

AITKIN COUNTY BOARD

July 12, 2022

<p>The Aitkin County Board of Commissioners met this 12th day of July, 2022 at 9:03 a.m. at the Aitkin Government Center with the following members present: Board Chair J. Mark Wedel, Commissioners Donald Niemi, Ann Marcotte, Brian Napstad, Laurie Westerlund, County Administrator Jessica Seibert, and Administrative Assistant Brittany Searle.</p> <p>Motion made by Commissioner Napstad, seconded by Commissioner Niemi and carried, all voting yes to approve the July 12, 2022 agenda.</p> <p>There was no Citizens' Public Comment</p> <p>Motion by Commissioner Marcotte, seconded by Commissioner Niemi and carried, all members voting yes to approve the Consent Agenda as follows.</p> <p>A) Correspondence File June 28, 2022 to July 11, 2022; B) Approve June 28, 2022 County Board Minutes; C) Approve Electronic Funds Transfers \$4,304,180.45; D) Approve Commissioner Vouchers: General Fund \$288,944.14, Reserves \$3,258.48, Road & Bridge \$308,144.60, Health & Human Services \$4,427.46, Trust \$36,029.35, Forest Development \$1,274.44, Townships/Cities/ARDC/Ambulance \$34,481.18, Long Lake Conservation Center \$6,274.39, Parks \$38,797.33 for a total of \$721,631.37; E) Approve Manual Warrants/Voids/Corrections – ELAN Paid 06.23.2022: General Fund \$5,207.48, for a total of \$5,207.48; F) Approve Manual Warrants/Voids/Corrections – MTG Reg and Deed Tax, NSF Check: General Fund \$25.00, State \$88,575.87 for a total of \$88,600.87; G) Approve Manual Warrants/Voids/Corrections – Camping Refund 06.29.2022: Parks \$90.00, for a total of \$90.00; H) Approve Manual Warrants/Voids/Corrections – Returned Payment, Unable to Locate: Taxes & Penalties \$21.60, for a total of \$21.60; I) Approve Manual Warrants/Voids/Corrections – Returned Payments, Not Authorized and Stop Payment: General Fund \$30.00, Taxes & Penalties \$1,738.96 for a total of \$1,768.96; J) Approve Manual Warrants/Voids/Corrections – LLCC Credit Card Fees and Camping Refund: LLCC \$548.88, for a total of \$548.88; K) Approve Temp On-Sale Liquor License-Isle Lions Club; L) Adopt Resolution: Appointment of Mail and Absentee Ballot Board; M) Adopt Resolution: LG230 Application-Aitkin Fire Relief Association; N) Adopt Resolution: LG214 Premises Permit-Minnewawa Sportsmen's Club; O) Adopt Resolution: Final Contract Payment-Contract No. 20216; P) Adopt Resolution: Final Contract Payment-Contract No. 20198;</p> <p>Under the consent agenda, motion by Commissioner Marcotte, seconded by Commissioner Niemi and carried, all members voted to approve – Temp On-Sale Liquor License-Isle Lions Club.</p>	<p>Call to Order</p> <p>Approved Agenda</p> <p>Citizens' Public Comment</p> <p>Consent Agenda</p>
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Under the consent agenda, motion by Commissioner Marcotte, seconded by Commissioner Niemi and carried, all members voted to adopt resolution: Appointment of Mail and Absentee Ballot Board;

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 2022 Primary and General Election:

Paulette	Anderson
Cathy	Buhlmann
Sharon	Dotzler
Nancy	Eddy
Roberta C	Elvecrog
Ron	Fox
Marcia	Hills
Sara	Math
Mary Jo	Newman
Gail	Pullis
Sandra	Shade
Mary	Swanson
Victoria	Anderson

BE IT ALSO RESOLVED, the Aitkin County Board of Commissioners grants the County Auditor the right to add or remove Election Judges when appropriate throughout the 2022 Election season.

Under the consent agenda, motion by Commissioner Marcotte, seconded by Commissioner Niemi and carried, all members voted to adopt resolution: LG230 Application-Aitkin Fire Relief Association;

BE IT RESOLVED, the Aitkin County Board of Commissioners agrees to approve the Application to Conduct Off-Site Gambling - Form LG230 - of the Aitkin Fire Relief Association, at the following location – 632 Minnesota Ave N, Aitkin, MN 56431 - Aitkin Township. (Note: Dates of activity for Pulltabs and Tipboards /August 4th – August 6th, 2022)

Under the consent agenda, motion by Commissioner Marcotte, seconded by Commissioner Niemi and carried, all members voted to adopt resolution: LG214 Premises Permit-Minnewawa Sportsmen’s Club;

BE IT RESOLVED, the Aitkin County Board of Commissioners agrees to approve the following Premises Permit Application - Form LG214, of the Minnewawa Sportsmen’s Club, at The Sandy Beaver – Shamrock Township. This establishment has an address of 51866 224th Place, McGregor, MN 55760.

**Resolution
#20220712-087
Appointment of
Mail and
Absentee Ballot
Board**

**Resolution
#20220712-088
LG230
Application-Aitkin
Fire Relief
Association**

**Resolution
#20220712-089
LG214 Premises
Permit-
Minnewawa
Sportsmen’s Club**

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Under the consent agenda, motion by Commissioner Marcotte, seconded by Commissioner Niemi and carried, all members voted to adopt resolution: Final Contract Payment-Contract No. 20216;

WHEREAS, Contract No. 20216 has in all been completed, and the County Board being fully advised in the premises.

NOW THEREFORE BE IT RESOLVED, That the Aitkin County Board of Commissioners does hereby accept said completed contract for and on behalf of the County of Aitkin and authorize final payment to Gladen Construction, Inc. in the amount of \$6,112.43.

Under the consent agenda, motion by Commissioner Marcotte, seconded by Commissioner Niemi and carried, all members voted to adopt resolution: Final Contract Payment-Contract No. 20198;

WHEREAS, Contract No. 20198 has in all been completed, and the County Board being fully advised in the premises.

NOW THEREFORE BE IT RESOLVED, That the Aitkin County Board of Commissioners does hereby accept said completed contract for and on behalf of the County of Aitkin and authorize final payment to Kern & Tabery, Inc. in the amount of \$3,783.13.

Motion by Commissioner Napstad, seconded by Commissioner Niemi and carried, all members present voted to approve Community Grant Awards.

Motion by Commissioner Niemi, seconded by Commissioner Napstad and carried, all members voted to adopt resolution – Aitkin County Solid Waste Ordinance;

WHEREAS, Aitkin County Solid Waste Ordinance currently only allows licensed haulers to collect, transport, or dispose of solid waste; and

WHEREAS, for investigative purposes, the ability of law enforcement, health and human services, and environmental services staff to be able to also collect, transport, and dispose of solid waste is needed ; and

WHEREAS, in the interest of safety county-wide, this amendment to the Solid Waste Ordinance will enable and allow law enforcement and county staff to better serve Aitkin County citizens into the future;

NOW, THEREFORE BE IT RESOLVED, that the Aitkin County Board of Commissioners does hereby authorize the amendment to Article 5, Section 1.0 of Aitkin County Solid Waste Ordinance.

Motion by Commissioner Westerlund, seconded by Commissioner Marcotte and carried, all members voted to adopt resolution – Rum River 1W1P Adoption and Implementation;

WHEREAS, the Aitkin County has been notified by the Minnesota Board of Water and Soil Resources that the Rum River Comprehensive Watershed Management Plan has been approved according to Minnesota Statutes §103B.101, Subdivision 14 and Board Resolution #18-14:

**Resolution
#20220712-090
Final Contract
Payment-
Contract No.
20216**

**Resolution
#20220712-091
Final Contract
Payment-
Contract No.
20198**

**Community Grant
Awards**

**Resolution
#20220712-094
Solid Waste
Ordinance**

**Resolution
#20220712-092
Rum River 1W1P
Adoption and
Implementation**

NOW; BE IT FURTHER RESOLVED the Aitkin County hereby adopts and will begin implementation of the approved Comprehensive Watershed Management Plan for the area of the county identified within the Plan. The Comprehensive Watershed Management Plan replaces the Aitkin County Water Plan for Aitkin County purposes for the area of the county identified within the Plan.

BE IT FURTHER RESOLVED the Aitkin County terminates its rights and obligations under the Rum River Watershed Memorandum of Agreement for developing the Comprehensive Watershed Management Plan.

BE IT FURTHER RESOLVED the Aitkin County enters into the Joint Powers Agreement for the Implementation of the Rum River Comprehensive Watershed Management Plan.

BE IT FURTHER RESOLVED that, pursuant to the terms of said Joint Powers Agreement, the Aitkin County Board appoints Commissioner Laurie Westerlund, to serve as standing representative of Aitkin County on the Rum River Watershed Implementation Partnership as provided in the Joint Powers Agreement.

BE IT FURTHER RESOLVED that, pursuant to the terms of said Joint Powers Agreement, the Aitkin County Board appoints Commissioner Niemi, to serve as alternate representative of Aitkin County on the Rum River Watershed Implementation Partnership as provided in the Joint Powers Agreement.

BE IT FURTHER RESOLVED that the Aitkin County Board authorizes and directs the Aitkin County Administrator to carry-out all duties and obligations required of Aitkin County under the Joint Powers Agreement, including, but not limited to, designating Aitkin County staff to serve on the Implementation Planning Committee under the Joint Powers Agreement.

Motion by Commissioner Westerlund, seconded by Commissioner Marcotte and carried, all members voted to adopt resolution – Rum River Joint Powers Agreement;

Pursuant to Minnesota Statutes, section 471.59, this Joint Powers Agreement (“Agreement”) is entered into by the and among the political subdivisions and local governmental units of the State of Minnesota and the Non-Removable Mille Lacs Band of Ojibwe (“MLBO”), a federally recognized American Indian Tribal government identified as follows:

The Counties of Aitkin, Benton, Crow Wing, Isanti, Kanabec, Mille Lacs, Morrison, and Sherburne each by and through its respective Board of Commissioners, and MLBO, by and through its Commissioner of the Department of Natural Resources (“DNR”) (collectively referred to as the “Counties”);

The Aitkin, Anoka, Benton, Crow Wing, Isanti, Kanabec, Mille Lacs, Morrison, and Sherburne Soil and Water Conservation Districts, each by and through its respective Board of Supervisors (collectively referred to as the “SWCDs”); and

Lower Rum River and Upper Rum River Watershed Management Organizations (collectively referred to as the “Watershed Management Organizations”).

Together, the above identified Counties, SWCD's, and Watershed Management

**Resolution
#20220712-093
Rum River Joint
Powers
Agreement**

Organizations collectively formed the Rum River Watershed Implementation Partnership and, for purposes of this Agreement, said political subdivisions, local units of government and MLBO Tribal Government, and those added in accordance with the terms of this Agreement, are herein collectively referred to as "Parties" and individually as a "Party."

Recitals

WHEREAS, a portion of the Upper Rum River Watershed area is situated within the MLBO Reservation and the MLBO DNR has the authority to manage its natural resources and it strives to work cooperatively and collaboratively with other governmental agencies with which it shares an interest in maintaining, managing and protecting natural resources; and

WHEREAS, MLBO desires to join in this Agreement with the other Parties. For this purpose and within this Agreement MLBO may be identified or referred to as a "Party" or "Parties," "County" or "SWCD"; and

WHEREAS, pursuant to Minnesota Statutes, sections 103B.305, subdivision 5 and 103B.3363, each of the Parties to this Agreement is a local unit of government having the responsibility and authority to separately or cooperatively, by joint agreement pursuant to Minnesota Statutes, section 471.59, to prepare, develop, adopt, implement, and administer a comprehensive local water management plan, or a substitute thereof, and carry out implementation actions, programs, and projects toward achievement of goals and objectives of such plans; and

WHEREAS, pursuant to Minnesota Statutes, sections 1038.101 and 1038.801, the Minnesota Board of Water and Soil Resources (BWSR) is authorized, to coordinate the water and resource planning and implementation activities of counties, SWCDs and watershed management organizations and to administer and oversee the Minnesota Comprehensive Watershed Management Planning Program, known as the One Watershed, One Plan program; and

WHEREAS, each of the Parties exercises water management authority and responsibility within the Rum River Watershed Management Area, a geographical area consisting of those portions of Aitkin, Anoka, Benton, Crow Wing, Isanti, Kanabec, Mille Lacs, Morrison, and Sherburne counties and within the MLBO reservation that drain into the Rum River watershed as depicted on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, some of the Parties had previously entered into the Rum River Watershed Memorandum of Agreement ("MOA") with the last date of signature being March 28, 2019, to develop the One Watershed, One Plan ("Plan") for the Rum River Watershed. Under the terms of the MOA, the Plan will be completed, be submitted to the Minnesota Board of Water and Soil Resources ("BWSR") for approval and will then be considered for adoption by the Parties to this Agreement. Those governmental entities that approve the Plan shall be eligible to be a part of this Agreement. The terms of the MOA also require that the structure for administration of the Plan be determined . The MOA will expire coterminous with the One Watershed, One Plan grant from BWSR dated _____. This Agreement shall not be construed as to modify or supplant the terms or provisions of the MOA; and

WHEREAS, with matters that relate to coordination of water management authorities pursuant to Minnesota Statutes, chapters 1038, 103C, and 103D, and with public drainage systems pursuant to Minnesota Statutes, chapter 103E, this Agreement does not change the rights or obligations of the public drainage system authorities; and

WHEREAS, this Agreement and the Rum River Comprehensive Watershed Management Plan does not replace or supplant local land use, planning/zoning authority of the respective Parties and the Parties intend that this Agreement shall not be construed in that manner.

TERMS AND CONDITIONS

NOW THEREFORE, pursuant to Minnesota Statutes, section 471.59 and other relevant state law and in consideration of the mutual promise and benefits that the Parties shall derive here from, all Parties hereby agree:

1. Purpose and Establishment

- a. Purpose: This Agreement establishes the terms and conditions, governing structure, and processes by which the Parties will institute the implementation of the Plan. The Plan provides framework for consistency and cooperation for entities that operate within the Rum River Watershed to allow for the implementation of projects within the watershed that provide the highest return on investment for addressing water quality/quantity issues within the watershed, and to allow the funding from the Minnesota Board of Water and Soil Resources (“BWSR”) to be passed through to the Parties for administration consistent with State statutes and guidelines and the Plan. Consistent with its terms and conditions, this Agreement authorizes the Parties to cooperatively exercise their common and similar power of local water planning and management notwithstanding the territorial limits within which they may otherwise exercise separately and to take action that will promote the goals listed in Minnesota Statutes, section 103B.801 and fulfill responsibilities under Minnesota Statutes, chapter 103B.
- b. Established: This Agreement establishes a joint powers entity (hereinafter, the “Entity”). The name of the Entity is “Rum River Watershed Partnership”.
- c. Recitals: All recitals set forth above are hereby incorporated into this Agreement.

2. Eligibility and Procedure to Become A Party

- a. Qualifying Party: A county, SWCD, watershed district and MLBO or watershed management organization located and authorized to carry out water planning and resources management responsibilities within the Rum River Management Area is eligible to become a Party to this Agreement. To become a Party, the county, SWCD, watershed district or watershed management organization shall have first adopted the Plan.

- b. Initial Parties: A county, SWCD, watershed district, or watershed management organization may be an Initial party by qualifying under section 2(a), by adopting the Plan and its governing board agreeing to become a Party and be bound by the terms of this Agreement within 60 days of State approval of the Plan. Such local unit of government shall also give notice of plan adoption in accordance with provisions of Minnesota give notice of plan adoption in accordance with provisions of Minnesota Statutes, chapters 103B and 103D. Any qualifying county, SWCD, watershed district, or water management organization that desires to become a Party after expiration of the 60-day period for joining as an Initial Party, will be eligible to become a Party as an additional party pursuant to Section 2(c), below.

- c. Adding Additional Parties: A qualifying local unit of government that desires to become a Party to this Agreement at any time later than 60-days following State approval of the Plan, may become a Party upon the adoption of the Plan by the Party’s governing board and by submitting to the Entity evidence its governing board agrees to the terms and conditions of this Agreement and to be bound by the same.

Upon receipt of such evidence, the governing board shall issue a signature page to the local government unit and instructions to execute and return the same to the Entity along with the name and contact data of the representatives appointed by the local government unit to serve on the governing board.

3. Powers and Formation of the Governing Board

- a. Board: A governing board (“Board”) shall be formed to oversee the implementation of the Plan. The Board shall consist of one individual selected by each Party to the Agreement. Each member of the board shall have one vote. The Party shall determine its representative and an alternate to serve in the absence of the representative. Members of the Board are neither deemed employees of the Board nor entitled to any compensation from the Entity.

- b. Board Term and Vacancy: The term of the Board representative shall be for a period of two years with the ability of the Party to appoint a representative to successive terms. If the Party fails to appoint a representative, the incumbent shall serve until such appointment occurs. If a representative resigns or is no longer able to serve until a representative is appointed.

- c. Officers: The Board shall elect from its members a Chair and a Vice Chair at the first meeting of each new calendar year. The duties of the Chair including presiding at all meetings, acting as the administrative leader of the Entity, and carrying out such functions as the Board assigns to the Chair. The Vice Chair shall act as the Chair in the Chair’s absence. The Board may elect or appoint such other officers as it deems necessary to conduct the affairs of the Entity.

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- d. Open Meeting Law: The board shall comply with the Minnesota Open meeting law as set forth in Minnesota Statutes, Chapter 13D.

- e. Operations: The Board shall meet twice a year or more often as deemed necessary by the Board. The Board may adopt bylaws consistent with this Agreement and applicable law and may amend the same on a vote of simple majority of all Board representatives. The Board may act only if there is a quorum. A quorum is a simple majority of the Board.

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

- Association of Townships Magazine Article
- Economic Development Committee
- Regional FRF Calls
- Department Head 1:1s
- Budget Meetings

The Board discussed: Economic Development, McGregor Airport, NRAC, Fair, ECRL, Mississippi Headwaters, Planning Commission, Fisheries, and Aitkin Airport.

Motion by Commissioner Niemi, seconded by Commissioner Westerlund and carried, all members voting yes to adjourn the meeting at 10:00 a.m. until Tuesday, July 26, 2022 at the Aitkin County Government Center.

Administrator Updates

Board Discussion

Adjourn

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

Jessica Seibert
County Administrator