

The Aitkin County Board of Commissioners met this 24th day of February, 2015 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 Nathan Burkett, and Administrative Assistant Sue Bingham.

CALL TO ORDER

Motion by Commissioner Napstad, seconded by Commissioner Niemi and carried, all members voting yes to approve the February 24, 2015 agenda.

**APPROVED
AGENDA**

**AITKIN COUNTY HEALTH & HUMAN SERVICES
BOARD MEETING MINUTES
February 24, 2015**

**HEALTH &
HUMAN
SERVICES
BOARD**

I. Attendance

The Aitkin County Board of Commissioners met this 24th day of February, 2015, at 9:03 a.m. as the Aitkin County Health & Human Services Board, with the following members present: Chairperson Commissioner Mark Wedel; Commissioners, Anne Marcotte, Brian Napstad, Don Niemi, and Laurie Westerlund; and others present included: County Administrator Nathan Burkett; H&HS Staff Members Sue Tange & Ann Rivas, Social Service Supervisors; Erin Melz, Public Health Supervisor; Eileen Foss, Income Maintenance Supervisor; Kathy Ryan, Fiscal Supervisor; Julie Lueck, Clerk to the Health & Human Services Board; and guests; Adam Hoogenakker, Aitkin Independent Age; Jessica Seibert, Jim Carlson and Roberta Elvecrog, H&HS Advisory Committee Members; Bob Harwarth, Galen Tveit, and Leah Heggerston, citizens.

II. Approval of Health & Human Services Board Agenda

Motion by Commissioner Westerlund, seconded by Commissioner Napstad, and carried; the vote was to approve the Agenda.

III. Review January 27, 2015 Health & Human Service Board Minutes

Motion by Commissioner Westerlund, seconded by Commissioner Marcotte, and carried; the vote was to approve the Minutes as mailed/posted.

IV. Review Bills

Motion by Commissioner Napstad, seconded by Commissioner Marcotte, and carried; the vote was to approve the Bills as presented this date.

V. General/Miscellaneous Information

A. Various Housing Options – Eileen Foss reviewed the handout for housing resources. Jessica Seibert, from HRA, answered questions about various housing types/programs/availability in the county.

B. Lakes & Pines Collaborative/Wrap – Kathy Ryan discussed the developing program known as School Readiness Wrap-Around which is a collaboration between Health & Human Services and Lakes & Pines to develop in-home assistance to support parents with young children preparing to start school. It is in the planning stages and Lakes & Pines will be the employer of the worker and H&HS would contract with them. Kathy noted that to receive assistance from this program a formal Mental Health diagnosis is not needed. Potential referral sources for families to this program may come from the Lakes & Pines HeadStart program staff, Social Workers at H&HS, Home Visiting nurses at H&HS, and the schools. Ann

Rivas noted that the Aitkin Independent Age will be doing a series of articles for Health & Human Services on Mental Health in the coming months.

- C. Window Film** – Eileen Foss discussed the bulletin indicating the Feds are requiring extra security measures be put into place to comply with the FTI (Federal Tax Information) Security System. One of the solutions for our office is the window film on 17 windows. Board asked for additional information with respect to the amount of the fine and consequences for non-compliance. The Board also requested contact with Sheriff Turner as to whether or not he would agree to having film on the windows for the safety of his deputies and our staff. If he agrees with having the window film, we should resubmit the request to go on the Consent Agenda for the March 10th Board meeting.
- D. Retirement Resignation – Eileen Foss, Income Maintenance Supervisor** – The Board acknowledged Eileen’s upcoming retirement noting they were sorry and sad to see her departure from the agency and noted they appreciated her work over the past many years. (43+ years in county government)
- E. CY2015 Adult Mental Health Grant – CSP – Acceptance** – Kathy Ryan discussed the CY 2015 CSP grant dollars for Aitkin County and asked for approval to accept the money along with the Board Chair signature. Motion by Commissioner Napstad, seconded by Commissioner Niemi, and carried; the vote was to approve and authorize the Board Chair to sign the CY2015 Adult Mental Health Grant – CSP Agreement between Aitkin County and Department of Human Services for the dollar amount of \$55,418.

VI. Administrative Reports:

- A. Financial & Transportation Reports** - Kathy Ryan reviewed the reports.

VII. Joint Powers Board Reports:

- A. Tri-County Community Health Services Board (CHS) – Commissioner Westerlund / Erin Melz – Feb. 12, 2015 Meeting Minutes.**
Erin Melz reviewed the minutes and reports included with the Board packet highlighting various important points.

VIII. Committee Reports from Commissioners

- A. H&HS Advisory Committee** – Commissioners Westerlund and/or Marcotte Meeting updates from Committee Members: Jessica Seibert & Jim Carlson Draft minutes of the February 4, 2015 meeting. Jim Carlson reviewed an Operation Christmas statistical report he handed out. Commissioner Marcotte noted she has two openings from her district available on the Advisory Committee and has not been able to find candidates to fill the positions.
- B. AEOA Committee Update** – Commissioner Westerlund did not attend the last meeting.
- C. NEMOJT Committee Update** – Commissioner Napstad was unable to attend the last meeting.
- D. CJI (Children’s Justice Initiative)** – Commissioner Westerlund – Sue Tange noted they had a conversation regarding upcoming legislation.
- E. Lakes & Pines Update** – Commissioner Niemi noted there has not been a recent meeting.

**HHS BOARD
ADJOURNED**

Break: 10:12 a.m. to 10:30 a.m.

BREAK

Resident Galen Tveit thanked the Board for their decision to deny EverStar LLC’s petition for partial abandonment of County Ditch #24.

CITIZENS’ PUBLIC COMMENT

Motion by Commissioner Napstad, seconded by Commissioner Westerlund and carried, all members voting yes to approve the Consent Agenda as follows: A) Correspondence File: February 10, 2015 to February 23, 2015; B) Approve County Board Minutes: February 10, 2015; C) Approve Commissioner Warrants: General Fund \$134,491.52, Road & Bridge \$19,166.10, Health & Human Services \$996.03, State \$195.00, Trust \$22,785.90, Forest Development \$1,759.17, Long Lake Conservation Center \$6,405.92, Parks \$1,213.14 for a total of \$187,012.78; D) Approve Auditor Warrants – January Sales & Use Tax: General Fund \$305.56, Road & Bridge \$1,181.73, State \$5,576.50, Trust \$281.03, Forest Development \$-0.25, Long Lake Conservation Center \$52.32, Parks \$7.71 for a total of \$7,404.60; E) Approve 2015-2016 Aitkin County Temporary Employee Wage Scale; F) Approve Affidavits for Duplicate of Lost Municipal Order or Warrant – Treasurer’s Office: Pine County - Warrant #39130 for \$10.00, and Aitkin Body Shop - Warrant #61337 for \$93.26; G) Approve 2015 Fire Protection Contract – City of McGrath; H) Approve Contract with Government Management Group; I) Approve \$1,038.39 Payment to Voyageur Press; J) Adopt Resolution: Off Sale Liquor License – Cave Liquors

REGULAR BOARD RECONVENED

CONSENT AGENDA

Under the consent agenda, motion by Commissioner Napstad, seconded by Commissioner Westerlund and carried, all members voting to approve the contract with Government Management Group for 2014, 2015, and 2016 at a cost of \$3,600.00 annually.

GOVERNMENT MANAGEMENT GROUP

Under the consent agenda, motion for a resolution by Commissioner Napstad, seconded by Commissioner Westerlund and carried, all members voting yes to adopt resolution: Off Sale Liquor License - Cave Liquors:

BE IT RESOLVED, the Aitkin County Board of Commissioners agrees to approve the following liquor license for a period ending December 31, 2015:

**RESOLUTION
20150224-009
OFF SALE
LIQUOR LICENSE
– CAVE LIQUORS**

“OFF” Sale:

KRIM15, LLC, d/b/a **Cave Liquors** – Hazelton Township
This establishment has an address of 22852 US Hwy 169, Aitkin, MN 56431

Lori Grams, Treasurer reviewed the 2014 Fourth Quarter Investment Report with the Board.

**2014 FOURTH
QTR INVESTMENT
REPORT**

Motion for a resolution by Commissioner Marcotte, seconded by Commissioner Niemi and carried, all members voting yes to adopt resolution – Denial of EverStar, LLC Request for Partial Ditch Abandonment:

WHEREAS, a Petition was received by County Auditor Kirk Peysar dated June 6, 2014

RESOLUTION

from EverStar, LLC for the Impoundment and Diversion and Alternative Petition for Partial Abandonment; and,

WHEREAS, on August 1, 2014, the County received a letter from EverStar, LLC, seeking to change their Petition to a Petition for Partial Abandonment of a portion of County Ditch #24, pursuant to Minnesota Statutes, § 103E.806; and

WHEREAS, a public hearing was held on September, 9, 2014 and continued to October 28, 2014, November 25, 2014 and December 23, 2014. At the December 23, 2014 hearing, the County Board stated the public comment period would be open until 4:30 p.m. on January 5, 2015; and

WHEREAS, on February 4, 2015, County Staff and attorneys for the County received a letter from EverStar, LLC's attorney responding to County Engineer Welle's January 5, 2015 submission. Despite the fact the record was closed on January 5, 2015, County Staff and attorneys for the County recommended to the County Board the February 4, 2015 letter be added to the record because it was merely a summary of evidence already in the record and did not contain any new information; and

WHEREAS, in addition to comments and records from EverStar, LLC, the County also received comments and records from County Staff, the Aitkin Airport Commission, the City of Aitkin, Spencer Township and the public. All comments, evidence and records were included in the public record; and

WHEREAS, on February 10, 2015, the County Board, after reviewing and analyzing the evidence in the public record and in EverStar, LLC's counsel's February 4, 2015 letter, had deliberations on the Petition. As part of the deliberation process, the County Board presented questions to County Staff and the counsel for EverStar, LLC.

NOW, THEREFORE, based on the petition, the evidence presented at the public hearings, the Aitkin County Board of Commissioners, acting as Drainage Authority for Aitkin County Ditch #24, makes the following Findings of Fact:

1. Pursuant to Minnesota Statutes, § 103E.806, a drainage authority may direct a part of a drainage system be abandoned, if the drainage authority determines that part of the drainage system does not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and is not part of a substantial public benefit and utility.
2. Under Minnesota case law and statutes, the term substantial, as used in Minnesota Statutes § 103E.806, is not defined. The drainage authority, however, is afforded discretion to balance the purpose served against costs of continued maintenance of the ditch.
3. All interested municipalities – the Aitkin Airport Commission, the City of Aitkin and Spencer Township all opposed the Petition because they believe abandonment will negatively affect public and private property, as well as public infrastructure.
4. The Aitkin County Engineer reviewed the Petition, submissions of EverStar, LLC and County Records and determined the abandonment of County Ditch #24 is likely to cause increased stage and duration of water on upstream benefitted properties.
5. In support of his determination, the Aitkin County Engineer compared Public Record Document No. 7, Exh. 2 (drainage maps provided by EverStar, LLC) with County lidar data. Specifically, Public Record Document No. 22 (Benefited Area Map) and GIS maps prepared by the County and contained in Public Record No.

**20150224-010
DENIAL OF
EVERSTAR, LLC
REQUEST FOR
PARTIAL DITCH
ABANDONMENT**

17 show 29 acres of the Aitkin Airport are located in the County Ditch #24 assessment area and substantially benefit from County Ditch #24.

- 6. The County Board finds the position set forth in January 5, 2015 letter of the Aitkin County Engineer to be accurate and supported by the evidence.
- 7. EverStar, LLC does not dispute overland drainage is typically not nearly as efficient as channelized flow in a ditch system.
- 8. The County Board does not believe the modeling evidence in the record supports the position set forth by the Petitioner. Moreover, the County Board interpretation of the modeling is that it does show that County Ditch #24 does serve a substantial useful purpose as part of the drainage system and that it does have a substantial public benefit and utility.
- 9. Based upon the evidence presented, the costs of continued maintenance of the ditch do not outweigh the purpose served by the ditch.
- 10. The County Board's interpretation of the evidence in the record shows the property will take longer to drain and the abandonment of the ditch will result in a change in the stage and duration of flooding which will negatively impact properties remaining in the system.
- 11. Based upon the County Board's interpretation of the evidence in the record, the Board finds the portion of County Ditch #24 which is sought be abandoned does serve a substantial useful purpose as part of the drainage system to any property remaining in the system and is part of a substantial public benefit and utility.

THEREFORE, it is hereby ordered Petition for Partial Abandonment of a portion of County Ditch #24, pursuant to Minnesota Statutes, § 103E.806 is denied.

Nathan Burkett, County Administrator reviewed the 2014 year-end finances with the Board.

The Board reported on the following: Governor's Buffer Initiative, EQB, MHB, JCNRB, Wetland Legislation, State General Tax, Snake River Watershed, Amy Wyant/SHIP, ACA, CMCC, Mille Lacs Watershed, Tax Meeting, AIS, TZD.

Motion by Commissioner Westerlund, seconded by Commissioner Marcotte and carried, all members voting yes to adjourn the meeting at 12:03 p.m. until Tuesday, March 10, 2015 at 9:00 a.m.

**2014 YEAR-END
FINANCIAL
REVIEW**

**BOARD
DISCUSSION**

ADJOURN

J. Mark Wedel, Chairperson
Aitkin County Board of Commissioners

Nathan Burkett, County Administrator