



Board of County Commissioners Agenda Request

7A
Agenda Item #

Requested Meeting Date: August 23, 2022

Title of Item: Amish Community Cemetery Plat

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
Submitted by: Andrew Carlstrom		Department: Planning & Zoning
Presenter (Name and Title): Andrew Carlstrom, Environmental Services Director		Estimated Time Needed: 5 minutes
Summary of Issue: <p>On July 18, 2022 the Aitkin County Planning Commission approved the conditional use permit for the approximate one quarter acre Amish Community Cemetery, which is a private cemetery and falls under MN Statutes Chapter 307. In accordance with Section 5.02(D) and Section 6.0 of the Aitkin County Subdivision Ordinance, the requirements for preliminary and final plat have been met. The Final Plat conforms to the preliminary plat approved by the Planning Commission and has incorporated all required changes. Requesting Board of Commissioners approval in order to allow applicant to move ahead with project and the development of the Amish Community Cemetery in Aitkin County.</p> <p>Please see attached memorandum and Lakeside Township Opinion letter.</p>		
Alternatives, Options, Effects on Others/Comments: Motion to approve the Amish Cemetery Plat with conditions or motion to deny the Amish Cemetery Plat		
Recommended Action/Motion: Motion to approve the Amish Community Cemetery Plat		
Financial Impact: <i>Is there a cost associated with this request?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>What is the total cost, with tax and shipping? \$</i> <i>Is this budgeted?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

Legally binding agreements must have County Attorney approval prior to submission.

Aitkin County Environmental Services Planning and Zoning
307 Second Street NW
Room 219
Aitkin, MN 56431
Phone: 218-927-7342
Fax: 218-927-4372



MEMORANDUM

DATE: August 23, 2022
TO: Aitkin County Board of Commissioners
FROM: Andrew Carlstrom, Environmental Services Director
RE: Amish Community Cemetery

Enclosed is the final plat of the Amish Community Cemetery. The Conditional Use Permit and preliminary plat was approved by the Aitkin County Planning Commission on July 18, 2022. In accordance with Aitkin County Subdivision Ordinance Section 6.0, the County Board is responsible for final approval. Minnesota Statutes, Chapter 306 (Public Cemeteries) and Chapter 307 (Private Cemeteries) govern cemeteries in Minnesota.

Lakeside Township has provided a letter, referenced MN Statute 306.243, and is requesting the County Board assume responsibility in the event the cemetery becomes abandoned or defaults in the future.

In MN Statutes 307.08 Subd.13 defines "abandoned cemetery" as: "a cemetery where the cemetery association has disbanded or the cemetery is neglected and contains marked graves older than 50 years". It also states the County Board as the "appropriate authority" in the case of abandoned cemeteries under section 306.243 of MN Statute 306. In discussions with the County Attorney, he had no recommendations as to County Board action, feeling that committing to one course of action or to the other, would be restricting county officials fifty years or more into the future.

I am recommending approval of the Amish Community Cemetery Plat.

If you have any questions, please feel free to contact me at 218-927-7342 or by email at andrew.carlstrom@co.aitkin.mn.us.

AMISH COMMUNITY CEMETERY

KNOW ALL PERSONS BY THESE PRESENTS: That Daniel and Amanda Herberberger, husband and wife, owners of the following described property situated in the County of Aitkin, State of Minnesota, to-wit:

The part of the Southwest Quarter of the Southwest Quarter of Section 7, Township 44, Range 25, Aitkin County, Minnesota described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence on an assumed bearing of South 87 degrees 38 minutes 52 seconds East, along the South line of said Southwest Quarter, 1000.04 feet to the point of beginning of the part of hereto described; thence on a bearing of South 02 degrees 21 minutes 08 seconds East, 94.50 feet; thence South 87 degrees 38 minutes 52 seconds East, 150.00 feet; thence South 02 degrees 21 minutes 08 seconds West, 98.90 feet to the said South line of the Southwest Quarter; thence North 87 degrees 38 minutes 52 seconds West, along said South line, 150.00 feet to the point of beginning.

has caused the same to be surveyed and plotted as AMISH COMMUNITY CEMETERY, the same to be used exclusively as a cemetery for the burial of the dead and for the purposes cemetery and proper thereon and do hereby donate and dedicate to the public for public use forever 210th Street, the public way as shown on this plat. Subject to any easements, encroachments or restrictions of record.

In witness whereof said Daniel and Amanda Herberberger have caused these presents to be signed this ___ day of _____, 2022.

Daniel Herberberger _____ Amanda Herberberger _____

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, 2022,
by Daniel and Amanda Herberberger, husband and wife.

Notary Public Signature _____ Nancy Printed Name _____
County, Minnesota, My Commission Expires _____

I hereby certify that this plat of AMISH COMMUNITY CEMETERY is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been or will be correctly set within one year as indicated on the plat. But all water boundaries and wet lands as of the date of the survey or certificates are shown and labeled on the plat; that all public ways are shown and labeled on the plat. I further certify that this plat was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Michael Stang
Minnesota License No. 52591

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, 2022, by Michael Stang, R.L.S. No. 52591.

Notary Public Signature _____ Nancy Printed Name _____
County, Minnesota, My Commission Expires _____

I hereby certify that this plat has been checked and approved this ___ day of _____, 2022.

County Surveyor, Aitkin County _____

_____, Auditor of Aitkin County, Minnesota, do hereby certify that the taxes on the lands described herein have been paid for the years prior to 2022.

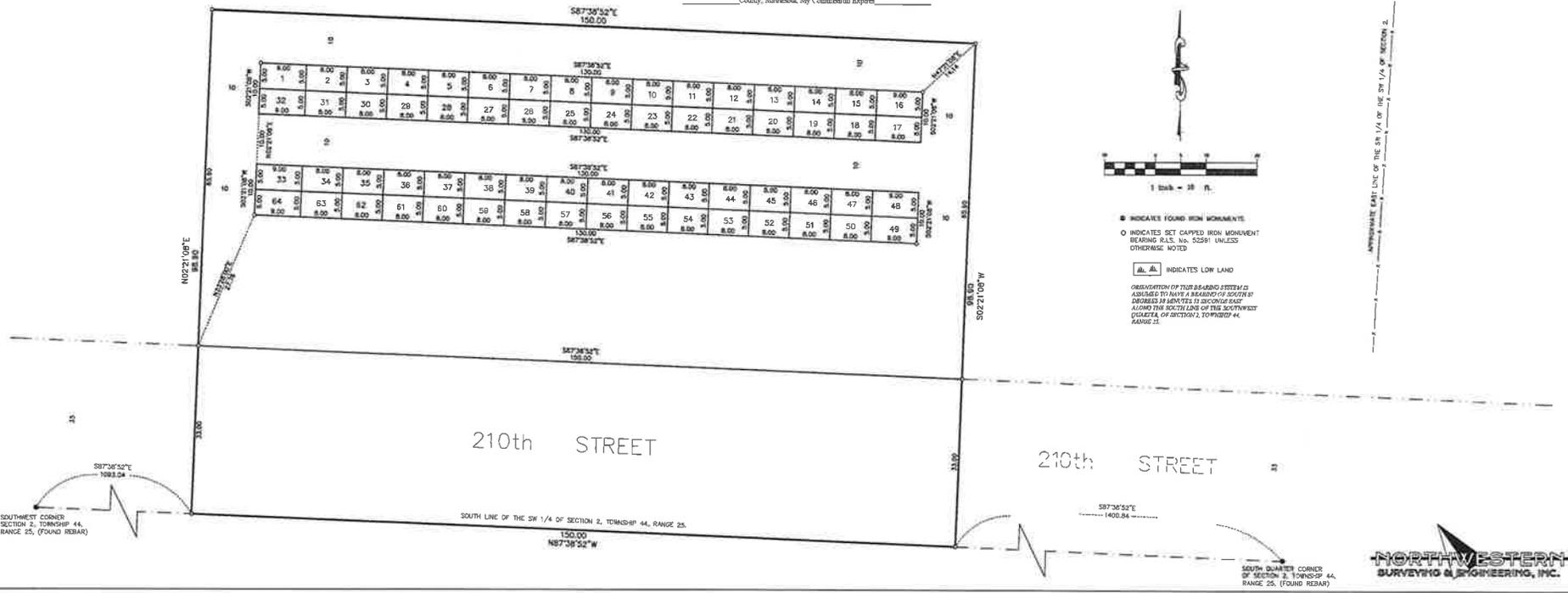
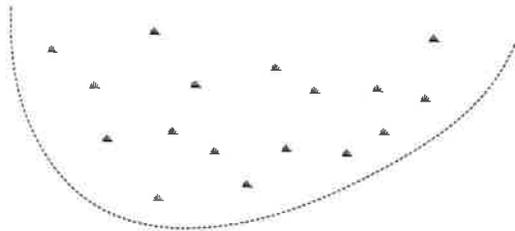
Aitkin County Auditor _____

I, _____, Treasurer for Aitkin County, Minnesota, do hereby certify that the taxes on the lands described herein have been paid for the year 2022.

Aitkin County Treasurer _____

This plat of AMISH COMMUNITY CEMETERY was accepted and approved by the Board of County Commissioners of Aitkin County, Minnesota, this ___ day of _____, 2022.

Chairperson, Aitkin County Board _____ Aitkin County Auditor _____



TO: Aitkin County Commissioners
From: Lakeside Township Supervisors
Date: August 11, 2022
RE: Application #2022-009064
Conditional Use Permit for Private Cemetery

At the July 18th Planning Commission meeting this application was approved and passed to move on the Board of Commissioners with the request for a letter from the township regarding their concerns.

At the Lakeside Township monthly meeting on August 11, 2022 it was discussed and information was brought to the board from the MAT attorney, Graham Berg-Moberg.

The township consider the following information

provided: "target of Minn. Stat. § 306.243 which provides that "[a] county board may appropriate the general revenue funds it determines necessary for the improvement and maintenance of the cemetery if there is in the county, whether or not within the corporate limits of a town or statutory city, either of the following: (1) a cemetery that has been abandoned or neglected and the association having had charge of the cemetery has disbanded or fails to act;"

It is our opinion, that our township would like to cover ourself by make this approval conditional on the county agreeing to exercise it's authority to take care of the cemetery in the event that it becomes abandoned or in default and that the township has no liability.

Thank You!

Lakeside Township Supervisors

Stan Miller

Robert Skogman

Dennise Sonnee



8-11-22