 218-927-7359

June 22, 2012

Randy Wyttenback  
251 Nelson Ave.  
Tamarack MN 55787

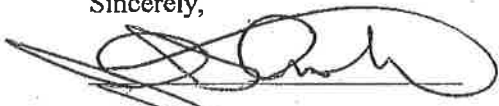
RE: Potentially Dangerous Dog hearing, ICR 12-1986.

Dear Mr. Wyttenback,

On 06/04, 2012, you contacted our office regarding a dog that had bitten your 12 year old son. Based on the information provided to Deputy Terri Niemeyer regarding the incident, the owner of the dog, Terrance Banker, was served a notice designating his dog, "Tank" as a Potentially Dangerous Dog. Tank is described as a Lab/Chesapeake Bay Retriever cross.

As part of due process, the owner has requested a hearing on this matter to challenge the Potentially Dangerous Dog determination. This letter is to inform you that a hearing date and time has been set before the Aitkin County Board, who is the hearing authority. The hearing date is Tuesday, July 10, 2012 at 9:30 a.m. in the Board Room of the Aitkin County Courthouse. Your presence is not required but I encourage you to attend and provide personal input to the County Board in order to aid them in making their decision on this matter. Without personal input from the victim(s), the Board must rely upon testimony presented by the dog owner and the police report(s) and statement(s). I would ask that you contact me prior to the hearing date to let me know whether you plan on attending. I can be reached direct by calling 218-927-7423.

Sincerely,

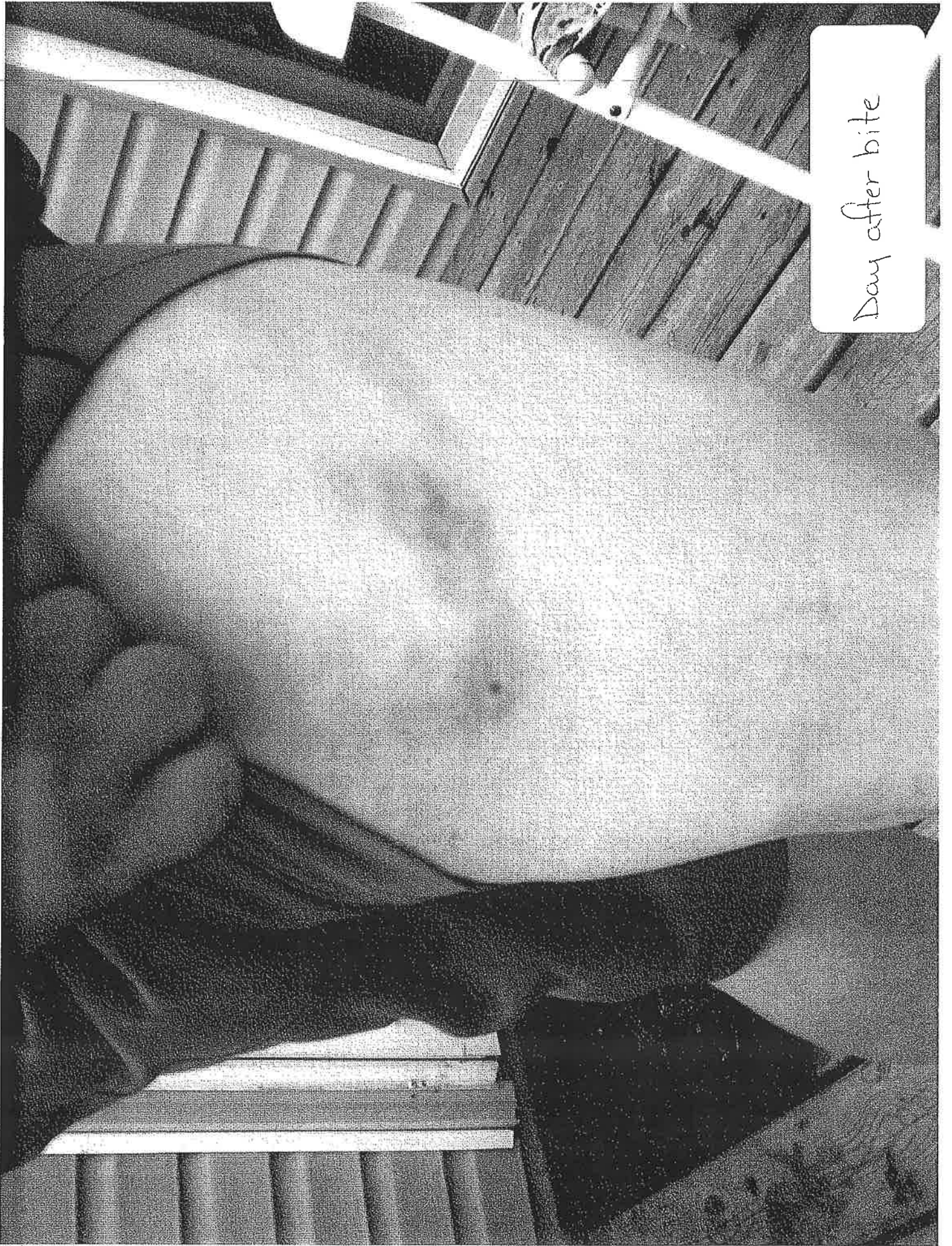


John Drahot  
Undersheriff  
ACSO



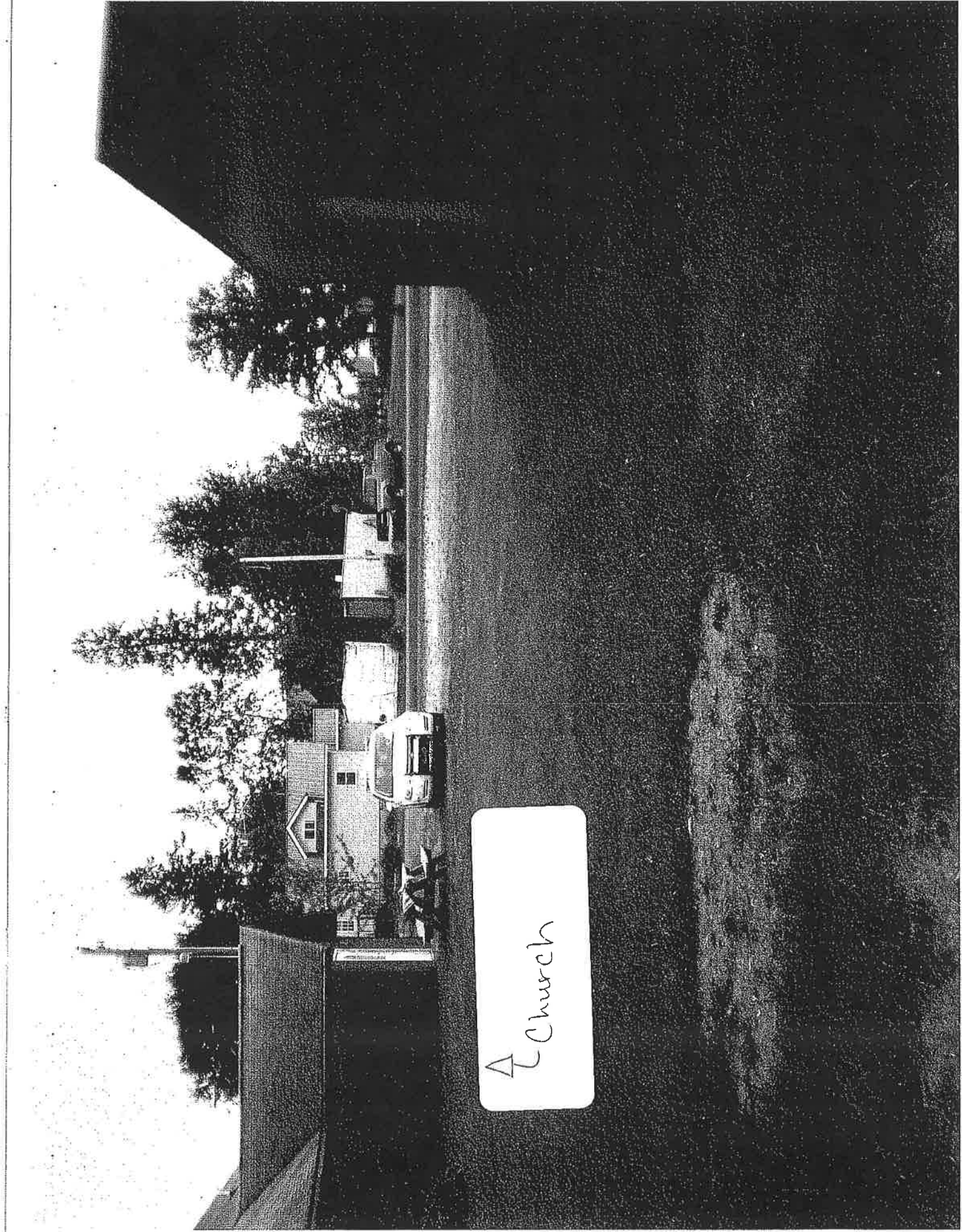
Day of bite.





Day after bite

↖ Church







Garage





→ Dog owner's house.

→ location when bit.

# 2011 Minnesota Statutes

## Regulation of Dangerous Dogs

### **347.50 DEFINITIONS.**

#### **Subdivision 1. Terms.**

For the purpose of sections 347.50 to 347.56, the terms defined in this section have the meanings given them.

#### **Subd. 2. Dangerous dog.**

"Dangerous dog" means any dog that has:

- (1) without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) killed a domestic animal without provocation while off the owner's property; or
- (3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

#### **Subd. 3. Potentially dangerous dog.**

"Potentially dangerous dog" means any dog that:

- (1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (2) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
- (3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

#### **Subd. 4. Proper enclosure.**

"Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

### **Subd. 5.Owner.**

"Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.

### **Subd. 6.Substantial bodily harm.**

"Substantial bodily harm" has the meaning given it under section 609.02, subdivision 7a.

### **Subd. 6a.Great bodily harm.**

"Great bodily harm" has the meaning given it under section 609.02, subdivision 8.

### **Subd. 7.Animal control authority.**

"Animal control authority" means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

### **Subd. 8. Provocation.**

"Provocation" means an act that an adult could reasonably expect may cause a dog to attack or bite.

### **History:**

1988 c 711 s 1; 1989 c 37 s 3-5; 1994 c 550 s 1; 1Sp2001 c 8 art 8 s 14,15; 2008 c 325 s 2

## **347.51 DANGEROUS DOGS; REGISTRATION.**

### **Subdivision 1.Requirement.**

No person may own a dangerous dog in this state unless the dog is registered as provided in this section.

### **Subd. 2. Registration.**

An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

- (1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children;
- (2) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority in the sum of at least \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance

issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;

(3) the owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and

(4) the owner has had microchip identification implanted in the dangerous dog as required under section 347.515.

### **Subd. 2a. Warning symbol.**

If an animal control authority issues a certificate of registration to the owner of a dangerous dog pursuant to subdivision 2, the animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The commissioner shall provide the number of copies of the warning symbol requested by the animal control authority and shall charge the animal control authority the actual cost of the warning symbols received. The animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

### **Subd. 3. Fee.**

The animal control authority may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

### **Subd. 3a. Dangerous dog designation review.**

Beginning six months after a dog is declared a dangerous dog, an owner may request annually that the animal control authority review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the dangerous dog designation.

### **Subd. 4. Law enforcement; exemption.**

The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

### **Subd. 5. Exemption.**

Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

- (1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
- (2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
- (3) who was committing or attempting to commit a crime.

### **Subd. 6.**

[Repealed, 1Sp2001 c 8 art 8 s 30]

### **Subd. 7. Tag.**

A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.

### **Subd. 8. Local ordinances.**

A statutory or home rule charter city, or a county, may not adopt an ordinance regulating dangerous or potentially dangerous dogs based solely on the specific breed of the dog. Ordinances inconsistent with this subdivision are void.

### **Subd. 9. Contracted services.**

An animal control authority may contract with another political subdivision or other person to provide the services required under sections 347.50 to 347.565. Notwithstanding any contract entered into under this subdivision, all fees collected under sections 347.50 to 347.54 shall be paid to the animal control authority and all certificates of registration must be issued in the name of the animal control authority.

### **History:**

1988 c 711 s 2; 1989 c 37 s 6-10; 1991 c 195 s 1; 1994 c 550 s 2; 1997 c 187 art 3 s 32; 1Sp2001 c 8 art 8 s 16-18; 2008 c 325 s 3-7

## **347.515 MICROCHIP IDENTIFICATION.**

The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.

## **347.52 DANGEROUS DOGS; REQUIREMENTS.**

(a) An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

(b) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.

(c) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.

(d) An animal control authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the dog and have it sterilized at the owner's expense.

(e) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

(f) A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

### **History:**

1988 c 711 s 3; 1Sp2001 c 8 art 8 s 20; 2008 c 325 s 8

## **347.53 POTENTIALLY DANGEROUS AND DANGEROUS DOGS.**

Any statutory or home rule charter city, or any county, may regulate potentially dangerous and dangerous dogs. Except as provided in section 347.51, subdivision 8, nothing in sections 347.50 to 347.565 limits any restrictions that the local jurisdictions may place on owners of potentially dangerous or dangerous dogs.

### **History:**

1988 c 711 s 4; 1989 c 37 s 11; 2008 c 325 s 9

## **347.54 CONFISCATION.**

### **Subdivision 1. Seizure.**

(a) The animal control authority having jurisdiction shall immediately seize any dangerous dog if:

(1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under section 347.51;

(2) after 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under section 347.51, subdivision 2;

(3) the dog is not maintained in the proper enclosure;

(4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 347.52; or

(5) the dog is not sterilized within 30 days, pursuant to section 347.52, paragraph (d).

(b) If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

### **Subd. 2. Reclaimed.**

A dangerous dog seized under subdivision 1 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control authority that the requirements of sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of as provided under section 35.71, subdivision 3, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

### **Subd. 3. Subsequent offenses; seizure.**

If a person has been convicted of a misdemeanor for violating a provision of section 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under section 35.71, subdivision 3.

### **History:**

1988 c 711 s 5; 1989 c 37 s 12; 2008 c 325 s 10,11



## **347.541 DISPOSITION OF SEIZED ANIMALS.**

### **Subdivision 1. Hearing.**

The owner of any dog declared dangerous has the right to a hearing by an impartial hearing officer.

### **Subd. 2. Security.**

A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven days of the seizure inclusive of the date of the seizure.

### **Subd. 3. Notice.**

The authority declaring the dog dangerous shall give notice of this section by delivering or mailing it to the owner of the dog, or by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

- (1) a description of the seized dog; the authority for and purpose of the dangerous dog declaration and seizure; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is kept;
- (2) a statement that the owner of the dog may request a hearing concerning the dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this section;
- (3) a statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of section 347.52, paragraphs (a) and (c), and until such time as the hearing officer issues an opinion;
- (4) a statement that if the hearing officer affirms the dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all other requirements of sections 347.51, 347.515, and 347.52;
- (5) a form to request a hearing under this subdivision; and
- (6) a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

### **Subd. 4. Right to hearing.**

Any hearing must be held within 14 days of the request to determine the validity of the dangerous dog declaration. The hearing officer must be an impartial employee of the local government or an impartial person retained by the local government to conduct the



hearing. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.

## **History:**

2008 c 325 s 12

## **347.542 RESTRICTIONS.**

### **Subdivision 1. Dog ownership prohibited.**

Except as provided in subdivision 3, no person may own a dog if the person has:

- (1) been convicted of a third or subsequent violation of section 347.51, 347.515, or 347.52;
- (2) been convicted of a violation under section 609.205, clause (4);
- (3) been convicted of a gross misdemeanor under section 609.226, subdivision 1;
- (4) been convicted of a violation under section 609.226, subdivision 2; or
- (5) had a dog ordered destroyed under section 347.56 and been convicted of one or more violations of section 347.51, 346.515, 347.52, or 609.226, subdivision 2.

### **Subd. 2. Household members.**

If any member of a household is prohibited from owning a dog in subdivision 1, unless specifically approved with or without restrictions by an animal control authority, no person in the household is permitted to own a dog.

### **Subd. 3. Dog ownership prohibition review.**

Beginning three years after a conviction under subdivision 1 that prohibits a person from owning a dog, and annually thereafter, the person may request that the animal control authority review the prohibition. The animal control authority may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the animal control authority deems appropriate. The animal control authority may rescind the prohibition entirely or rescind it with limitations. The animal control authority also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the animal control authority rescinds a person's prohibition and the person subsequently fails to comply with any limitations imposed by the animal control authority or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the animal control authority may permanently prohibit the person from owning a dog in this state.

## **History:**

2008 c 325 s 13

## **347.55 PENALTY.**

- (a) A person who violates a provision of section 347.51, 347.515, or 347.52 is guilty of a misdemeanor.
- (b) It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.
- (c) A person who is convicted of a second or subsequent violation of paragraph (a) or (b) is guilty of a gross misdemeanor.
- (d) An owner who violates section 347.542, subdivision 1, is guilty of a gross misdemeanor.
- (e) Any household member who knowingly violates section 347.542, subdivision 2, is guilty of a gross misdemeanor.

## **History:**

1988 c 711 s 7; 1Sp2001 c 8 art 8 s 21; 2008 c 325 s 14

## **347.56 DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES.**

### **Subdivision 1. Circumstances.**

Notwithstanding sections 347.51 to 347.55, a dog may be destroyed in a proper and humane manner by the animal control authority if the dog:

- (1) inflicted substantial or great bodily harm on a human on public or private property without provocation;
- (2) inflicted multiple bites on a human on public or private property without provocation;
- (3) bit multiple human victims on public or private property in the same attack without provocation; or
- (4) bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

## **Subd. 2. Hearing.**

The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker. The definitions in section 347.50 and the exemptions under section 347.51, subdivision 5, apply to this section.

### **History:**

1Sp2001 c 8 art 8 s 22; 2008 c 325 s 15

## **347.565 APPLICABILITY.**

Sections 347.50 to 347.56 must be enforced by animal control authorities or law enforcement agencies, whether or not these sections have been adopted into local ordinance.

### **History:**

2008 c 325 s 16

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 7-5-12

Via: Patrick Wussow, County Administrator

From: John Welle

Title of Item:  
Contract Award – S.A.P. 01-632-04

Requested Meeting Date: 7-10-12 Estimated Presentation Time: 5 minutes

Presenter: John Welle

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes  No  (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: 5850
- Expenditure line account # for this item is: 6262

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

**Date: July 5, 2012**

**Regular Agenda Item:**

Contract Award : S.A.P. 01-632-04 – Grading and Aggregate Base on CSAH 32

**Summary:**

Sealed bids were originally going to be opened for this project on June 26, 2012. The letting date was postponed due to flooding in the project area until Friday, July 6, 2012. Received bids will be tabulated on an abstract of bids for Board review with a recommendation for award based on the bid amounts. The following resolution will be used to award this contract to the lowest responsible bidder.

**Draft Resolution:**

WHEREAS, S.A.P. 01-632-04 is a grading and aggregate base project on Aitkin County State-Aid Highway (CSAH) 32 from Aitkin CSAH 6 to Aitkin CSAH 31, and

WHEREAS, sealed bids were opened for S.A.P. 01-632-04 at 2:00 pm on Friday, July 6, 2012, with a total of \_\_\_\_\_ bids received, and

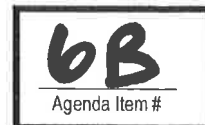
WHEREAS, \_\_\_\_\_ of \_\_\_\_\_ was the lowest responsible bidder in the amount of \_\_\_\_\_.

NOW THEREFORE, BE IT RESOLVED, That \_\_\_\_\_ be awarded the contract for construction of S.A.P. 01-632-04.

BE IT FURTHER RESOLVED, That the Chairperson of the Aitkin County Board and the Aitkin County Auditor are hereby authorized and directed to enter into a contract on behalf of Aitkin County with said low bidder upon presentation of proper contract documents.

Project: SAP 001-632-004 - Grading and Aggregate Base- CSAH 32				Engineers Estimate		R.C. Habeck Excavating, LLC		Gladen Construction		Ulland Brothers		Central Specialties Inc	
Item No.	Item	Units	Quantity	Unit Price	Total Price	Wahkon, MN		Laporte, MN		Cloquet, MN		Alexandria, MN	
						Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	2021.501 MOBILIZATION	LUMP SUM	1	\$40,000.00	\$40,000.00	\$26,900.00	\$26,900.00	\$40,000.00	\$40,000.00	\$82,488.60	\$82,488.60	\$74,000.00	\$74,000.00
2	2051.501 MAINT AND RESTORATION OF HAUL ROADS	LUMP SUM	1	\$1,000.00	\$1,000.00	\$14,500.00	\$14,500.00	\$100.00	\$100.00	\$1,000.00	\$1,000.00	\$1.00	\$1.00
3	2101.511 CLEARING AND GRUBBING	LUMP SUM	1	\$30,000.00	\$30,000.00	\$35,000.00	\$35,000.00	\$24,000.00	\$24,000.00	\$20,000.00	\$20,000.00	\$14,750.00	\$14,750.00
4	2104.501 REMOVE PIPE CULVERTS	LIN FT	1096	\$6.00	\$6,576.00	\$7.50	\$8,220.00	\$12.00	\$13,152.00	\$6.00	\$6,576.00	\$6.85	\$7,507.60
5	2104.505 REMOVE BITUMINOUS PAVEMENT	SQ YD	345	\$3.00	\$1,035.00	\$2.00	\$690.00	\$4.00	\$1,380.00	\$5.00	\$1,725.00	\$5.00	\$1,725.00
6	2104.513 SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LIN FT	42	\$2.00	\$84.00	\$4.00	\$168.00	\$3.50	\$147.00	\$5.00	\$210.00	\$5.00	\$210.00
7	2104.521 SALVAGE PIPE CULVERT	LIN FT	44	\$15.00	\$660.00	\$10.00	\$440.00	\$18.00	\$792.00	\$10.00	\$440.00	\$10.00	\$440.00
8	2105.501 COMMON EXCAVATION (P)	CU YD	55561	\$3.00	\$166,683.00	\$3.20	\$177,795.20	\$3.85	\$213,909.85	\$4.60	\$255,580.60	\$4.87	\$270,582.07
9	2105.505 MUCK EXCAVATION	CU YD	160	\$6.00	\$960.00	\$5.00	\$800.00	\$7.00	\$1,120.00	\$8.00	\$1,280.00	\$6.00	\$960.00
10	2105.521 GRANULAR BORROW (EV)	CU YD	78586	\$5.75	\$451,869.50	\$5.49	\$431,437.14	\$7.95	\$624,758.70	\$6.20	\$487,233.20	\$11.00	\$864,446.00
11	2105.535 SALVAGED TOPSOIL (SV)	CU YD	2000	\$5.00	\$10,000.00	\$4.00	\$8,000.00	\$3.15	\$6,300.00	\$7.00	\$14,000.00	\$4.00	\$8,000.00
12	2105.604 GEOTEXTILE FABRIC TYPE V	SQ YD	35067	\$1.50	\$52,600.50	\$1.90	\$66,627.30	\$1.85	\$64,873.95	\$1.50	\$52,600.50	\$1.59	\$55,756.53
13	2118.501 AGGREGATE SURFACING CLASS 5 MOD	TON	1991	\$10.00	\$19,910.00	\$18.00	\$35,838.00	\$14.00	\$27,874.00	\$12.50	\$24,887.50	\$12.22	\$24,330.02
14	2211.503 AGGREGATE BASE (CV) CLASS 5 MODIFIED	CU YD	14139	\$16.00	\$226,224.00	\$19.00	\$268,641.00	\$17.00	\$240,363.00	\$21.50	\$303,988.50	\$23.55	\$332,973.45
15	2412.511 10X5 PRECAST CONCRETE BOX CULVERT	LIN FT	60	\$600.00	\$36,000.00	\$565.00	\$33,900.00	\$603.00	\$36,180.00	\$680.00	\$40,800.00	\$717.25	\$43,035.00
16	2412.512 10X5 PRECAST CONCRETE BOX CULVERT END SECTION	EACH	2	\$6,000.00	\$12,000.00	\$7,200.00	\$14,400.00	\$6,208.00	\$12,416.00	\$8,400.00	\$16,800.00	\$7,403.30	\$14,806.60
17	2451.509 AGGREGATE BEDDING (MOD) LV	CU YD	76	\$30.00	\$2,280.00	\$11.00	\$836.00	\$28.00	\$2,128.00	\$30.00	\$2,280.00	\$38.00	\$2,888.00
18	2501.511 15" CS PIPE CULVERT	LIN FT	950	\$20.00	\$19,000.00	\$19.75	\$18,762.50	\$21.45	\$20,377.50	\$28.00	\$26,600.00	\$17.00	\$16,150.00
19	2501.511 18" CS PIPE CULVERT	LIN FT	82	\$24.00	\$1,968.00	\$22.00	\$1,804.00	\$25.65	\$2,103.30	\$31.00	\$2,542.00	\$20.00	\$1,640.00
20	2501.511 24" CS PIPE CULVERT	LIN FT	114	\$30.00	\$3,420.00	\$30.00	\$3,420.00	\$31.05	\$3,539.70	\$36.00	\$4,104.00	\$28.00	\$3,192.00
21	2501.511 24" RC PIPE CULVERT CLASS IV	LIN FT	594	\$44.00	\$26,136.00	\$49.00	\$29,106.00	\$47.00	\$27,918.00	\$64.00	\$38,016.00	\$40.00	\$23,760.00
22	2501.515 24" RC PIPE APRON	EACH	22	\$500.00	\$11,000.00	\$500.00	\$11,000.00	\$572.00	\$12,584.00	\$700.00	\$15,400.00	\$462.00	\$10,164.00
23	2501.521 65" SPAN RC PIPE-ARCH CULVERT CLASS IIA	LIN FT	64	\$180.00	\$11,520.00	\$214.00	\$13,696.00	\$205.00	\$13,120.00	\$220.00	\$14,080.00	\$240.00	\$15,360.00
24	2501.525 65" SPAN RC PIPE-ARCH APRON	EACH	2	\$1,200.00	\$2,400.00	\$1,460.00	\$2,920.00	\$1,640.00	\$3,280.00	\$1,700.00	\$3,400.00	\$1,880.00	\$3,760.00
25	2501.569 15" GS SAFETY APRON W/O GRATE DESIGN 3148	EACH	52	\$140.00	\$7,280.00	\$150.00	\$7,800.00	\$160.00	\$8,320.00	\$130.00	\$6,760.00	\$132.00	\$6,864.00
26	2501.569 18" GS SAFETY APRON W/O GRATE DESIGN 3148	EACH	4	\$180.00	\$720.00	\$200.00	\$800.00	\$225.00	\$900.00	\$140.00	\$560.00	\$137.00	\$548.00
27	2501.569 24" GS SAFETY APRON W/O GRATE DESIGN 3148	EACH	6	\$220.00	\$1,320.00	\$250.00	\$1,500.00	\$320.00	\$1,920.00	\$160.00	\$960.00	\$179.00	\$1,074.00
28	2511.501 RANDOM RIPRAP CLASS II	CU YD	16	\$70.00	\$1,120.00	\$50.00	\$800.00	\$62.00	\$992.00	\$45.00	\$720.00	\$75.00	\$1,200.00
29	2511.501 RANDOM RIPRAP CLASS III	CU YD	69	\$70.00	\$4,830.00	\$60.00	\$4,140.00	\$65.00	\$4,485.00	\$50.00	\$3,450.00	\$75.00	\$5,175.00
30	2531.501 CONCRETE CURB & GUTTER DESIGN S524	LIN FT	1560	\$20.00	\$31,200.00	\$15.00	\$23,400.00	\$16.50	\$25,740.00	\$15.00	\$23,400.00	\$15.00	\$23,400.00
31	2563.601 TRAFFIC CONTROL	LUMP SUM	1	\$2,500.00	\$2,500.00	\$1,950.00	\$1,950.00	\$3,000.00	\$3,000.00	\$5,000.00	\$5,000.00	\$3,500.00	\$3,500.00
32	2573.502 SILT FENCE, TYPE PREASSEMBLED	LIN FT	8205	\$1.80	\$14,769.00	\$1.60	\$13,128.00	\$1.70	\$13,948.50	\$1.60	\$13,128.00	\$1.60	\$13,128.00
33	2573.512 TEMPORARY DITCH CHECK TYPE 2	LIN FT	1940	\$6.00	\$11,640.00	\$2.90	\$5,626.00	\$3.00	\$5,820.00	\$2.90	\$5,626.00	\$2.90	\$5,626.00
41	2573.602 ROCK DITCH CHECK - PERMANENT	EACH	19	\$600.00	\$11,400.00	\$500.00	\$9,500.00	\$850.00	\$16,150.00	\$400.00	\$7,600.00	\$555.00	\$10,545.00
34	2575.501 SEEDING (P)	ACRE	26	\$70.00	\$1,820.00	\$95.00	\$2,470.00	\$100.00	\$2,600.00	\$95.00	\$2,470.00	\$95.00	\$2,470.00
35	2575.502 SEED MIXTURE 240	POUND	1919	\$2.10	\$4,029.90	\$2.60	\$4,989.40	\$2.70	\$5,181.30	\$2.60	\$4,989.40	\$2.60	\$4,989.40
36	2575.511 MULCH MATERIAL TYPE 1	TON	52	\$100.00	\$5,200.00	\$100.00	\$5,200.00	\$105.00	\$5,460.00	\$100.00	\$5,200.00	\$100.00	\$5,200.00
37	2575.519 DISK ANCHORING (P)	ACRE	26	\$50.00	\$1,300.00	\$75.00	\$1,950.00	\$80.00	\$2,080.00	\$75.00	\$1,950.00	\$75.00	\$1,950.00
38	2575.523 EROSION CONTROL BLANKETS CATEGORY 2	SQ YD	8177	\$1.00	\$8,177.00	\$1.10	\$8,994.70	\$1.15	\$9,403.55	\$1.10	\$8,994.70	\$1.10	\$8,994.70
39	2575.531 FERTILIZER TYPE 1	TON	4.5	\$750.00	\$3,375.00	\$980.00	\$4,410.00	\$1,000.00	\$4,500.00	\$980.00	\$4,410.00	\$980.00	\$4,410.00
40	2575.57 RAPID STABILIZATION METHOD 1	ACRE	5.5	\$400.00	\$2,200.00	\$500.00	\$2,750.00	\$500.00	\$2,750.00	\$500.00	\$2,750.00	\$500.00	\$2,750.00
Totals for Project SAP 001-632-004					\$1,246,206.90		\$1,304,309.24		\$1,505,667.35		\$1,514,000.00		\$1,892,261.37
% of Estimate for Project SAP 001-632-004							4.66%		20.82%		21.49%		51.84%

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 7-5-12

Via: Patrick Wussow, County Administrator

From: John Welle

Title of Item:

Contract Award – C.P. 01-090-23 – Aitkin Salt Storage Shed

Requested Meeting Date: 7-10-12 Estimated Presentation Time: 5 minutes

Presenter: John Welle

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes  No  (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: 5001
- Expenditure line account # for this item is: 6600

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

**Date: July 5, 2012**

**Regular Agenda Item:**

Contract Award : C.P. 01-090-23 - Construction of Aitkin Salt Storage Shed

**Summary:**

Sealed bids for this project were opened at 3:00 pm on Monday, June 26, 2012. The four lump sum quotes received are shown on the attached bid abstract. From the abstract, Bailey Construction from Stillwater, MN is the low bid at \$63,500, 5.8% above the estimated cost of \$60,000. Award of this project to Bailey Construction is therefore recommended by the following resolution.

**Draft Resolution:**

WHEREAS, C.P. 01-090-23 is a project to construct the timber wall portion of the Aitkin Salt Storage Shed with materials supplied by Aitkin County, and

WHEREAS, sealed bids were opened for C.P. 01-090-23 at 3:00 pm on Monday, June 26, 2012 with a total of four bids received, and

WHEREAS, Bailey Construction of Stillwater, Minnesota was the lowest responsible bidder in the amount of \$63,500.

NOW THEREFORE, BE IT RESOLVED, That Bailey Construction be awarded the contract for construction of C.P. 01-090-23.

BE IT FURTHER RESOLVED, That the Chairperson of the Aitkin County Board and the Aitkin County Auditor are hereby authorized and directed to enter into a contract on behalf of Aitkin County with said low bidder upon presentation of proper contract documents.



**Aitkin County  
Project Bid Abstract**

Project Name: Aitkin Area Salt Shed  
 Client: Aitkin County  
 Bid Opening: 06/25/2012 3:00 PM

Contract No.: CP 01-090-23  
 Project No.: CP 01-090-23  
 Owner: Aitkin, Minnesota

Item No.	Item	Units		Engineers Estimate		Bailey Construction		Crow Wing Construction & Management		R&R Landscaping		Hylec Construction		Maertens-Brenny Construction	
		Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price
1	8888.888 Construct Salt Shed	1	\$60,000.00	\$60,000.00	\$63,500.00	\$63,500.00	\$66,400.00	\$66,400.00	\$68,000.00	\$68,000.00	\$74,900.00	\$74,900.00	\$125,000.00	\$125,000.00	
Totals for Project CP 01-090-23				\$60,000.00	\$63,500.00	\$63,500.00	\$66,400.00	\$66,400.00	\$68,000.00	\$68,000.00	\$74,900.00	\$74,900.00	\$125,000.00	\$125,000.00	
% of Estimate for Project CP 01-090-23					5.83%	10.67%	13.33%	24.83%	108.33%						

I hereby certify that this is an exact reproduction of bids received.

Certified By: \_\_\_\_\_ License No. \_\_\_\_\_  
 Date: \_\_\_\_\_

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 7-5-12

Via: Patrick Wussow, County Administrator

From: John Welle

Title of Item:

Approve Right of Way Plat No. 17

Requested Meeting Date: 7-10-12 Estimated Presentation Time: 5 minutes

Presenter: John Welle

**Type of Action Requested** (check all that apply)

- For info only, no action requested  Approve under Consent Agenda  
 For discussion only with possible future action  Adopt Ordinance Revision  
 Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)  
 Approve/adopt proposal by motion  Approve/adopt proposal by resolution (attach draft resolution)  
 Authorize filling vacant staff position  
 Request to schedule public hearing or sale  Other (please list) \_\_\_\_\_  
 Request by member of the public to be heard  
 Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes  No  (attach explanation)  
What type of expenditure is this?  Operating  Capital  Other (attach explanation)  
Revenue line account # that funds this item is: \_\_\_\_\_  
Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No  
Applicable job description(s) may require revision.  Yes  No  
Item may impact a bargaining unit agreement or county work policy.  Yes  No  
Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item  
 Copy of applicable county policy and/or ordinance (excerpts acceptable)  
 Copy of applicable state/federal statute/regulation (excerpts acceptable)  
 Copy of applicable contract and/or agreement  
 Original bid spec or quote request (excluding complex construction projects)  
 Bids/quotes received (excluding complex construction projects, provide comparison worksheet)  
 Bid/quote comparison worksheet  
 Draft County Board resolution  
 Plat approval check-list and supporting documents  
 Copy of previous minutes related to this issue  
 Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

**Date: July 5, 2012**

**Regular Agenda Item:**

Approve Right of Way Plat No. 17, S.A.P. 01-612-014

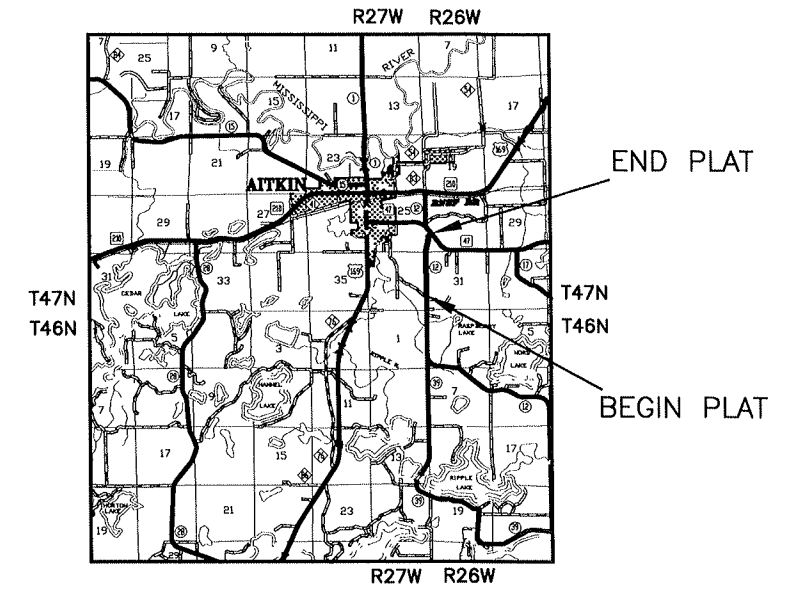
**Summary:**

S.A.P. 01-612-014 is a project for intersection realignment, shoulder widening, culvert replacement, and bituminous pavement reconstruction on a two-mile segment of CSAH 12 from TH 47 to the north junction of CSAH 39. For approximately the north mile of this project, the acquisition of additional right of way was required to accomplish the project. Twelve separate right of way parcels are shown on Right of Way plat No. 17 for which Board approval is being requested.

# AITKIN COUNTY HIGHWAY

RIGHT OF WAY PLAT NO. 17  
S.A.P. 001-612-014 C.S.A.H. NO. 12

PARCEL	OWNER	PROPERTY DESCRIPTION	DEED RECORD BOOK / PAGE OR DOC. NO.	ENTIRE TRACT ACRES (GIS)	EXISTING R/W ACRES	NEW HWY. R/W (FEE) ACRES	TEMPORARY EASEMENT ACRES	TEMPORARY EASEMENT DATE	BALANCE OF TRACT ACRES
19	Thomas C. & Sherri S. Burke	PART OF GOV'T LOT 3 (NW¼ SW¼) SEC. 31 T47N R26W	305170	43.7	1.20	0.78	0.14	CONSTRUCTION	41.7
20	Thompson Mobile Home Park LLC	PART OF NE¼ SE¼ SEC. 36 T47N R27W	409810	27.5	1.06	0.59	0.00		25.8
21	Thompson Mobile Home Park LLC	PART OF SE¼ NE¼ SEC. 36 T47N R27W	409810	24.5	0.45	0.35	0.03		23.7
22	Thompson Mobile Home Park LLC	PART OF SE¼ NE¼ SEC. 36 T47N R27W	409810	15.7	0.27	0.33	0.00	AFTER 1 YEAR	15.1
23	Willow Springs, Inc. (Bob Ledin)	GOV'T LOT 2 (SW¼ NW¼) SEC. 31 T47N R26W	387424	43.1	1.24	0.61	0.00		41.2
24	Kermit Lee & Charlene R. Espeseth	GOV'T LOT 1 (NW¼ NW¼) SEC. 31 T47N R26W	262657	42.2	1.15	0.80	0.00		40.2
25	Judith A. Podvin	PART OF SOUTH 150' OF EAST 660' OF NE¼ NE¼ SEC. 36 T47N R27W	407517	2.3	0.09	0.04	0.02	EXPIRES	2.2
26	Sandra J. Barnick	PART OF NORTH 300' OF SOUTH 450' OF EAST 363' OF NE¼ NE¼ SEC. 36 T47N R27W	298918	2.5	0.18	0.19	0.06		2.1
27	Daniel M. & Regina E. Patrick	PART OF NE¼ NE¼ SEC. 36 T47N R27W	277434	35.6	0.58	0.55	0.11		34.5
28	Daniel M. & Regina E. Patrick	SE¼ SE¼ SEC. 25 T47N R27W	277434	40.7	0.23	0.15	0.02	EXPIRES	40.3
29	Joeseoph R. & Barbara A. Gans	PART OF GOV'T LOT 4 (SW¼ SW¼) SEC. 30 T47N R26W	308786	36.3	1.85	1.53	0.00		32.9
30	Connie L. Kingsley	PART OF GOV'T LOT 3 (NW¼ SW¼) SEC. 30 T47N R26W	397173	8.7	0.35	0.64	0.00		7.7



BEARING DATUM BASED ON AITKIN COUNTY COORDINATE SYSTEM

○ DENOTES R/W MONUMENTATION TO BE ESTABLISHED

● DENOTES FOUND MONUMENTATION

----- DENOTES EXISTING RIGHT OF WAY

----- DENOTES NEW RIGHT OF WAY

----- DENOTES ½ NEW CONSTRUCTION

----- DENOTES SECTION OR QUARTER LINE

----- DENOTES TEMPORARY EASEMENT

----- DENOTES PROPERTY LINE

-----19 DENOTES PARCEL IDENTIFICATION

CERTIFIED BY: \_\_\_\_\_ REGISTRATION NO. 24340  
JOHN T. WELLE  
COUNTY HIGHWAY ENGINEER

DATE: \_\_\_\_\_, 20\_\_\_\_

FOR THE DETAILS OF THE CONTROL SURVEY AND LAND SURVEY, CONTACT THE COUNTY ENGINEER'S OFFICE FOR SURVEY OF R/W PLAT NO. 17 STATE AID PROJECT NO. 001-612-014.

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY OF THE BOUNDARIES AS SHOWN, AND THAT SAID SURVEY WAS MADE UNDER MY DIRECT SUPERVISION, THAT ALL DISTANCES ARE CORRECTLY SHOWN IN FEET AND HUNDREDTHS OF A FOOT, THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS WILL BE CORRECTLY PLACED IN THE GROUND AS SHOWN AFTER THE COMPLETION OF CONSTRUCTION.

\_\_\_\_\_  
THOMAS H. VEENKER LICENSED LAND SURVEYOR, STATE OF MINNESOTA

DATE \_\_\_\_\_, 20\_\_\_\_

THIS PLAT WAS APPROVED AND ACCEPTED BY THE AITKIN COUNTY BOARD OF COMMISSIONERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

CHAIRPERSON OF THE BOARD

I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS FILED IN MY OFFICE ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_ O'CLOCK \_\_\_\_ M AS DOCUMENT NO. \_\_\_\_\_.

DIANE LAFFERTY, COUNTY RECORDER  
AITKIN COUNTY, MINNESOTA



Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners      Date: 7-5-12

Via: Patrick Wussow, County Administrator

From: John Welle

Title of Item:

Flood Related Road Damage Update

Requested Meeting Date: 7-10-12      Estimated Presentation Time: 15 minutes

Presenter: John Welle

**Type of Action Requested** (check all that apply)

- For info only, no action requested       Approve under Consent Agenda
- For discussion only with possible future action       Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion       Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
- Request to schedule public hearing or sale       Other (please list) \_\_\_\_\_
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

**Date: July 5, 2012**

**Regular Agenda Item:**

Flood-related Road Damage Update

**Summary:**

An update will be provided on the status of road repairs needed as a result of recent flooding events.

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners      Date: 7/3/12  
Via: Patrick Wussow, County Administrator  
From: Ross Wagner, Economic Development & Forest Industry Coordinator  
Title of Item: Aitkin County Corridor Access Policy  
Requested Meeting Date: July 10, 2012 Estimated Presentation Time: 25 Minutes  
Presenter: Ross Wagner

**Type of Action Requested** (check all that apply)

- For info only, no action requested       Approve under Routine Business
- For discussion only with possible future action       Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion       Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position       Approve under Consent Agenda
- Request to schedule public hearing or sale       Other (please list) \_\_\_\_\_
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget?  Yes  No (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

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- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
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- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list)

**Provide eleven (11) copies of supporting documentation NO LATER THAN Wednesday at 12:00 pm to make the Board's agenda for the following Tuesday. Items WILL NOT be placed on the Board agenda unless complete documentation is provided for mailing in the Board packets. (see reverse side for details)**



**Aitkin County Economic Development & Forest Industry Coordinator**

**Aitkin County Courthouse**

**Ross Wagner**

217 Second Street N.W.

Aitkin, MN 56431

Phone: 218/927-7305

Fax: 218/927-7374

**TO:** Aitkin County Board of Commissioners

**FROM:** Ross Wagner, Economic Development & Forrest Industry Coordinator

**DATE:** July 3, 2012

**SUBJECT:** ATV Corridor Access Permit Policy

Attached is a draft Policy to regulate the use of All Terrain Vehicles (ATV'Ss) on County Roads by designating certain segments of County Roads as Corridor Access Trails. By designating Corridor Access trails, communities can designate routes to and from areas or businesses and the established ATV Trail. In the case of several cities in the county, a combination of county and city streets are needed to establish an orderly route through town or to services available.

Essentially, this policy covers those instances where an ATV rider can access services in our communities from the established Northwoods ATV Trail.

The purpose in making this a "Corridor Access" trail is to allow legally operated ATV's by both adults and children to use the corridor trail access. The application form, to be used by Cities or Townships is also attached. As you can see, both the County Sheriff and County Engineer have an opportunity to provide additional regulations.

**AITKIN COUNTY  
ATV CORRIDOR ACCESS TRAIL APPLICATION REQUEST**

**Instructions;** Cities and Townships must use this form to request use of County Roads in their jurisdictions for ATV use to and from the Northwoods ATV Trail. Forms and Policy are available at the Aitkin County Land Department and must be submitted to the Aitkin County Administrators Office when completed. The request will then go to the County Sheriff and Engineer for review and then to the County Board for final action.

**Requesting Agency - Permittee**

City or Township Name;  
\_\_\_\_\_  
\_\_\_\_\_

**Permitter:**

Aitkin County  
217 2<sup>nd</sup> Street NW  
Aitkin, MN 56431

ROADWAY DESCRIPTION OR ATTACHED MAP, include proposed signage:  
\_\_\_\_\_  
\_\_\_\_\_

WHEREAS, Minn. Statutes 84.92-84.928 generally regulates the use of all terrain vehicles within the right of way for trunk highways, county state aid highways, and county roads, and  
WHEREAS, Minnesota Statutes 84.928 subd. 1a(h) authorizes counties to establish a permit process to designate corridor access trails on public road right-of-ways for purpose of accessing established all-terrain vehicle trails, and

By signing this Application, the permittee agrees to the following terms and conditions:

1. This permit shall be subject to the terms and conditions of the Aitkin County Policy All Terrain Vehicle Corridor Access Trail Permit.
2. **Permittee** affirms that the section of requested County Road in this application is approved on motion by the City Council/Town Board and he/she is authorized to make said application.
3. **Permittee** shall be responsible for adequate signage that will clearly indicate what portions of County Roads are permitted under this policy.

**PERMITTEE**

On behalf of the \_\_\_\_\_, I hereby agree to comply with the terms, conditions and regulations therein.

By \_\_\_\_\_  
Authorized Representative

I have reviewed this application and recommend approval by the Aitkin County Board subject to the following, if any, conditions.

\_\_\_\_\_  
Aitkin County Sheriff

\_\_\_\_\_  
Date

\_\_\_\_\_  
Aitkin County Engineer

\_\_\_\_\_  
Date

Other terms and conditions: \_\_\_\_\_  
\_\_\_\_\_

**Approval or Denial:**

After consideration by the Aitkin County Board, and subject to above additional terms, if any, the above application is \_\_\_\_\_ (approved or denied).

By \_\_\_\_\_  
County Administrator

Date \_\_\_\_\_

**Aitkin County Policy  
All Terrain Vehicles  
Corridor Access Trail Permit**

**Policy**

Aitkin County has an established system of All Terrain Vehicle (ATV) trails throughout the County. In certain areas, County Roads are needed for accessing the established ATV Trail and to access services such as fuel and food to and from the ATV Trails. This policy is to designate the use of ATV's on Aitkin County roads for such use.

**Permit Application**

Before a permit is issued by Aitkin County for a Corridor Access Trail, a permit application must be submitted by using the attached application. Ultimate approval will come from the county board. The following Guidelines will be used by Aitkin County to authorize a Corridor Access Trail Permit.

**Guidelines**

A road authority as defined by State Statutes may, by permit, designate corridor access trails on public road rights-of-way for purposes of accessing established ATV trails. A driver's license is not required to operate an all-terrain vehicle on a designated corridor access trail.

- A. When authorized under this policy it shall be permissible to operate an ATV on the outside slope, ditch bottom, inside slope, shoulder or where no shoulder exists, the extreme right side of the driving surface, of a County road, which has been designated as a corridor access trail. The direction of travel by an ATV where permitted herein shall be the same direction as the vehicular travel of the adjacent lane of the roadway.
- B. In the case that a County Road is within the city limits of any city in Aitkin County, permission to use those county road segments will be considered by the Aitkin County Board upon a request received from said city and recommendation for approval from the County Engineer and County Sheriff. In the case that a County Road is not within a city limit a request must be submitted by the appropriate Township Board and would be considered by the Aitkin County Board with recommendation for approval from the County Engineer and County Sheriff.
- C. A person under 12 years of age shall not operate an ATV on a corridor access trail. A person 12 years of age but less than 16 years may operate an ATV on a corridor access trail only if that person possesses a valid ATV safety certificate issued by the Commissioner of Natural Resources and is accompanied on another ATV by a person 18 years of age or older who holds a valid driver's license, as outlined in M.S. 84.9256 Subdivision 1(b) and (c).
- D. Permits may be suspended or otherwise modified or cancelled, by Aitkin County if damage to the roadway results from ATV usage or where public safety is affected.
- E. Additional terms and conditions, including but not limited to ATV Speed Limits on Corridor Access Trails may be set by Aitkin County for approval of the permit.

- F. Adequate signage, to indicate where operation of a County road is allowed pursuant to this policy, shall be installed by the requestor with approval by the Highway Department on portions of County Roads designated as Corridor Access Trails
  
- G. Except as otherwise provided herein, all operation of all ATV's shall be in compliance with Minnesota Statutes 84.92-84.928, as well as any other federal, state, or local rule or regulation.

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners      Date: 7-3-12

Via: Patrick Wussow, County Administrator

From: Patrick Wussow, County Administrator

Title of Item:

Flood Update - No Wake Follow Up

Requested Meeting Date: 7-10-12      Estimated Presentation Time: \_\_\_\_\_

Presenter: Patrick Wussow, County Administrator

**Type of Action Requested** (check all that apply)

- For info only, no action requested       Approve under Consent Agenda
- For discussion only with possible future action       Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion       Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
- Request to schedule public hearing or sale       Other (please list) \_\_\_\_\_
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
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- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

# AITKIN COUNTY ADMINISTRATION

**Aitkin County Courthouse**  
217 Second Street N.W. Room 130  
Aitkin, MN 56431  
218-927-7276  
Fax: 218-927-7374

**TO: Aitkin County Board of Commissioners**

**FROM: Patrick Wussow, Aitkin County Administrator**

**RE: No Wake Zone Update**

**DATE: July 5, 2012**

At the July 3, 2012 Board meeting, the County Board passed a resolution modifying the Slow-No Wake Zones on Aitkin County lakes, and authorizing the County Administrator to remove the restrictions from lakes as data indicates.

On Tuesday I will provide a verbal update to the County Board.

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED July 10, 2012

By Commissioner: xx

071012-076

**Temporary Aitkin County Lakes Slow-No Wake Zone**

**WHEREAS**, due to extraordinary weather conditions, including excessive rainfall during June of 2012, record high water elevations prevail on all Aitkin County lakes, and

**WHEREAS**, wave action from wind and watercraft has and will exacerbate shoreline erosion and cause damage to real and personal property, and

**WHEREAS**, high water levels coupled with increased wave action have led to the inundation of low-lying yards and structures, and

**WHEREAS**, in an effort to protect property and limit environmental damage to lakes from shoreline erosion where the County can and may exert some control, the County Board of Commissioners enacts this 10<sup>th</sup> day of July, 2012, the following Temporary Special Controls to Section 5 Regulations of the Watercraft Ordinance.

**NOW THEREFORE, BE IT RESOLVED**, the following lakes shall continue to have a slow-no wake zone on the entire lake:

Lake Name	Township
Fleming	Fleming
Gun	Fleming
Horseshoe	Shamrock
Minnewawa	Shamrock
Wilkins	Fleming

**BE IT FURTHER RESOLVED**, that no person shall operate a watercraft at greater than slow-no wake speed for a distance of 300' from the shoreline on the following lakes:

Lake Name	Township
Cedar	Farm Island
Dam	Glen
Diamond	Farm Island
Elm Island	Nordland
Esquagamah	Waukenabo
Hammal – (Bass)	Farm Island
Hanging Kettle	Farm Island
Hill Lake	Hill Lake
Jenkins	Fleming
Long	Glen
Ripple	Nordland
Round	Waukenabo
Section 10 (Wladimiraf)	Nordland
Section 12	Nordland

Sissabagamah	Nordland
Sunset	Farm Island
Thornton (Thorton)	Farm Island
Townline	Farm Island

- i. This 300' no wake zone is in effect until the lake water elevation is 12" or less above that lake's Ordinary High Water (OHW) mark as identified by official lake gauge data. The Aitkin County Board authorizes the Aitkin County Administrator to add or remove lakes from the no-wake lists as data is gathered. The up-to-date list will be maintained at the county's official website.
- ii. This resolution does not affect Resolution #060112-052 as identified for Big Sandy Lake and the associated area.
- iii. This resolution is in effect from July 13, 2012 through July 17, 2012.
- iv. The no wake restrictions for all other lakes in Aitkin County are lifted.

Commissioner xx moved the adoption of the resolution and it was declared adopted upon the following vote

**FIVE MEMBERS PRESENT**

**All Members Voting Yes**

**STATE OF MINNESOTA)  
County of Aitkin ) ss.  
Office of County Auditor,)**

I, Kirk Peysar, Auditor, of the County of Aitkin, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 10<sup>th</sup> day of July A.D., 2012, and that the same is a true and correct copy of the whole thereof.

**WITNESS MY HAND AND SEAL OF OFFICE at Aitkin, Minnesota, this 10<sup>th</sup> day of July A.D., 2012**

KIRK PEYSAR, County Auditor

BY \_\_\_\_\_, Deputy



CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED July 10, 2012

By Commissioner: xx

071012-077

**Temporary Aitkin County Lakes Slow-No Wake Zone**

**WHEREAS**, due to extraordinary weather conditions, including excessive rainfall during June of 2012, record high water elevations prevail on all Aitkin County lakes, and

**WHEREAS**, wave action from wind and watercraft has and will exacerbate shoreline erosion and cause damage to real and personal property, and

**WHEREAS**, high water levels coupled with increased wave action have led to the inundation of low-lying yards and structures, and

**WHEREAS**, in an effort to protect property and limit environmental damage to lakes from shoreline erosion where the County can and may exert some control, the County Board of Commissioners enacts this 10<sup>th</sup> day of July, 2012, the following Temporary Special Controls to Section 5 Regulations of the Watercraft Ordinance.

**NOW THEREFORE, BE IT RESOLVED**, the following lakes shall continue to have a slow-no wake zone on the entire lake:

Lake Name	Township
Fleming	Fleming
Gun	Fleming
Horseshoe	Shamrock
Minnewawa	Shamrock
Wilkins	Fleming

**BE IT FURTHER RESOLVED**, that no person shall operate a watercraft at greater than slow-no wake speed for a distance of 300' from the shoreline on the following lakes:

Lake Name	Township
Cedar	Farm Island
Dam	Glen
Diamond	Farm Island
Elm Island	Nordland
Esquagamah	Waukenabo
Hammal – (Bass)	Farm Island
Hanging Kettle	Farm Island
Hill Lake	Hill Lake
Jenkins	Fleming
Long	Glen
Ripple	Nordland
Round	Waukenabo
Section 10 (Wladimiraf)	Nordland
Section 12	Nordland

Sissabagamah	Nordland
Sunset	Farm Island
Thornton (Thorton)	Farm Island
Townline	Farm Island

- i. This 300' no wake zone is in effect until the lake water elevation is 12" or less above that lake's Ordinary High Water (OHW) mark as identified by official lake gauge data. The Aitkin County Board authorizes the Aitkin County Administrator to add or remove lakes from the no-wake lists as data is gathered. The up-to-date list will be maintained at the county's official website.
- ii. This resolution does not affect Resolution #060112-052 as identified for Big Sandy Lake and the associated area.
- iii. This resolution is in effect from July 18, 2012 through July 22, 2012.
- iv. The no wake restrictions for all other lakes in Aitkin County are lifted.

Commissioner xx moved the adoption of the resolution and it was declared adopted upon the following vote

**FIVE MEMBERS PRESENT**

**All Members Voting Yes**

**STATE OF MINNESOTA)  
County of Aitkin ) ss.  
Office of County Auditor,)**

I, Kirk Peysar, Auditor, of the County of Aitkin, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 10<sup>th</sup> day of July A.D., 2012, and that the same is a true and correct copy of the whole thereof.

**WITNESS MY HAND AND SEAL OF OFFICE at Aitkin, Minnesota, this 10<sup>th</sup> day of July A.D., 2012**

KIRK PEYSAR, County Auditor

BY \_\_\_\_\_, Deputy

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED July 10, 2012

By Commissioner: xx

071012-078

**Temporary Aitkin County Lakes Slow-No Wake Zone**

**WHEREAS**, due to extraordinary weather conditions, including excessive rainfall during June of 2012, record high water elevations prevail on all Aitkin County lakes, and

**WHEREAS**, wave action from wind and watercraft has and will exacerbate shoreline erosion and cause damage to real and personal property, and

**WHEREAS**, high water levels coupled with increased wave action have led to the inundation of low-lying yards and structures, and

**WHEREAS**, in an effort to protect property and limit environmental damage to lakes from shoreline erosion where the County can and may exert some control, the County Board of Commissioners enacts this 10<sup>th</sup> day of July, 2012, the following Temporary Special Controls to Section 5 Regulations of the Watercraft Ordinance.

**NOW THEREFORE, BE IT RESOLVED**, the following lakes shall continue to have a slow-no wake zone on the entire lake:

Lake Name	Township
Fleming	Fleming
Gun	Fleming
Horseshoe	Shamrock
Minnewawa	Shamrock
Wilkins	Fleming

**BE IT FURTHER RESOLVED**, that no person shall operate a watercraft at greater than slow-no wake speed for a distance of 300' from the shoreline on the following lakes:

Lake Name	Township
Cedar	Farm Island
Dam	Glen
Diamond	Farm Island
Elm Island	Nordland
Esquagamah	Waukenabo
Hammal – (Bass)	Farm Island
Hanging Kettle	Farm Island
Hill Lake	Hill Lake
Jenkins	Fleming
Long	Glen
Ripple	Nordland
Round	Waukenabo
Section 10 (Wladimiraf)	Nordland
Section 12	Nordland

Sissabagamah	Nordland
Sunset	Farm Island
Thornton (Thorton)	Farm Island
Townline	Farm Island

- i. This 300' no wake zone is in effect until the lake water elevation is 12" or less above that lake's Ordinary High Water (OHW) mark as identified by official lake gauge data. The Aitkin County Board authorizes the Aitkin County Administrator to add or remove lakes from the no-wake lists as data is gathered. The up-to-date list will be maintained at the county's official website.
- ii. This resolution does not affect Resolution #060112-052 as identified for Big Sandy Lake and the associated area.
- iii. This resolution is in effect from July 23, 2012 through July 27, 2012.
- iv. The no wake restrictions for all other lakes in Aitkin County are lifted.

Commissioner xx moved the adoption of the resolution and it was declared adopted upon the following vote

**FIVE MEMBERS PRESENT**

**All Members Voting Yes**

**STATE OF MINNESOTA)  
County of Aitkin ) ss.  
Office of County Auditor,)**

I, Kirk Peysar, Auditor, of the County of Aitkin, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 10<sup>th</sup> day of July A.D., 2012, and that the same is a true and correct copy of the whole thereof.

**WITNESS MY HAND AND SEAL OF OFFICE at Aitkin, Minnesota, this 10<sup>th</sup> day of July A.D., 2012**

KIRK PEYSAR, County Auditor

BY \_\_\_\_\_, Deputy

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners      Date: 7-3-12

Via: Patrick Wussow, County Administrator

From: Patrick Wussow, County Administrator

Title of Item:

Flood Update - Emergency Expenditures

Requested Meeting Date: 7-10-12      Estimated Presentation Time: \_\_\_\_\_

Presenter: Patrick Wussow, County Administrator

**Type of Action Requested** (check all that apply)

- For info only, no action requested       Approve under Consent Agenda
- For discussion only with possible future action       Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion       Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
- Request to schedule public hearing or sale       Other (please list) \_\_\_\_\_
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

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- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
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- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

# AITKIN COUNTY ADMINISTRATION

**Aitkin County Courthouse**  
217 Second Street N.W. Room 130  
Aitkin, MN 56431  
218-927-7276  
Fax: 218-927-7374

**TO: Aitkin County Board of Commissioners**

**FROM: Patrick Wussow, Aitkin County Administrator**

**RE: Flood Related Expenditures**

**DATE: July 5, 2012**

At the July 3, 2012 Board meeting, the County Board passed a resolution giving authorization to the County Administrator to approve flood related expenditures. At each County Board meeting, the County Administrator is to present a list of all such expenditures to the Board.

At this time there are no expenditures to report.

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 7/5/2012

Via: Patrick Wussow, County Administrator

From: Bobbie Danielson, HR Manager *Bobbie Danielson*

Title of Item:

Personnel Committee Recommendation

Requested Meeting Date: 7/10/2012 Estimated Presentation Time: 5 minutes

Presenter: Patrick Wussow or Bobbie Danielson

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes  No  (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: 01-090-6101 through -6165

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No

BJD  
HR Review

**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

# AITKIN COUNTY HUMAN RESOURCES

**Bobbie Danielson, HR Manager**  
bobbie.danielson@co.aitkin.mn.us  
**Nicole Visnovec, HR Specialist**  
nicole.visnovec@co.aitkin.mn.us

Phone 218-927-7306  
Job Hotline 218-927-7393  
Fax 218-927-7374  
www.co.aitkin.mn.us

To: County Commissioners  
From: Bobbie Danielson, HR Manager   
Date: July 5, 2012  
Subject: Personnel Committee Recommendations

The Personnel Committee met on June 26, 2012, and unanimously recommends refilling the following position:

## **Attorney's Office**

1 full-time Assistant County Attorney, Grade J, salary range \$49,254.40 to \$88,774.40. This is a budgeted position, previously held by Ben Smith. His last day was 6/13/2012. Additional information is attached.

If you have any questions or concerns prior to the meeting, please feel free to contact me or Patrick. Jim Ratz will also be available at the board meeting to answer questions.



# Memo

To: Aitkin County Personnel Committee  
From: James P. Ratz, Aitkin County Attorney  
Date: 7/5/2012  
Re: Assistant County Attorney Position

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As you are aware, Ben Smith submitted his resignation on May 30, 2012, with his last day of employment being June 13, 2012. Mr. Smith had been with our office since February 2007 and had a starting salary of \$50,000.00. At the time of Mr. Smith's resignation, he was making \$57,988.33. The Assistant County Attorney position is an exempt position with a hay grade of J. The salary range for a hay grade J employee is \$49,254.40 – \$88,774.40 with a mid-point salary of \$69,014.40.

We request Mr. Smith's position be re-filled based on the following reasons:

1. Case Load

At the time of his resignation, Mr. Smith was assigned 580 cases. The magnitude of these files is not simply in the numbers. It is in the time it takes to prepare the files, such as determining appropriate charges, determining and making an appropriate offer, negotiating any possible settlement with defense counsel, keeping the victim apprised throughout the steps of the file, preparing and arguing motions, researching and writing briefs, determining suitable witnesses to prove the case, meeting with the witnesses prior to trial, and finally trying the case. The span for all of the above is time-sensitive and requires diligence to manage the files successfully.

2. Working with Victims

A victim is a natural person who incurs loss or harm as a result of a crime. Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, the prosecuting attorney must make a reasonable and good faith effort to inform the victim of the contents of the plea agreement recommendation and their right to be present at the sentencing hearing and at the hearing during which the plea is presented to the court and to express any objection of the victim to the agreement or to the proposed disposition. Working with the victims is an important yet time consuming process. While the prosecutor does not have to proceed pursuant to the victim's wishes, their thoughts and feelings are heavily considered in resolution of all files. The prosecutor will often meet or speak with the victim several times prior to resolution of the file or the commencement of trial.

### 3. Trial Preparation

Jury trials are time consuming and very draining. During the jury trial and usually a week to several weeks before, the prosecutor(s) and office staff start to focus primarily on the jury trial. Daily office work often needs to be re-assigned or set aside until the jury trial is complete.

### 4. CSI Effect

There are higher expectations from the trier of fact regarding law enforcement and their role regarding forensic evidence. For the County Attorney's Office, this translates into much greater demands on our efforts to secure forensic evidence for crimes of all types and levels, misdemeanor through felony.

Further, the CSI effect has made litigation increasingly complex. The analysis and incorporation of forensic evidence into trial has added exponential growth to the time committed to trial preparation.

### 5. Fewer State Attorney General's Office Resources

The State Attorney General's Office continues to have fewer and fewer resources allocated to handling appeals and assisting county attorney's offices. Over a period of about 15 years, the State Attorney General's Office has gone from handling all criminal appeals to handling a select few felony appeals. The State has shifted much of the time and expense of appeals to the County. Appellate work is very time consuming, deadline specific, and usually requires the prosecutor to travel to St. Paul for oral arguments. Appellate work is now a very real and significant drain on my office's resources. The local prosecutor's role does not end with the jury trial but continues through months, if not years, of appeals and post-conviction petitions.

### Conclusion and Request

My office and I are acutely aware of the current economic situation and the need to be fiscally sensitive in all decisions having an impact on financial resources. We are, however, also extremely aware and sensitive to the impact crime has on the specific victims and on our constituents.

I sincerely believe that public safety will be placed at increased risk, and justice will be delayed for victims (especially for victims of property-related crimes), if the Assistant County Attorney position is not re-filled. I respectfully request that this committee recommend filling the Assistant County Attorney position. Thank you for your consideration of this important matter.

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 7-5-12

Via: Patrick Wussow, County Administrator

From: Patrick Wussow, County Administrator

Title of Item:

Aitkin County Fair Update

Requested Meeting Date: 7-10-12 Estimated Presentation Time: \_\_\_\_\_

Presenter: Kirk Peysar, Fair Board Secretary/Treasurer

**Type of Action Requested** (check all that apply)

- For info only, no action requested  Approve under Consent Agenda
- For discussion only with possible future action  Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion  Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
- Request to schedule public hearing or sale  Other (please list) \_\_\_\_\_
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

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- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) No Packet Information – Verbal Update at Meeting

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