

AITKIN COUNTY BOARD

28
August 13, 2019

The Aitkin County Board of Commissioners met this 13th day of August, 2019 at 9:00 a.m., at the Aitkin Public Library, with the following members present: Board Chair Anne Marcotte, Commissioners J. Mark Wedel, Laurie Westerlund, Don Niemi, Bill Pratt, County Administrator Jessica Seibert and Administrative Assistant Sue Bingham.

CALL TO ORDER

Motion by Commissioner Pratt, seconded by Commissioner Westerlund and carried, all members voting yes to approve the August 13, 2019 amended agenda. Agenda Item 7B – Timber Permit Extension Request, was added.

**APPROVED
AGENDA**

Motion by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to approve the Consent Agenda as follows: A) Correspondence File: July 23, 2019 to August 12, 2019; B) Approve County Board Minutes: July 23, 2019; C) Approve Electronic Funds Transfers: \$1,173,146.02; D) Approve 7-26-19 Commissioner Warrants: General Fund \$186,259.96, Road & Bridge \$218,792.06, Health & Human Services \$9,854.95, State \$360.00, Trust \$19,489.45, Forest Development \$15,961.15, Agency \$68.00, Long Lake Conservation Center \$11,040.52, Parks \$37,265.99 for a total of \$499,092.08; E) Approve 8-9-19 Commissioner Warrants: General Fund \$132,422.70, Road & Bridge \$129,900.39, Health & Human Services \$21,113.85, State \$7,778.50, Trust \$30,996.91, Forest Development \$497.50, Long Lake Conservation Center \$2,508.53, Parks \$6,546.52 for a total of \$331,764.90; F) Approve Auditor Warrants – Period One Tax Overpays: Taxes & Penalties \$6,704.16; G) Approve Auditor Warrants – Contegrity: Capital Project \$417,219.42; H) Approve Manual Warrants: General Fund \$25.00, Road & Bridge \$3,971.99 for a total of \$3,996.99; I) Adopt Resolution: LG214 Premises Permit – Tamarack Snow-Flyers; J) Adopt Resolution: LG220 Application for Exempt Permit – The Ruffed Grouse Society; K) Adopt Resolution: LG220 Application for Exempt Permit – Lawler Area Community Club; L) Adopt Resolution: Large Assembly License – White Pine Logging; M) Adopt Resolution: Frontier Communications Convert Annual Leases to Perpetual Easement; N) Adopt Resolution: Aitkin Airport Expansion – Runway Protection Zone; O) Approve Amended Recycling Agreement; P) Adopt Resolution: Award Contract No. 20196

**CONSENT
AGENDA**

Under the consent agenda, motion for a resolution by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to adopt resolution – LG214 Premises Permit – Tamarack Sno-Flyers:

**RESOLUTION
20190813-057
LG214
PREMISES
PERMIT –
TAMARACK
SNO-FLYERS**

BE IT RESOLVED, the Aitkin County Board of Commissioners agrees to approve the following Premises Permit Application - Form LG214, of the Tamarack Sno-Flyers, at 202 Tavern LLC. This establishment has an address of 49482 202nd Place, McGregor, MN 55760

Under the consent agenda, motion for a resolution by Commissioner Wedel seconded by Commissioner Niemi and carried, all members voting yes to adopt resolution – LG220 Application for Exempt Permit – The Ruffed Grouse Society:

**RESOLUTION
20190813-058
LG220
APPLICATION
FOR EXEMPT
PERMIT – THE
RUFFED
GROUSE
SOCIETY**

BE IT RESOLVED, the Aitkin County Board of Commissioners agrees to approve the Application for Exempt Permit – Form LG220 – of the Ruffed Grouse Society / Aitkin Chapter, at the following location – The Landing, which has an address of 170 Southgate Drive, Aitkin, MN 56431 – Aitkin Township. (Note: Date of activity for Raffle – September 12, 2019)

Under the consent agenda, motion for a resolution by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to adopt resolution – LG220 Application for Exempt Permit – Lawler Area Community Club:

BE IT RESOLVED, the Aitkin County Board of Commissioners agrees to approve the Application for Exempt Permit – Form LG220 – of the Lawler Area Community Club, at the following location – Jackson’s Hole, which has an address of 36232 Kestrel Avenue, MN 55760 – Salo Township. (Note: Date of activity for Raffle – November 16, 2019)

**RESOLUTION
20190813-059
LG220
APPLICATION
FOR EXEMPT
PERMIT –
LAWLER AREA
COMMUNITY
CLUB**

Under the consent agenda, motion for a resolution by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to adopt resolution – Large Assembly License – White Pine Logging:

BE IT RESOLVED, the Aitkin County Board of Commissioners agrees to approve the following Application for Large Assembly:

**RESOLUTION
20190813-060
LARGE
ASSEMBLY
LICENSE –
WHITE PINE
LOGGING**

White Pine Logging & Threshing Show – Williams Township.

This is scheduled to take place August 31st, September 1st & 2nd, 2019 from 7:00 A.M. to 12:00 Midnight.

Under the consent agenda, motion for a resolution by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to adopt resolution – Frontier Communications Convert Annual Leases to Perpetual Easement:

Easement

Pursuant to the authority given to the County Auditor of Aitkin County, by the County Board of said County of Aitkin, as set forth in their resolution adopted by the County on August 13, 2019 to, Frontier Communications of P.O. Box 368, Mountain Lake, MN 56159, a perpetual easement to construct and maintain a utility easement lying over, under, and across the following Aitkin County managed lands to wit:

**RESOLUTION
20190813-061
FRONTIER
COMM.
CONVERT
ANNUAL
LEASES TO
PERPETUAL
EASEMENT**

The easement is described as follows:

Lease #15210	Soo Line RR R/W encroachments west of MP 211 at McGrath, Mn survey station 1249-80	NE NW all in Sec 5, Twp 43, Rge 23
Lease #23563	Soo Line RR R/W 2061+85 approx. 4,032’ west of MP 280 at Palisade, Mn.	SW NW all in Sec 26, Twp 49, Rge 26
Lease #15656	Soo Line RR R/W – 1 anchor encroachment W of MP 209 at McGrath, Mn survey station 1279+68	SE SE all in Sec 32, Twp 44, Rge 23
Lease #14870	Soo Line RR R/W overhead wire crossing, 2	NE NW all in Sec 27, Twp 47, Rge 22

	pole encroachments W of MP 258 Lawler, Mn survey station 901+74	
Lease #19818	Soo Line RR lease 2036+25 approx. 1,100 feet E of MP 281 Palisade, Mn.	SW NW all in Sec 26, Twp 49, Rge 26
Lease #23005	Soo Line RR lease survey station 2116+03 approx. 4,170 feet W of MP 281 Palisade, Mn.	NE SW all in Sec 22, Twp 49, Rge 25
Lease #15874A	Soo Line RR lease overhead wire crossing w/ 2 poles and 6 anchor encroachment at survey station 2098+18 approx. 2,383 feet W of MP 281 Palisade, Mn.	SW SE all in Sec 22, Twp 49, Rge 25
Lease #28598	Soo Line RR ROW easement McGregor to east county line	NE ¼ of SE ¼, NW ¼ of SE ¼, SW ¼ of NE ¼, SE ¼ of NW ¼, SW ¼ of NW ¼ all in Sec 25, Twp 47, Rge 22; SE ¼ of NE ¼, SW ¼ of NE ¼, NW ¼ of NE ¼, SE ¼ of NW ¼, NE ¼ of NW ¼, NW ¼ of NW ¼, SW ¼ of NW ¼ all in Sec 26, Twp 47, Rge 22; NE ¼ of NE ¼, NW ¼ of NE ¼, NE ¼ of NW ¼, NW ¼ of NW ¼ all in Sec 27, Twp 47, Rge 22; NE ¼ of NE ¼, NW ¼ of NE ¼, NE ¼ of NW ¼, NW ¼ of NW ¼ all in Sec 28, Twp 47, Rge 22; NE ¼ of NE ¼, NW ¼ of NE ¼, NE ¼ of NW ¼ all in Sec 29, Twp 47, Rge 22; SE ¼ of SW ¼; SW ¼ of SW ¼ all in Sec 20, Twp 47, Rge 22; SE ¼ of SE ¼, SW ¼ of SE ¼, SE ¼ of SW ¼, SW ¼ of SW ¼ all in Sec 19, Twp 47, Rge 22; SE ¼ of SE ¼; NE ¼ of SE ¼; NW ¼ of SE ¼;

<p>Lease #28598 (Continued)</p>		<p>NE ¼ of SW ¼; SE ¼ of NW ¼; SW ¼ of NW ¼; NW ¼ of NW ¼ all in Sec 24, Twp 47, Rge 23;</p> <p>NE ¼ of NE ¼ all in Sec 23, Twp 47, Rge 23;</p> <p>SE ¼ of SE ¼; SW ¼ of SE ¼; SE ¼ of SW ¼; NE ¼ of SW ¼; NW ¼ of SW ¼; SW ¼ of NW ¼ all in Sec 14, Twp 47, Rge 23;</p> <p>SE ¼ of NE ¼; NE ¼ of NE ¼; NW ¼ of NE ¼; NE ¼ of NW ¼ all in Sec 15, Twp 47, Rge 23;</p> <p>SE ¼ of SW ¼; SW ¼ of SW ¼; NW ¼ of SW ¼ all in Sec 10, Twp 47, Rge 23;</p> <p>NE ¼ of SE ¼; SE ¼ of NE ¼; SW ¼ of NE ¼; NW ¼ of NE ¼; NE ¼ of NW ¼; NW ¼ of NW ¼ all in Sec 9, Twp 47, Rge 23;</p> <p>SW ¼ of SW ¼ all in Sec 4, Twp 47, Rge 23</p> <p>SE ¼ of SE ¼; NE ¼ of SE ¼; NW ¼ of SE ¼; SW ¼ of NE ¼; SW ¼ of NW ¼; SE ¼ of NW ¼; Govt Lot 4 (NW-NW); Govt Lot 3 (NE-NW) all in Sec 5, Twp 47, Rge 23;</p> <p>Govt Lot 1 (NE-NE); Govt Lot 2 (NW-NE) all in Sec 6, Twp 47, Rge 23;</p> <p>SW ¼ of SW ¼ all in Sec 30, Twp 48, Rge 23;</p> <p>SE ¼ or SE ¼; NE ¼ of SE ¼; NW ¼ of SE ¼; SW ¼ of NE ¼; SE ¼ of NW ¼ all in Sec 31, Twp 48, Rge 23</p>	
<p>Lease #365123</p>	<p>Part of SE-SW 36-51-23</p>	<p>SE SW all in Sec 36, Twp 51, Rge 23</p>	
<p>Lease #134825</p>	<p>Part of E ½-NE of 13-48-</p>	<p>SW NW, N NW, N NE</p>	

	25 (McGregor exchange)	all in Sec 13, Twp 48, Rge 25
Lease #144825	Part of NE-SE, SE-NE 14-48-25 and SW-NW, N 1/2-N 1/2 13-48-25	NE SE all in Sec 14, Twp 48, Rge 25

WHEREAS, said applicant will be charged \$9,250 for the easement and timber charges as appraised by the County Land Commissioner, and

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, and

NOW THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes, Section 282.04, Subdivision 4, the County Auditor be and is hereby authorized to issue to Frontier Communications of P.O. Box 368, Mountain Lake, MN 56159 a perpetual easement to use said strip of land, if consistent with the law, as in the special conditions set forth herein,

BE IT FURTHER RESOLVED, that said easement be granted, subject to the following terms, and conditions:

1. The communication infrastructure shall be constructed and maintained by the grantee or permittee without any cost to the County of Aitkin and the land area shall be open for public use, as long as said easement is in force.
2. Any timber cut or destroyed shall be paid for at the usual rate as soon as determined by the Land Commissioner. (Timber has been included in the easement costs.)
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 part 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. Aitkin County manages the property for many purposes such as a motorized and non-motorized recreation trails, access to county managed and other lands for resource management purposes, including the harvesting of timber, extraction of gravel, peat, fill dirt, etc, and the mining and extraction of minerals. The issuing and use of this easement shall not adversely affect any other Aitkin County authorized uses of this strip of land.
- 8. After construction, the lessee shall mark the location of the utilities and shall return the land to the same condition as prior to issuing of the easement.
- 9. If the County shall make any improvements or changes on all or any part of its property upon which utilities have been placed by this permit, the utility owner shall, after notice from the County, change vacate, or remove from County property said works necessary to conform with said changes without cost whatsoever to the County.

Under the consent agenda, motion for a resolution by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to adopt resolution – Aitkin Airport Expansion – Runway Protection Zone:

WHEREAS, the Airport Commission has resolved to expand the Aitkin airport (Steve Kurtz Field) runway protection zone necessitating acquisition of the Property by the County, and

WHEREAS, County has the power of eminent domain to cause a taking of the Property and would initiate a taking of the Property if Seller fails to sell the Property to County, and

WHEREAS, in lieu of County exercising its eminent domain power, the County has agreed to buy from Seller, and Seller has agreed to sell to County, the Property pursuant to the terms and conditions of the Purchase Agreement made between Richard J. Fannemel and Penny L. Fannemel, husband and wife, having an address of 703 Minnesota Avenue South, Aitkin, Minnesota 56431 ("Seller") and the County of Aitkin, a political subdivision of the State of Minnesota having an address of 217 2nd St. NW, Aitkin, Minnesota 56431 ("County"), and

WHEREAS, Seller is the fee owner of certain real property comprised of 19.25 acres of rural vacant land located in Aitkin County, Minnesota and legally described as follows:

The Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4) of Section Nineteen (19), Township Forty-seven (47), Range Twenty-six (26)

EXCEPT

A parcel of land in the Northeast Quarter of the Northeast Quarter (NE 1/4 of NE1/4) of Section Nineteen (19), Township Forty-seven (47), Range Twenty-six (26), described as follows:

Beginning at the northwest corner of said Northeast Quarter of the Northeast Quarter; thence on an assumed bearing of North 87 degrees 48 minutes 30 seconds East along the north line of said Northeast Quarter of the Northeast Quarter, 663.91 feet; thence South 02 degrees 48 minutes

**RESOLUTION
20190813-062
AITKIN AIRPORT
EXPANSION –
RUNWAY
PROTECTION
ZONE**

16 seconds East, 1323.56 feet to the south line of said Northeast Quarter of the Northeast Quarter; thence South 87 degrees 57 minutes 40 seconds West along said south line, 702.76 feet to the southwest corner of said Northeast Quarter of the Northeast Quarter; thence North 01 degree 07 minutes 18 seconds West along the west line of said Northeast Quarter of the Northeast Quarter, 1321.84 feet to the point of beginning.

NOW THEREFORE, BE IT RESOLVED, that having considered the facts relating to the Purchase Agreement, and having reviewed the Purchase Agreement, the County Board hereby approves the Purchase Agreement and directs that the Purchase Agreement be executed by the County Board Chair and County Administrator, and be placed on file in the office of the County Administrator.

Under the consent agenda, motion by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to approve amendments to the recycling agreement with Garrison Disposal, as presented.

AMENDMENTS TO RECYCLING AGREEMENT

Under the consent agenda, motion for a resolution by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to adopt resolution – Award Contract No. 20196:

WHEREAS, Contract No. 20196 is for construction of S.P 001-070-006, and

WHEREAS, sealed bids were opened for this project at 2:00 p.m. on Monday, July 29, 2019 with a total of five bids received, and

WHEREAS, Design Electrical Contractors, Inc., St. Cloud, MN was the lowest responsible bidder in the amount of \$129,477.

THEREFORE, BE IT RESOLVED, that Design Electrical Contractors, Inc. is awarded Contract No. 20196.

RESOLUTION 20190813-063 AWARD CONTRACT NO. 20196

BE IT FURTHER RESOLVED, that the chairperson of the Aitkin County Board and the Aitkin County Administrator 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.

Motion by Commissioner Pratt, seconded by Commissioner Westerlund and carried, all members voting yes to approve creating and filling a full-time Office Assistant II position, Grade 3, as recommended by the Personnel Committee, and to authorize the Payroll Technician transfer to HR by September 1, 2019.

NEW FT OFFICE ASSISTANT II & PAYROLL TECHNICIAN TRANSFER

Motion by Commissioner Wedel, seconded by Commissioner Pratt and carried, all members voting yes to approve budgeted purchase of (3) 2020 Ford 3.3L V6 AWD Policy Utility Vehicles from Aitkin Motors for \$33,975.00 each, for a total cost of \$101,925.00.

2019 SQUAD PURCHASES

<p>Jessica Seibert, County Administrator discussed the following with the Board:</p> <ul style="list-style-type: none"> • Proposed New Aitkin County Logo • 2020 Proposed Appropriations and Dues Presentation • 2020 Proposed General Government Budget Presentation <p>No action was taken.</p> <p>Sheriff Dan Guida reviewed and discussed the proposed 2020 Sheriff’s Office budget with the Board.</p> <p>Rich Courtemanche, Land Commissioner reviewed and discussed the proposed 2020 Land Department budget with the Board.</p> <p>Motion by Commissioner Westerlund, seconded by Commissioner Wedel and carried, all members voting yes to approve Brian Vierkandt’s extension request for Timber Permits #13702 and #13721, as presented.</p> <p>Motion by Commissioner Pratt, seconded by Commissioner Niemi and carried, all members voting yes to approve Community Partner Broadband Grant of \$5,000 each for Mille Lacs Energy Cooperative, SCI Broadband, and Emily Cooperative Telephone Company. This \$15,000 will be taken from the remaining \$150,000 in the Aitkin County Broadband Grant program.</p> <p>John Welle, County Engineer updated the Board on the progress of the CSAH 25 project.</p> <p>John Welle, County Engineer gave the Board an update on the CSAH 3 project (TH232 turnback). Motion for a resolution by Commissioner Westerlund, seconded by Commissioner Pratt and carried, all members voting yes to adopt resolution – CSAH 3 Project – Authorize Eminent Domain:</p> <p>WHEREAS, the Aitkin County Highway Department is developing construction plans for S.A.P. 001-603-018 (hereinafter “Project”) to reconstruct the 3.2-mile segment of Aitkin County State-Aid Highway (CSAH) No. 3 from 6 miles east of the City of Palisade to TH 65 as directed by the Aitkin County Board of Commissioners; and</p> <p>WHEREAS, the Project work consists of reconstructing the entire roadway including grading, culvert replacements, drainage improvements, aggregate base and bituminous paving on said County State-Aid Highway No. 3 to provide for the safety of the traveling public; and</p> <p>WHEREAS, in addition to the existing easements, certain land and interests therein are required to construct the Project; and</p> <p>WHEREAS, the land and interests therein which are needed to construct the Project are described in Aitkin County Highway Right of Way Plat No. 20 and Aitkin County Highway Right of Way Plat No. 21, which are attached hereto (hereinafter “New Right of Way”); and</p>	<p>COUNTY ADMINISTRATOR DISCUSSIONS</p> <p>PROPOSED 2020 SHERIFF’S OFFICE BUDGET</p> <p>PROPOSED 2020 LAND DEPT. BUDGET</p> <p>TIMBER PERMIT EXTENSION REQUEST</p> <p>COMMUNITY PARTNER BROADBAND GRANTS</p> <p>CSAH 25 PROJECT</p> <p>CSAH 3 PROJECT</p> <p>RESOLUTION 20190813-064 CSAH 3 PROJECT – AUTHORIZE EMINENT DOMAIN</p>
---	---

WHEREAS, the Aitkin County Board of Commissioners wishes to begin construction of the Project in the spring of 2020; and

WHEREAS, to begin construction of the Project in the spring of 2020, the County will require title and possession of the New Right of Way prior to the filing of an award by the court-appointed commissioners pursuant to the provisions of Minn. Stat. sec. 117.042; and

WHEREAS, the Aitkin County Board of Commissioners previously authorized the Aitkin County Engineer to proceed to acquire the New Right of Way in accordance with the Minnesota Statutes.

NOW THEREFORE BE IT RESOLVED, that the Aitkin County Board of Commissioners hereby authorizes the acquisition of the New Right of Way, that cannot be successfully acquired through negotiation, by eminent domain and to quick take title and possession thereto prior to the filing of an award by the court-appointed commissioners pursuant to Minn. Stat. sections 117.011 and 117.042.

BE IT FURTHER RESOLVED that the Aitkin County Board of Commissioners hereby requests that the Aitkin County Attorney file the necessary petition therefore, and to proceed with such action to a successful conclusion or until it is abandoned, dismissed, or terminated by the County or the court.

Jessica Seibert, County Administrator updated the Board on the following:

- Joint AMC/MCIT Training
- Excel Meeting in Duluth
- Government Center Construction Progress

The Board discussed: Economic Development, McGregor Airport, NRAC, HRA, DAC, 1W1P, CARE, Budget, Pictometry, Personnel, Aitkin Airport, Active Shooter Exercise, Census, KKIN, Facilities, and NCLUCB.

Motion by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to adjourn the meeting at 12:17 p.m. until Tuesday, August 27, 2019 at the Aitkin Public Library.

COUNTY ADMINISTRATOR UPDATES

BOARD DISCUSSION

ADJOURN

Anne Marcotte, Board Chair
Aitkin County Board of Commissioners

Jessica Seibert, County Administrator