

The Aitkin County Board of Commissioners met this 9th day of August, 2016 at 9:03 a.m. with the following members present: Board Chair J. Mark Wedel, Commissioners Don Niemi, Brian Napstad, and Anne Marcotte. Commissioner Laurie Westerlund was absent. County Administrator Nathan Burkett and Administrative Assistant Sue Bingham were also present.

CALL TO ORDER

Motion by Commissioner Napstad, seconded by Commissioner Niemi and carried (4-0 Westerlund absent), all members voting to approve the August 9, 2016 amended agenda. Item 5D – Approve Grant Agreement with FAA for Aitkin Airport Jet A Fuel Facility, was added.

APPROVED AGENDA

Motion by Commissioner Marcotte, seconded by Commissioner Niemi and carried (4-0 Westerlund absent), to approve the Consent Agenda as follows: A) Correspondence File: July 26, 2016 to August 9, 2016; B) Approve County Board Minutes: July 26, 2016; C) Approve Commissioner Warrants: General Fund \$237,020.37, Road & Bridge \$49,981.63, Health & Human Services \$105.60, Trust \$3,186.59, Forest Development \$1,427.82, Long Lake Conservation Center \$9,576.26, Parks \$16,310.98 for a total of \$317,609.25; D) Accept \$100 Donation to STS from Aitkin Public Utilities Commission; E) Approve MnCCC Joint Powers Agreement & Authorize Signature; F) Approve Letter of Support – Rural Rides Initiative; G) Adopt Resolution: Repurchase Application – Duffy; H) Adopt Resolution: Easement Request – Heuer; I) Adopt Resolution: Easement Request – Konsor; J) Approve Veterans Service Officer Salary Adjustment

CONSENT AGENDA

Under the consent agenda, motion for a resolution by Commissioner Marcotte, seconded by Commissioner Niemi and carried (4-0 Westerlund absent), to adopt resolution – Repurchase Application - Duffy:

WHEREAS, Tasha Duffy of 923 15th Ave No South St Paul, Mn. 55075, the former owner has made and filed an application with the County Auditor for the repurchase of the hereinafter described parcel of tax forfeited land, in accordance with the provisions of Minnesota Statutes 1945, Section 282.241, of amended, which land is situated in the County of Aitkin, Minnesota and described as follows, to-wit:

RESOLUTION 20160809-055 REPURCHASE APPLICATION - DUFFY

Plat of Indian Portage – Lots 12, 13, 14, 15 Block 25

and, WHEREAS, said applicant has set forth in his application that:

- a) a hardship and injustice has resulted because of forfeiture of said land, for the following reasons, to-wit:
- b) that the repurchase of said land by me will promote and best serve the public interest, because:
 - In the past few years of losing both my mother (2011) and father (2015) quite quickly to Stage 4 cancers, and previous to that my grandmother (2004) and cousin (2008) (like my sister) suddenly, there has been a continued hardship and tumultuous rhythm in my life. The forfeiture was unintentional and as I had moved my mother, then father, then myself, switched addresses 3 times and 2 estate closing in 4 years of each other, I inadvertently messed up my own accountabilities here. My true intention is to repurchase said land to restore my grandmother and grandfathers original intention of inheritance and put right my misstep of thinking I was okay here. All of this loss and transition

has been a huge life lesson and major change. Being the only child I intended to always do my best to follow through on all responsibilities. It would mean the world to me to be permitted / approved for repurchase and continue to make memories in Aitkin County as my family has since the 1950's. Our family still visits and own lots in this area. Thank you to everyone (Kathy) for helping to find all of the information. All my best. Tasha Duffy.

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

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

Under the consent agenda, motion for a resolution by Commissioner Marcotte, seconded by Commissioner Niemi and carried (4-0 Westerlund absent), to adopt resolution – Easement Request – Heuer:

WHEREAS, Eleanor Heuer of 844 12th Ave SE Forest Lake, Mn. 55025 has made application for a recreational road easement to her property, as follows:

That part of Government Lot 3, Section 18, Township 48, Range 24, Aitkin County, Minnesota, described as follows:

Commencing at the southwest corner of said Government Lot 3; thence north along the west line of said Government Lot 3 a distance of 150 feet to the actual place of beginning described herein; thence South 89 degrees 42 minutes East parallel with the south line of said Government Lot 3 a distance of 150 feet; thence North 47 degrees 53 minutes East, a distance of 260.3 feet to the shoreline of Townline Lake; thence northerly along the shoreline of said Townline Lake to the west line of said Government Lot 3; thence south along the west line of said Government Lot 3 a distance of 377.5 feet, more or less, to the actual place of beginning and there terminating.

ALSO

That part of Government Lot 3, Section 18, Township 48, Range 24, Aitkin County, Minnesota, described as follows:

Beginning at the southwest corner of said Government Lot 3; thence north along the west line of said Government Lot 3 a distance of 150 feet; thence South 89 degrees 42 minutes East parallel with the south line of said Government Lot 3 a distance of 150 feet; thence North 47 degrees 53 minutes East, a distance of 260.3 feet, more or less, to the shoreline of Townline Lake; thence southerly along said lakeshore of said Townline Lake to the south line of said Government Lot 3; thence North 89 degrees 42 minutes West along the south line of said Government Lot 3 a distance of 349 feet, more or less, to the place of beginning.

over and across the following tax forfeited land to wit:

A 33 foot easement for ingress and egress over and across that part of the SE ¼ of the NE ¼, NE 1/4 of the SE 1/4, NW 1/4 of the SE 1/4, NE 1/4 of the SW 1/4, NW 1/4 of the

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SW 1/4, SW 1/4 of the NW 1/4 of Section 13 and the SE 1/4 of the NE 1/4, NE 1/4 of the SE 1/4 of Section 14, all in Township 48, Range 25, Aitkin County, Minnesota, lying 16.5 feet on each side of the following described line, said line being the centerline of an existing driveway and roadway; Beginning at a point on the East line of said Section 13, distant 72.00 feet northerly of the East 1/4 corner of said Section 13 (for the purpose of this description the East-West 1/4 line for said Section 13 is to have an assumed bearing of North 87 degrees 45 minutes 45 seconds East); thence along the centerline of said driveway on the approximate courses; South 39 degrees 07 minutes 52 seconds West, 27.44 feet; thence South 21 degrees 13 minutes 39 seconds West, 126.84 feet; thence South 23 degrees 14 minutes 16 seconds East, 89.50 feet; thence South 10 degrees 40 minutes 50 seconds West, 36.55 feet; thence South 53 degrees 24 minutes 06 seconds West, 44.99 feet to the intersection of said driveway with said roadway; thence along said roadway on the approximate courses; North 89 degrees 34 minutes 14 seconds West, 244.06 feet; thence North 85 degrees 05 minutes 46 seconds West, 127.84 feet; thence South 88 degrees 45 minutes 34 seconds West, 114.35 feet; thence South 83 degrees 15 minutes 50 seconds West, 91.56 feet; thence South 89 degrees 51 minutes 20 seconds West, 210.58 feet; thence South 83 degrees 36 minutes 38 seconds West, 265.16 feet; thence South 73 degrees 54 minutes 20 seconds West, 120.37 feet; thence South 81 degrees 34 minutes 42 seconds West, 221.58 feet; thence South 88 degrees 00 minutes 13 seconds West, 81.37 feet; thence South 81 degrees 01 minute 55 seconds West, 124.19 feet; thence North 78 degrees 05 minutes 36 seconds West, 239.75 feet; thence South 89 degrees 38 minutes 14 seconds West, 67.42 feet; thence South 63 degrees 24 minutes 29 seconds West, 66.74 feet; thence South 41 degrees 27 minutes 59 seconds West, 86.15 feet; thence South 72 degrees 56 minutes 43 seconds West, 47.82 feet; thence North 87 degrees 59 minutes 41 seconds West, 289.03 feet; thence North 77 degrees 33 minutes 44 seconds West, 183.51 feet; thence North 83 degrees 48 minutes 17 seconds West, 185.62 feet; thence North 79 degrees 55 minutes 39 seconds West, 88.13 feet; thence North 84 degrees 36 minutes 36 seconds West, 97.25 feet; thence South 87 degrees 12 minutes 30 seconds West, 107.30 feet; thence South 48 degrees 05 minutes 24 seconds West, 79.68 feet; thence South 61 degrees 52 minutes 18 seconds West, 91.99 feet; thence South 83 degrees 53 minutes 18 seconds West, 175.23 feet; thence North 83 degrees 35 minutes 25 seconds West, 84.33 feet; thence South 86 degrees 30 minutes 23 seconds West, 64.84 feet; thence South 75 degrees 58 minutes 42 seconds West, 148.28 feet; thence South 67 degrees 57 minutes 22 seconds West, 128.68 feet; thence South 82 degrees 01 minute 06 seconds West, 176.36 feet; thence North 88 degrees 31 minutes 51 seconds West, 66.21 feet; thence South 73 degrees 10 minutes 16 seconds West, 67.37 feet; thence South 79 degrees 18 minutes 23 seconds West, 130.00 feet; thence South 86 degrees 54 minutes 17 seconds West, 224.29 feet; thence North 80 degrees 12 minutes 44 seconds West, 172.19 feet; thence North 50 degrees 28 minutes 19 seconds West, 119.08 feet; thence North 58 degrees 32 minutes 32 seconds West, 222.66 feet; thence North 39 degrees 42 minutes 25 seconds West, 45.99 feet; thence North 52 degrees 58 minutes 40 seconds West, 67.14 feet; thence North 75 degrees 23 minutes 39 seconds West, 269.44 feet; thence North 84 degrees 21 minutes 43 seconds West, 147.69 feet; thence South 86 degrees 17 minutes 48 seconds West, 82.72 feet; thence North 68 degrees 04 minutes 54 seconds West, 34.55 feet; thence North 13 degrees 58 minutes 38 seconds West, 32.50 feet; thence North 03 degrees 45 minutes 54 seconds West, 145.06 feet; thence North 08 degrees 08 minutes 35 seconds West, 153.57 feet to the centerline of 438th Lane and there terminating.

WHEREAS, said applicant will pay \$4,945.40 for the easement as appraised by the County Land Commissioner in the following manner: \$400.00 paid upon application and the balance of \$4,445.40 upon resolution by the County Board, and

WHEREAS, the following terms shall apply to this easement:

1. The road shall be constructed and maintained by the grantee or permittee without any cost to the County of Aitkin and shall be open for public use, as long as said easement is in force.
2. No timber has been charged for on this easement, If any timber is cut or destroyed, it shall be paid for at the usual rate as soon as determined by the Land Commissioner.
3. Aitkin County manages County owned and tax-forfeited lands to produce direct and indirect revenue for the taxing districts. This management includes the harvesting and extraction of timber, gravel, minerals, and other resources. The issuing and use of this easement shall not adversely affect the management and harvesting of timber and other resources on County owned and tax forfeited land. If for any reason, including township or county road construction or reconstruction, the easement needs to be relocated, the county and township will not be responsible for any relocation costs.
4. Any such easement may be canceled by resolution of the County Board for any substantial breach of its terms or if at any time, its continuance will conflict with public use of the land, or any time thereof, on which it is granted, after ninety (90) days written notice, addressed to the record owner of the easement at the last known address.
5. Land affected by this easement may be sold or leased for any legal purpose, but such sale or lease shall be subject to this easement and excepted from the conveyance or lease, while such easement remains in force.
6. Failure to use the right of way described in this document for the purpose for which this easement is granted for a period of five years, shall result in the cancellation of this easement and any rights granted to the grantee by this easement shall cease to exist and shall revert to the grantor.
7. Road construction design and use shall not adversely affect the drainage of any lands. Best management practices for the protection of water quality must be followed.
8. All Federal, State, and local laws, ordinances rules, and regulations regarding wetlands, construction of road, placement of fill material, and disposal of excavated material shall be followed and are the responsibility of the grantee.
Upon termination of this easement, the grantee shall promptly remove all lines, wires, poles and other personal property and restore said lands to proper condition at no cost to the lessor. If the lessee fails to do so within 60 days of termination, the lessor shall have the right to remove said personal property and restore said land in which event the lessee shall promptly reimburse the lessor for all costs incurred plus 15%.
9. Any land survey markers or monuments, disturbed, moved or destroyed during the construction or maintenance of this easement area shall be replaced and restored at the expense of the applicant. If not replaced or restored by the applicant, the County may restore said monument and the applicant shall be

responsible for all costs of said replacement and restoration plus 15%.

- 10. The existing forest access road may be temporarily gated or closed by the County or Minnesota Department of Natural Resources to protect the road and resources. This use restriction applies to all uses of the road including the grantee.

WHEREAS, the Aitkin County Land Commissioner, after making an investigation of such application, has advised that he finds no objection to granting such permit and easement.

NOW THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes, Section 282.04, Subdivision 4, the County Auditor is hereby authorized to issue a recreational road easement to use said strip of land for a recreational road easement into her properties, if consistent with the law, and the special conditions set forth on the recorded easement, over and across the above described property. This easement will be issued to Eleanor Heuer, her heirs and assigns if approved by the Aitkin County Board.

Under the consent agenda, motion for a resolution by Commissioner Marcotte, seconded by Commissioner Niemi and carried (4-0 Westerlund absent), to adopt resolution – Easement Request – Konsor:

WHEREAS, Benjamin and Barbara Konsor of 28053 378th St Aitkin, Mn. 56431 has made application for a residential easement to their property, as follows:

Southwest Quarter of the Southwest Quarter Section Eighteen (18) Township Forty-seven (47) Range Twenty-four (24)

over and across the following tax forfeited land to wit:

A 66.00 foot easement for ingress and egress over and across that part of the SE 1/4 of the SW 1/4 of Section 18, Township 47, Range 24, Aitkin County, Minnesota, lying 16.50 feet on each side of the following described line; Commencing at the Southeast corner of said SE 1/4 of the SW 1/4; thence on an assumed bearing of North 88 degrees 24 minutes 51 seconds West, along the South line of said SE 1/4 of the SW 1/4, a distance of 309.94 feet; thence North 01 degrees 35 minutes 09 seconds East, 161.94 feet to a point on the centerline of 257th Place, said point being the point of beginning of the line herein described; thence South 64 degrees 26 minutes 19 seconds West, 110.10 feet; thence South 81 degrees 53 minutes 42 seconds West, 132.12 feet; thence South 68 degrees 24 minutes 55 seconds West, 114.37 feet; thence North 87 degrees 57 minutes 04 seconds West, 497.09 feet; thence South 88 degrees 51 minutes 06 seconds West, 159.60 feet to the West line of said SE 1/4 of the SW 1/4 and there terminating. The sidelines of said easement shall be prolonged or shortened to terminate on the Westerly right of way line of 257th Place and the West line of said SE 1/4 of the SW 1/4.

WHEREAS, said applicant will pay \$2,376.79 for the easement as appraised by the County Land Commissioner in the following manner: \$400.00 paid upon application and the balance of \$1,976.79 upon resolution by the County Board, and

WHEREAS, the following terms shall apply to this easement:

- 11. The road shall be constructed and maintained by the grantee or permittee without

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any cost to the County of Aitkin and shall be open for public use, as long as said easement is in force.

12. No timber has been charged for on this easement. If any timber is cut or destroyed, it shall be paid for at the usual rate as soon as determined by the Land Commissioner.
13. Aitkin County manages County owned and tax-forfeited lands to produce direct and indirect revenue for the taxing districts. This management includes the harvesting and extraction of timber, gravel, minerals, and other resources. The issuing and use of this easement shall not adversely affect the management and harvesting of timber and other resources on County owned and tax forfeited land. If for any reason, including township or county road construction or reconstruction, the easement needs to be relocated, the county and township will not be responsible for any relocation costs.
14. Any such easement may be canceled by resolution of the County Board for any substantial breach of its terms or if at any time, its continuance will conflict with public use of the land, or any time thereof, on which it is granted, after ninety (90) days written notice, addressed to the record owner of the easement at the last known address.
15. Land affected by this easement may be sold or leased for any legal purpose, but such sale or lease shall be subject to this easement and excepted from the conveyance or lease, while such easement remains in force.
16. Failure to use the right of way described in this document for the purpose for which this easement is granted for a period of five years, shall result in the cancellation of this easement and any rights granted to the grantee by this easement shall cease to exist and shall revert to the grantor.
17. Road construction design and use shall not adversely affect the drainage of any lands. Best management practices for the protection of water quality must be followed.
18. All Federal, State, and local laws, ordinances rules, and regulations regarding wetlands, construction of road, placement of fill material, and disposal of excavated material shall be followed and are the responsibility of the grantee.
 Upon termination of this easement, the grantee shall promptly remove all lines, wires, poles and other personal property and restore said lands to proper condition at no cost to the lessor. If the lessee fails to do so within 60 days of termination, the lessor shall have the right to remove said personal property and restore said land in which event the lessee shall promptly reimburse the lessor for all costs incurred plus 15%.
19. Any land survey markers or monuments, disturbed, moved or destroyed during the construction or maintenance of this easement area shall be replaced and restored at the expense of the applicant. If not replaced or restored by the applicant, the County may restore said monument and the applicant shall be responsible for all costs of said replacement and restoration plus 15%.

WHEREAS, the Aitkin County Land Commissioner, after making an investigation of such application, has advised that he finds no objection to granting such permit and

<p>easement;</p> <p>NOW THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes, Section 282.04, Subdivision 4, the County Auditor is hereby authorized to issue a residential road easement to use said strip of land for a recreational road easement into their properties, if consistent with the law, and the special conditions set forth on the recorded easement, over and across the above described property. This easement will be made to Benjamin and Barbara Konsor, their heirs and assigns if approved by the Aitkin County Board.</p>	
<p>Under the consent agenda, motion by Commissioner Marcotte, seconded by Commissioner Niemi and carried (4-0 Westerlund absent) to approve Personnel Committee’s recommendation of a \$1,500.00 annual increase for Penny Harms, Veterans Service Officer, effective July 1, 2016. This salary adjustment is in recognition of extra duties and responsibilities related to supervising PT Assistant VSO.</p>	<p>SALARY ADJUSTMENT – VETERANS SERVICE OFFICER</p>
<p>Motion by Commissioner Napstad, seconded by Commissioner Niemi and carried (4-0 Westerlund absent), to appoint the following three members as 2016 Minnesota Association of Community Corrections ACT Counties (MACCAC) delegates: Elizabeth DeRuyck, Community Corrections Director, Commissioner Laurie Westerlund, and Commissioner Anne Marcotte.</p>	<p>MACCAC DELEGATES</p>
<p>Motion by Commissioner Marcotte, seconded by Commissioner Niemi and carried (4-0 Westerlund absent), to approve the 2015 Aitkin County Highway Department Annual Report.</p>	<p>2015 HIGHWAY DEPT ANNUAL REPORT</p>
<p>County Administrator Nathan Burkett, Environmental Services Director Terry Neff, and Sheriff Scott Turner, discussed lake levels with the Board. Area residents also voiced their opinions and concerns. No action was taken, and all lake restrictions expired.</p>	<p>SLOW-NO WAKE LAKE RESTRICTIONS</p>
<p>Commissioner Brian Napstad, as a member of the Facilities Committee, updated the Board on the committee’s progress. Three different facility concepts were reviewed which address centralizing offices for ease of public access, security, and safety. Motion by Commissioner Marcotte, seconded by Commissioner Niemi and carried (4-0 Westerlund absent) to petition the City of Aitkin to vacate the portion of 3rd Avenue NW between 1st Street NW and 2nd Street NW.</p>	<p>FACILITIES UPDATE</p>
<p>Motion by Commissioner Niemi, seconded by Commissioner Napstad and carried (4-0 Westerlund absent) to approve FAA Grant Agreement for Aitkin Airport Jet A Fuel Facility</p>	<p>AITKIN AIRPORT FAA GRANT AGREEMENT</p>
<p>Motion by Commissioner Napstad, seconded by Commissioner Marcotte and carried (4-0 Westerlund absent) to close the meeting at 10:48 a.m. under MN Statute 13D.05 Attorney Client Privilege – EverStar vs. Aitkin County.</p>	<p>CLOSED SESSION</p>
<p>Motion by Commissioner Marcotte, seconded by Commissioner Niemi and carried (4-0 Westerlund absent) to reopen the meeting at 11:56 a.m.</p>	<p>REOPEN MEETING</p>

The Board discussed the following: AIS, Facilities, ECRL, NACO, Hill City storm response, National Night Out, and Historical Society.

**BOARD
DISCUSSION**

Motion by Commissioner Napstad, seconded by Commissioner Marcotte and carried (4-0 Westerlund absent), to adjourn the meeting at 12:20 p.m. until Tuesday, August 23, 2016 at 9:00 a.m.

ADJOURN

J. Mark Wedel, Board Chair
Aitkin County Board of Commissioners

Nathan Burkett, County Administrator