

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED March 12, 2024

By Commissioner: Kearney

20240312-037

Seybold Soo Line Crossing Easement

WHEREAS, Lyman W and Patricia Ann Seybold, husband and wife, of 20236 390th Ln, McGregor MN 55760, made application to obtain a crossing easement on the old Soo Line Railroad right of way for access to their property which is located on both sides of the old railroad line in Section 4, Township 47, Range 23, and to obtain an easement to use this crossing over and across the following described County fee lands, to wit:

An easement lying over and across that part of the former right of way of the Soo Line Railroad Company's so-called Moose Lake to Schley branch line in Aitkin County, Minnesota, which lies within the South 66.00 feet of the Southwest Quarter of the Southwest Quarter (SW1/4-SW1/4), Section 4, Township 47, Range 23, said Aitkin County, Minnesota.

WHEREAS, Said applicant will be charged a Four Hundred dollar (\$400.00) fee 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 easement.

NOW THEREFORE, BE IT RESOLVED, That pursuant to Minnesota Statutes, Section 282.04, Subd. 4, the County Auditor be and is hereby authorized to issue to Lyman W and Patricia Ann Seybold, their heirs and assigns, a perpetual crossing easement to use said strip of land, if consistent with the law as in the special conditions set forth herein, over and across the before mentioned legal descriptions.

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

1. This crossing easement will be valid only if the property on both sides of the old Soo grade is owned by the same entity. This crossing easement is not to be used as a permanent driveway easement for the property on the northeast side of the old Soo Line railroad. If at any time the two properties become owned by separate entities, this crossing easement will terminate.
2. 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.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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%.
8. 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%.

Commissioner Sample moved the adoption of the resolution and it was declared adopted upon the following vote

FOUR MEMBERS PRESENT

All Members Voting Yes

STATE OF MINNESOTA}
COUNTY OF AITKIN}

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 12th day of March 2024, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 12th day of March 2024



Jessica Seibert
County Administrator

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED March 12, 2024

By Commissioner: Kearney

20240312-038

Approve Licenses to Sell Tobacco Products

WHEREAS, approval of applications are subject to the completion of all paperwork in full.

WHEREAS, licenses are valid effective April 1, 2024 through the period ending March 31, 2025.

NOW THEREFORE BE IT RESOLVED, the Aitkin County Board of Commissioners agrees to approve the following applications for license to sell tobacco products effective April 1, 2024 through the period ending March 31, 2025 to:

- # 01 B & Son’s Investment LLC, d/b/a **1865 Roadside Convenience** – Williams Township
- # 02 Bann’s Bar & Café, Inc., d/b/a **Banns Bar & Cafe** – Shamrock Township
- # 04 DAM of Aitkin Lakes, Inc., d/b/a **Farm Island Store** – Farm Island Township
- # 05 DG Retail, LLC, d/b/a **Dollar General Store #18887** – City of McGregor
- # 06 DG Retail, LLC, d/b/a **Dollar General Store #20648** – City of Hill City
- # 07 Grill of Glen Inc., d/b/a **The Glen Store & Grill Inc.** – Malmo Township
- # 08 Holiday Station Stores, Inc. d/b/a **Holiday Station Stores, Inc.** – City of McGregor
- # 09 Kellermann Miller Enterprises, Inc., d/b/a **Mark’s Bar** – City of McGregor
- # 10 Klennert Stores, Inc., d/b/a **Roadside Market** – City of Hill City
- # 11 Klennert Stores, Inc., d/b/a **Sunny’s** – City of Hill City
- # 12 MacDonald Enterprises, Inc., d/b/a **The Landing** – Aitkin Township
- # 13 MacDonald Enterprises of Malmo, Inc., d/b/a **Castaway’s Resort** – Lakeside Township
- # 14 McGregor Spirits, LLC, d/b/a **McGregor Spirits** – Jevne Township
- # 15 Midwest Investment, LLC, d/b/a **Mini Mart #6** – Shamrock Township
- # 16 Minnesota National Golf Club & Resort, LLC, d/b/a **Minnesota National Golf Club & Resort** – Workman Township
- # 17 ML Gas, Inc., d/b/a **East Lake Convenience Store** – Spalding Township
- # 18 Mudflats Bar & Grill, LLC, d/b/a/ **Mudflats Bar & Grill** - Wealthwood Township
- # 19 N5 Corporation, d/b/a **Fisherman’s Bay** – Workman Township
- # 20 Petry’s Bait Mille Lacs, d/b/a **Petry’s By The Lake** – Malmo Township
- # 21 Prairie River Retreat Inc., d/b/a **Prairie River Retreat** – Shamrock Township
- # 22 Rasley Oil Co., d/b/a **McGregor Oil** – City of McGregor
- # 23 Round Lake Resort, LLC, d/b/a **Round Lake Resort** – Shamrock Township
- # 25 Sather’s Gateway, Inc., d/b/a **Sather’s Store** – Shamrock Township
- # 26 TJ’s Liquor, Inc., d/b/a **TJ’s Liquor** – Malmo Township
- # 27 Village Pump Saloon, LLC, d/b/a **Village Pump Saloon** – City of Tamarack

Commissioner Sample seconded the adoption of the resolution and it was declared adopted upon the following vote

FOUR MEMBERS PRESENT

All Members Voting Yes

STATE OF MINNESOTA}
COUNTY OF AITKIN}

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 12th day of March 2024, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 12th day of March, 2024



Jessica Seibert
County Administrator

By Commissioner: Kearney

20240312-039

RESOLUTION TO DENY A CITIZEN'S PETITION REQUESTING AN EAW FOR THE PROPOSED GUN LAKE FAMILY CAMPGROUND

WHEREAS, a citizens petition requesting the preparation for an Environmental Assessment Worksheet (EAW) for the proposed commercial planned unit development of "Gun Lake Family Campground" was submitted by Nicole Massey with the Gun Lake Environmental Alliance on February 12, 2024 with 160 signatures. The petition was verified by the Minnesota Environmental Quality Board (EQB) and assigned to Aitkin County as the Responsible Governmental Unit (RGU) to decide on the need for an EAW on February 13, 2024; and

WHEREAS, no governmental approvals may be given to the project named in the petition, nor construction initiated, until the need for an EAW has been determined. Construction includes any activities which directly affect the environment, including the preparation of land. If the decision is to prepare an EAW, approval must be withheld until either a Negative Declaration of the need for an Environmental Impact Statement (EIS) is issued or an EIS is completed (per MN Rules 4410.3100); and

WHEREAS, Gun Lake Family Campground is a commercial planned unit development consisting of 22 recreational camping vehicle sites located in Tier 1 shoreland zoning on Gun Lake, which is classified as a Recreation Development Lake within Fleming Township, Aitkin County. The property address is listed as 43016 328th Place, Palisade MN (PID 08-0-027400). The developers, Mike and Jennifer Hagel, are proposing to expand the campground with 9 additional dependent campsites into Tier 2 and Tier 3 shoreland and add a toilet/shower facility, a children's playground, a volleyball court, a fenced dog park, and planting of new vegetation; and

WHEREAS, the project, as currently proposed, does not meet the mandatory threshold for an EAW according to MN Rules 4410.4300, and therefore the decision on the need for an EAW is subject to the discretion of the Responsible Government Unit (RGU) as per MN Rules 4410.1000 subpart 3, Item B.

Significant Environmental Impact Findings of the Aitkin County EAW Committee:

Findings against a Discretionary EAW:

Drastic Altering of Land Surfaces. According to the Site Plan received on March 5, 2024 from the proposer, the proposed total impervious surface coverage will be 9.43% of an allowed 25% and will have little or no significant environmental impact to Gun Lake. No material evidence has been presented to support the concern regarding impervious coverage and there is nothing unique about this project or this concern that cannot be addressed in the typical zoning process, by ongoing public regulatory authority, where environmental effects can be anticipated or controlled.

Permanent Conversion. In accordance with MN Rules 4410.0200 Subp. 57 it is the RGU's determination whether the proposal fits the definition. "Permanent conversion" means a change in use of agricultural, naturally vegetated, or forest lands that impairs the ability to convert the land back to its agricultural, natural, or forest capacity in the future. It does not include changes in management practices, such as conversion to parklands, open space, or natural areas. The revised site plan received on March 5, 2024 designates and permanently preserves a total of 50.2% open space and proposer has met this requirement. If warranted, this proposed commercial campground could be converted and restored, and nothing impairs the ability to do this in the future.

Conversion of Forestland. During the creation of the campground and the alteration of the forest within Tier 1 shoreland, the owner complied within the regulations of the conditional use permit. The proposer has made every effort to retain the maximum amount of pine trees within original Tier 1-22 site campground, and as evidenced within the denial of the 2023 variance in which owner removed internal roadway in lieu of removing more trees. There is no alteration of forests within the current plan as proposal is located within Tier 2 and Tier 3 pasture lands. No material evidence has been presented that suggests that conversion of forestland to 22 campground sites will have potential for significant environmental effects or would impact the type, extent, or reversibility of environmental effects or have any cumulative potential effect on Gun Lake.

Potential Lake Users. Aitkin County Assessor's Office reports 150 parcels on Gun Lake with building values over zero. Expanding the current campground by 9 sites for a total of 31 seasonal sites could bring potential lake users to an overall increase of 21%, which is not a substantial increase to the users of Gun Lake. As part of the Conditional Use Permit process, the Aitkin County Planning Commission has the authority to attach conditions they deem necessary to protect health, safety and general welfare of the people and environment. Conditions regarding vegetation removal along the shoreline, number of mooring sites, solid waste disposal, sewage treatment, etc, can be placed on the permit if approved.

Impact of Additional 31 Users to Lake. The current campground entails approximately 1130 feet of a total 1610 feet of shoreline and total impervious surface coverage with 9 site expansion will be approximately 9.43% of an allowable 25% impervious surface coverage. Gun Lake has 292 acres of littoral (or shallow waters of 15 feet or less) of a total 711.9 total lake acres. Gun Lake has 8.68 miles of shoreline with an average depth of 18 feet and maximum depth of 44 feet. The summer seasonal impact of 31 additional users will have little or no significant environmental effects to Gun Lake, and the DNR Public Access is evidence of this. Insufficient material evidence exists that the lake users from a total of 31 campsites, may have potential for significant environmental effects.

Road. Fleming Township Board and the Palisade Fire Chief have expressed no concerns with the existence of the Gun Lake Family Campground in relation to this township road. There is nothing unique about the road concerns presented in the EAW Petition, and no material evidence has been provided that cannot be addressed in the typical zoning process, by ongoing public regulatory authority, where environmental effects can be anticipated and controlled, and by requirements established or conditions imposed in the CUP and PUD application process.

Water Quality. There is noted but minimal concern as to a significant environmental effect, as the proposed area is flat in elevation to lake, with ample vegetation to act as a buffer, minimizing water run-off. Concern has also been noted regarding the project obtaining, constructing, and complying with the required NPDES (National Pollutant Discharge Elimination System) permit due to the project location and topography. While there is no evidence that this concern is valid, obtaining, constructing, and complying with the NPDES permit will be a condition of the CUP. The Committee recommends the project proposer immediately engage with an engineering firm to determine location and size of the permanent storm water runoff facilities as it may impact the proposed project and the CUP (if issued). The project proposer has stated that "upon approval of the conditional permit, a Stormwater Pollution Protection Plan (SWPP) will be made, and a NPDES will be applied for the MPCA. The NPDES permit will be followed, and the construction site will be inspected by the County and/or the MPCA."

Effect on Wildlife. State agencies such as the DNR and MPCA participate in the zoning process, and the typical zoning process will give these agencies an opportunity to comment or raise concerns. The argument that wildlife species will be disturbed, displaced, and destroyed is unfounded. The potential habitat loss due to the project is minimal, and no different than during select logging operations when timber is trimmed or removed. There is no material evidence that this project is likely to have significant adverse effects on the overall population of any animal species.

Effect on Fish. No material evidence has been provided in support of impact to fish on Gun Lake. The DNR commented: Changes to the size structure of the Bluegill population occurred between 1990 and 2013 and were not influenced positively from the loss of the former resort on the lake. The likely driver of changes in fish populations are due to a lack of dissolved oxygen levels at deeper depths in the water column as a result of excess nutrient loading from the surrounding watershed areas, including especially agricultural sources. Ways to mitigate potential future losses of fish populations includes focusing on maintaining water quality by reducing nutrient loading through the implementation of sound stormwater management strategies and reducing any disturbances in the Shore Impact Zone (SIZ) through the use of shoreline buffers and stormwater management practices. Other strategies to mitigate impacts includes ensuring that proposed dockage and mooring locations are consolidated, centralized and dock access is in deep enough water to limit removal of emergent aquatic vegetation and turbidity (suspended sediments) increases.

Invasive Species. No material evidence has been provided in support of Gun Lake Family Campground contributing to the increase of the Aquatic Invasive Species (AIS) Curly-leaf Pondweed (CLP) on Gun Lake. The DNR commented: In general, the DNR has, and continues to, support efforts to control the spread of aquatic invasive species (AIS) such as curlyleaf pondweed and other species so long as its removal is consistent with approved permits for its removal through state-DNR processes. Efforts to reduce the spread of AIS in water bodies include following the practices outlined on this MN DNR webpage resource: [What you should do | Minnesota DNR \(state.mn.us\)](https://www.dnr.state.mn.us/aquatics/what_you_should_do.html).

Mooring Sites. No material evidence that moorage has potential for significant environmental impacts has been presented, which would impact the type, extent or reversibility of environmental effects or have any cumulative potential effect on Gun Lake. Lakeshore ownership includes the riparian right of an owner of shore land property to wharf a boat or install a dock, and the typical zoning process will adequately address any dock concerns. The owner is limited to a maximum of 22 mooring sites and shall work with the DNR and Aitkin County on the placement of mooring sites 13-22 and actions shall be in accordance with Section 7.84 of the Shoreland Management Ordinance. The DNR commented: The placement of docks and mooring spaces in general may result in removal of floating leaf vegetation as well as rushes and other emergent vegetation near the shoreline through boat/propeller action. Shoreline vegetation tends to filter out nutrients from runoff and so the least amount of removal would be ideal in this situation. Any emergent vegetation removal requires an aquatic plant management (APM) permit from Minnesota DNR and as of yet, none has been issued (approved). After conferring with relevant specialists within MN DNR, the existing dock location appears to be an area that minimizes disturbances to both aquatic vegetation as well as wildlife that depend on riparian and near-shore habitat for breeding and survival. This is in comparison to the other available shoreline areas available to the campground and assuming the mooring spaces are concentrated, centralized, and are placed in deep enough water to avoid increased turbidity and emergent vegetation removal near-shore.

Sewer. The installation of septic holding tanks is an acceptable method for handling sewage. Not installing a drain field further protects groundwater. No evidence has been provided that this method of handling sewage has the potential environmental effects. Concerns regarding proposed infrastructure can be addressed in the typical zoning process, by ongoing public regulatory authority, where environmental effects can be anticipated and controlled, and by requirements established or conditions imposed in the CUP and PUD application process.

DNR Classified Sensitive Shoreland. As stated within the March 1, 2022 adopted Aitkin County Board Resolution to "Deny a Citizen's Petition Requesting an EAW for the Proposed Gun Lake Family Campground", Aitkin County has never designated Gun Lake as a "Sensitive Shoreland Area". Thus, we have determined that Gun Lake shorelands are "nonsensitive shorelands". DNR commented: Sensitive shoreline areas are places that contain unique or critical ecological habitat, and they provide important habitat for a variety of species, including species of greatest conservation need. When conducting a sensitive shoreline assessment for Gun Lake, areas that were identified as sensitive included sections of

whole shoreline or whole bays were put into a more protective category should local governments (i.e., counties) wish to re-zone these areas into a more protective land use category with increased protections. While there are certainly features of sensitive shoreline attributes along the campground shoreline, the results of the sensitive shoreline study for Gun Lake reveal (attached) that the shoreline of the campground is not located in designated/classified Sensitive Lakeshore. Nor is that particular shoreline proposed by DNR to be included in a more restrictive zoning classification with increased protections.

Impact to Wetlands. A wetland delineation completed in 2021 identified all wetland boundaries and all proposed expansions are outside the delineated wetlands. The property owner, Stormwater Pollution Prevention Plan (SWPPP) Designer, and Aitkin County shall ensure that any hydrological effects are addressed and that the project is in compliance with the Minnesota Wetland Conservation Act.

Lichen Habitat. DNR commented: While the benefits of lichen do indeed include, among other items, environmental filtering, there are no known rare threatened or endangered species of lichen known within the campground area. According to a plant ecologist within MN who reviewed the petition and map (exhibit 19) provided, any lichen populations present that may be impacted by the campground are unlikely to be of such a substantial size or concentration where its decline would result in a reduction in water quality or habitat loss for other wildlife.

NOW, THEREFORE BE IT RESOLVED, based on information submitted in the project application, on the written submissions, and given all of the above findings, the project will not have the potential for significant environmental effects. Therefore Aitkin County, as the responsible government unit, denies the citizen's petition for an EAW for the proposed commercial planned unit development of "Gun Lake Family Campground."

Commissioner Sample seconded the adoption of the resolution and it was declared adopted upon the following vote

FOUR MEMBERS PRESENT

All Members Voting Yes

**STATE OF MINNESOTA}
COUNTY OF AITKIN}**

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 12th day of March 2024, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 12th day of March 2024



Jessica Seibert
County Administrator