

The Aitkin County Board of Commissioners met this 21st day of April, 2009 at 9:00 a.m. with the following members present: Chairperson J. Mark Wedel, Commissioners Galen "Tweet" Tveit, Brian Napstad, Laurie Westerlund, Paul Bailey, County Administrator Patrick Wussow, and Central Service Secretary Nicole Visnovec.

Motion by Commissioner Napstad, seconded by Commissioner Tveit and carried, all members voting yes to approve the April 14, 2009 amended agenda.

Motion by Commissioner Tveit, seconded by Commissioner Westerlund and carried, all members voting yes to acknowledge the April 14, 2009 meeting minutes.

Motion by Commissioner Napstad seconded by Commissioner Tveit carried, all members voting yes to approve the Consent Agenda as follows: Correspondence File: April 14, 2009 – April 20, 2009; B) Approve Minutes: April 7, 2009 Board; C) Approve Auditor Warrants for Sales and Use Tax – General Fund \$261.99, Road & Bridge \$1,151.95, Health & Human Services \$9.43, State \$7,443.50, Trust \$1.17, Forest Development -\$0.17, Long Lake Conservation Center \$195.42 for a total of \$9,063.29; D) Approve 3.2% Malt Liquor Licenses for 2009; E) Approve Resolution – Approve Liquor License for Jack’s Shack for a period ending December 31,2009; F) Approve Resolution – Joint Powers Resolution between Aitkin, Crow Wing, and Morrison counties for Provision of Community Corrections Services; G) Approve Resolution – Vacation of Portion of CSAH 6 Right of Way; H) NADCP Proclamation in support of establishing “Drug Court Month”.

Under the consent agenda a motion by Commissioner Napstad, seconded by Commissioner Tveit and carried, all members voting yes to approve the following 3.2% Malt Liquor Licenses for a period ending April 30, 2010:

ON Sale:

Danny J. Volk, dba **Hidden Meadows** – Unorg 48-27 Township

Minnewawa Sportsmen’s Club Inc., dba **Minnewawa Sportsmen’s Club** – Shamrock Township

ON & OFF Sale:

Rae Ann Halverson, dba **Cajun Queen** – Shamrock Township

Leonard & Kathy Larson, dba **Larson’s Barn Dance** – Workman Township

Vielmina Borg, dba **Vie’s Place** – Williams Township

Wealthwood Rod & Gun Club, dba **Wealthwood Rod & Gun Club** – Hazelton Township

Under the consent agenda Commissioner Napstad offered the following motion for a resolution, seconded by Commissioner Tveit and carried, all members voting yes to approve the following Liquor License for Jack’s Shack for a period ending December 31,2009:

BE IT RESOLVED, The Aitkin County Board of Commissioners agrees to approve the following liquor license for a period ending December 31, 2009:

CALL TO ORDER

**APPROVED
AGENDA**

**ACKNOWLEDGE
MINUTES**

**CONSENT
AGENDA**

**RESOLUTION
042109-48
LIQUOR LICENSE
JACK’S SHACK**

“ON” and “SUNDAY” Sale:

Eken Enterprise, dba **Jack’s Shack** – Rice River Township

This establishment has an address of 29954 State Highway 65, McGregor, MN 55760

Under the consent agenda Commissioner Napstad offered the following motion for a resolution, seconded by Commissioner Tveit and carried, all members voting yes to approve the following Joint Powers Resolution between Aitkin, Crow Wing, and Morrison counties for Provision of Community Corrections Services:

WHEREAS, the State of Minnesota enacted legislation which encourages the development of community corrections programs and allows counties to cooperate in said programs through a Joint Power Agreement pursuant to Minnesota Statute 471.59, and

WHEREAS, Crow Wing and Morrison Counties established a joint community corrections agency in 1974, and Aitkin County entered into this agency by formal Joint Powers Agreement on January 1, 1992 to form Central Minnesota Community Corrections (CMCC), and

WHEREAS, the Joint Powers Board of Central Minnesota Community Corrections reviewed the 1992 Joint Powers Resolution and re-affirmed their commitment to providing community corrections field services and secure juvenile detention in Aitkin, Crow Wing and Morrison Counties, with modifications, in 2003.

THEREFORE, BE IT RESOLVED that effective April 15, 2009, the Joint Powers Board of Central Minnesota Community Corrections hereby re-affirms their commitment to providing community corrections field services to Aitkin, Crow Wing and Morrison Counties under the following terms and conditions:

1. Aitkin, Crow Wing and Morrison Counties shall cooperate for the purpose of administering, budgeting, staffing and operating community corrections field services.
2. A Joint Powers Board, composed of the five county commissioners from each county, shall have overall responsibility for the activities of the Central Minnesota Community Corrections Agency. The Joint Powers Board shall review and approve the Comprehensive Plan, have the authority to hire and fire an Executive Director and conduct an annual review of the operating policies and procedures as approved by the CMCC Executive Committee.
3. The Joint Powers Board shall empower a CMCC Executive Committee. The Executive Committee shall consist of two (2) county commissioners from each county, appointed by the Board of Commissioners in each respective county. It will also consist of a member of the Central Minnesota Community Corrections Advisory Board as appointed by its Chair.
4. The CMCC Executive Committee shall determine the establishment, continuation, modification and termination of correctional services and programs, review receipts, approve payment of expenditures, approve policies and procedures, establish the annual budget and ensure compliance with the provisions of the Community Corrections Act.

**RESOLUTION
042109-49
JOINT POWERS
RESOLUTION
BETWEEN AITKIN,
CROW WING AND
MORRISON
COUNTIES FOR
PROVISION OF
COMMUNITY
CORRECTIONS
SERVICES**

- 5. CMCC shall develop a Bi-Annual Comprehensive Plan as required by the Department of Corrections, to include a Progress Report for each year a new Plan is not submitted.
- 6. The CMCC Advisory Board will consist of at least nine (9) members, who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, social services and a lay citizen. Members will be appointed by the Joint Powers Board and serve for terms of two (2) years from and after the date of their appointment and shall remain on the Advisory Board until their successors are duly appointed. The Board may elect its own officers. The members comprising the Board may come from each of the participating counties as may be determined by agreement of the counties. The Advisory Board shall participate in the formulation of the Comprehensive Plan for the development, implementation and operation of the correctional programs and services operated by CMCC and shall make a formal recommendation to the Joint Powers Board at least annually concerning the comprehensive plan and its implementation during the ensuing year.
- 7. For Budget Year 2010, the counties shall share local costs in a manner proportionate to a ratio established by comparing the average amounts actually expended by CMCC for Field Services in each county during the past five (5) full years (2004-2008). This percentage shall be used to determine each county's apportionment for Budget Years 2010, 2011 and 2012. This ratio shall be recalculated in the same manner every 3 years thereafter.
- 8. Any participating county may, at the beginning of any calendar quarter, by resolution of its board of commissioners, notify the commissioner of its intention to withdraw from the subsidy program established by sections 401.01 to 401.6, and the withdrawal shall be effective the last day of the last month of the quarter in which the notice was given. Upon withdrawal, the unexpended balance of monies allocated to the counties, or that amount necessary to reinstate state correctional services displaced by that county's participation, including complement positions, may, upon approval of the legislative advisory commission, be transferred to the commissioner for the reinstatement of the displaced services and the payment of any other correctional subsidies for which the withdrawing county had previously been eligible. Assets held by CMCC will be divided between the counties according to their apportionment ratio.

Under the consent agenda Commissioner Napstad offered the following motion for a resolution, seconded by Commissioner Tveit and carried, all members voting yes to approve the following Vacation of Portion of CSAH 6 Right of Way:

WHEREAS, Donald H. Obernolte has brought suit in Aitkin County District Court against Aitkin County alleging damages from the cutting of trees, timber, and shrubs on property owned by Obernolte in March, 2003 and October 2006; and

WHEREAS, the parties have entered into a mediation agreement dated October 15, 2008; and

WHEREAS, on the advice of legal counsel, it is in the best interests of the County to approve the settlement agreement and to effectuate its terms.

IT IS HEREBY RESOLVED:

**RESOLUTION
042109-50
VACATION OF
PORTION OF
CSAH 6 RIGHT OF
WAY**

1. That Aitkin County's road easement on County State Highway No. 6 shall be limited to 60 feet on each side of the centerline on property adjacent to the property owned by Donald H. Obernolte.
2. Any right, title and interest Aitkin County has to an easement on the following-described real property located in Aitkin County is hereby vacated:

All that part of said Gov't Lot 1, Section 25, T49N, R23W, lying northerly of the following described Right-of-way line, which line is distant 60 feet northerly of, and parallel with the following described centerline;

Beginning at a point on the east line of Gov't Lot 1, said point being approximately 987.2 feet south of the northeast corner of Gov't Lot 1 and being on the centerline of said C.S.A.H. No.6; thence N 63°19' W, on an assumed bearing, along the centerline of said C.S.A.H. No. 6 a distance of 41.8 feet, thence continuing westerly along said centerline on a tangential curve to the left on a 4 degree simple curve, with a radius of 1432.4 feet, for a distance of 1325.3 feet, more or less, and there terminating. Said point of termination being the west line of Gov't Lot 1.

Except retaining that portion of said Gov't Lot 1 which is a site clearance area for the intersection of said C.S.A.H. No. 6 with C.S.A.H. No. 32, lying southeasterly of the following described line; Commencing at a point on said northerly right-of-way line, said point being 60 feet northerly of said centerline and 33 feet westerly of the east line of said Section 25; thence northerly 100 feet on a line parallel with said east line of Section 25 to the point of beginning of the line to be described; thence southwesterly to a point on said northerly right-of-way line, said point being 100 feet westerly of the point of commencement, and said line there terminating.

ALSO - All that part of said Gov't Lot 2, Section 25, T49N, R23W, lying northerly of the following described Right-of-way line, which line is distant 60 feet northerly of, and parallel with the following described centerline;

Beginning at a point on the centerline of said C.S.A.H. No.6, said point being 97 feet northerly of the northwest corner of the plat of "OBERNOLTE'S ADDITION", thence on an assumed bearing of N 51°15'E along said centerline a distance of 1334.7 feet; thence continuing northeasterly on said centerline on a tangential curve to the right on a 4°00' simple curve with radius of 1432.4 feet for a distance of 311.0 feet, more or less, and there terminating. Said point of termination being the east line of said Gov't Lot 2.

Except any portion of said Gov't Lot 2 that is included in Aitkin County Highway Right of Way Plat No. 8, SAP 01-640-01 CSAH 40.

ALSO - All those parts of Lot 7, Outlot A and Outlot B of the plat of "OBERNOLTE'S ADDITION" in Gov't Lot 1 Section 25, T49N, R23W lying southerly of the following described Right-of-way line, which line is 60 feet southerly of, and parallel with the following described centerline;

Beginning at a point on the east line of Gov't Lot 1, said point being approximately 987.2 feet south of the northeast corner of Gov't Lot 1 and being on the centerline of said C.S.A.H. No.6; thence N 63°19' W, on an assumed bearing, along the centerline of said C.S.A.H. No. 6 a distance of 41.8 feet, thence continuing westerly along said centerline on a tangential curve to the left on a 4 degree

simple curve, with a radius of 1432.4 feet for a distance of 850 feet, more or less, and there terminating. Said point of termination being the west line of said Lot 7.

- 3. The remaining slope easements and right-of-way shall revert to Donald H. Obernolte.
- 4. The Board Chairperson and the County Auditor are authorized to execute and deliver to Donald H. Obernolte the attached Quit Claim Deed and Partial Vacation of Easement.
- 5. The mediation agreement is approved and the Board Chairperson is authorized to execute a settlement agreement to effectuate its terms.

Motion by Commissioner Bailey, seconded by Commissioner Tveit to enter into an engineering service agreement at a cost of \$12,980.00 with the inspector Ron Benson, carried with all other members voting yes.

Motion by Commissioner Bailey, seconded by Commissioner Napstad to authorize the Board Chair to sign the HPP (High Priority Project Funding) letter, carried with all other members voting yes.

Commissioner Bailey offered the following resolution, seconded by Commissioner Tveit and on vote being taken, all members voting yes, it was duly adopted, to-wit:

WHEREAS, Roth Construction of McGrath, MN was the lowest responsible bidder in the amount of \$312,570.14 for CP 01-62-02 and CP 01-090-14 (Contract 20092);

NOW THEREFORE, BE IT RESOLVED, That Roth Construction be awarded the contract for the Grading, Aggregate Base, Bituminous Surfacing, and Aggregate Stockpiles.

BE IT FURTHER RESOLVED, That the Chairperson of the Aitkin County Board and the Aitkin County Auditor 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.

John Welle, County Engineer reviewed with the Board the upcoming projects. A 2009 tentative schedule of letting dates for construction and maintenance projects was distributed to the board.

Patrick Wussow, County Administrator reviewed the 1st quarter (January – March 2009) revenues and expenditures report. Overview of departments that were above the budgeted amount and gave explanations for the expense.

Bob Goede, MCIT Account Executive presented the 2009 MCIT Member report to the County Board. Jennifer Wolf, MCIT office support and Jeff Holubar, loss control answered questions of the Board Members.

Break for setup 10:54 a.m. – 11:06 a.m.

ENGINEERING SERVICES AGREEMENT

HHP LETTER

RESOLUTION 042109-51 AWARD BID TO ROTH CONSTRUCTION

PROJECT LETTINGS

1ST QUARTER REVENUES AND EXPENDITURES

2009 MCIT MEMBER REPORT

BREAK

Mark Jacobs, Aitkin County Land Commissioner, updated the Board on Strategic Initiatives. Strategic Initiatives include: Enhance the quality, vigor, and value of northern and lowland hardwoods, retain a vigorous, productive, and balanced aspen resource, increase the amount of upland conifer forest, increase the amount of oak forest, strive to retain the birch cover type, manage for the needs of wildlife through provision of range of habitats, focus recreational management on provision of dispersed recreation and trails, and maintain/enhance the quality of water yielded from County land.

Motion by Commissioner Bailey, seconded by Commissioner Napstad to reject and re-bid the materials for the 70 mile trail, carried with all other members voting yes.

During the meeting, the Board heard updates on the following committees: i) CMCC, ii) Lakes and Pines, iii) ARDC, iv) Arrowhead Counties, v) ACA, vi) Zoning Class, vii) St. Paul, viii) Planning Commission, ix) BWSR, x) Facilities, xi) NEMOJET, xii) MHB, xiii) Park Board, xiv) County Budget Reserves, xv) Mille Lacs Lake Watershed.

Motion by Commissioner Bailey, seconded by Commissioner Tveit and carried, all members voting yes to adjourn the meeting at 1:13 p.m. until Tuesday, April 28, 2009 at 10:00 a.m.

STRATEGIC INITIATIVES

REJECT & RE-BID 70 MILE TRAIL

COMMITTEE UPDATES

ADJOURN

J. Mark Wedel, Chairperson
Aitkin County Board of Commissioners

Patrick Wussow, County Administrator