

AITKIN COUNTY BOARD

January 5, 2010

County Administrator Patrick Wussow called the 2009 Board Meeting to order this 5th day of January, 2010 at 9:02 a.m. with the following members present: Commissioners J. Mark Wedel, Galen "Tweet" Tveit, Brian Napstad, Laurie Westerlund, Paul Bailey, County Administrator Patrick Wussow, and Administrative Assistant Nicole Visnovec.

CALL TO ORDER

Motion by Commissioner Bailey, seconded by Commissioner Napstad to nominate Commissioner Bailey as Chairperson for the year 2010.

NOMINATION OF BOARD CHAIR

Motion by Commissioner Wedel, seconded by Commissioner Napstad and carried, four members voting yes with Commissioner Bailey abstaining, to close the nominations and cast a unanimous ballot in favor of Commissioner Bailey as Chairperson for the year 2010.

UNANIMOUS BALLOT

Motion by Commissioner Bailey, seconded Tveit to nominate Commissioner Westerlund as Vice Chairperson for the year 2010.

NOMINATION OF VICE CHAIR

Motion by Commissioner Napstad, seconded by Commissioner Wedel and carried, four members voting yes with Commissioner Westerlund abstaining, to close the nominations and cast a unanimous ballot in favor of Commissioner Westerlund as Vice Chairperson for the year 2010.

UNANIMOUS BALLOT

Motion by Commissioner Napstad seconded by Commissioner Tveit carried, all members voting yes to approve the Consent Agenda as follows: A) Approve Commissioner Warrants: General Fund \$173,438.45, Road and Bridge \$40,393.13, Special Revenue (Unorg R&B, Fire, Cemetery) \$333.13, Health and Human Services \$27,021.71, Trust \$6,047.59, Forest Development \$8,464.14, Long Lake Conservation Center \$4,015.35 for a total of \$259,713.50; B) Approve Minimum Salary for Elected Officials; C) Approve ARDC Request to Include City of Duluth in the ARDC Loan Fund; D) Reaffirmed Out of State Travel Policy; E) Reaffirm Annual Code of Ethics.

CONSENT AGENDA

Under the consent agenda a motion for a resolution by Commissioner Napstad, seconded by Commissioner Tveit and carried, all members voting yes to approve the Minimum Salary for Elected Officials:

WHEREAS, Minnesota Statutes require that at a January meeting during the year in which candidates may file for various county offices, the County Board shall set by resolution the minimum salary to be paid for the following term,

RESOLUTION 010510-001 MINIMUM SALARY FOR ELECTED OFFICIALS

NOW, THEREFORE BE IT RESOLVED, that the minimum salaries of elected officials are hereby established for the next term as follows:

County Attorney	\$10,000
County Auditor	\$10,000
County Recorder	\$10,000
County Sheriff	\$10,000
County Treasurer	\$10,000

Motion by Commissioner Napstad, seconded by Commissioner Tveit and vote being taken, all members voting yes to approve the Aitkin County Board of Commissioners Rules of Business & Meeting Procedures.

RULES OF BUSINESS & MEETING PROCEDURES

Commissioner Wedel offered the following resolution, seconded by Commissioner Tveit and vote being taken, all members voting yes to freeze the 2011 Salary for the Aitkin County Commissioners at \$28,644.00, it was duly adopted, to-wit:

BE IT RESOLVED, the Aitkin County Board of Commissioners set the 2011 County Commissioner’s salary at \$28,644.00.

Motion for a resolution by Commissioner Wedel, seconded by Commissioner Westerlund and carried, all members voting yes to approve the following committee appointments:

BE IT HEREBY RESOLVED, that the Aitkin County Board of Commissioners makes the following committee appointments for the year 2010:

Assessor for Unorganized Twps.
Fairgrounds Custodian
AMC Delegates (8)

Mike Dangers
Kirk Peysar
County Board
County Auditor
HHS Director
County Administrator
Board

Purchasing/Building Committee
Facilities Committee

J. Mark Wedel
Brian Napstad
J. Mark Wedel
John Welle

Aitkin Airport Commission (2)

Brian Napstad
John Walkup

McGregor Airport Commission (2)

Tri-County Community Health Services Board
Arrowhead Regional Development Council
Aitkin County Water Planning Task Force
Snake River Watershed Management Board
NE MN Office Job Training

Paul Bailey
Paul Bailey
Mark Wedel
Paul Bailey
Brian Napstad

Motion for a resolution by Commissioner Wedel, seconded by Commissioner Westerlund and carried, all members voting yes to approve the following committee appointments:

BE IT HEREBY RESOLVED, that Board Chairperson Paul Bailey make the following committee appointments for the year 2010:

Aitkin County Growth, Board of Directors, Liaison
Aitkin Economic Development Administration
Arrowhead Counties Association

Galen Tveit
J. Mark Wedel
Paul Bailey
Galen Tveit
Brian Napstad
Galen Tveit
Brian Napstad,
Alternate
John Welle
Brian Napstad
Laurie Westerlund

Arrowhead Economic Opportunity Agency
Arrowhead Emergency Management Services (1 + alternate)

Arrowhead Regional Transportation Committee
ATV Committee (2)

**2011
COMMISSIONER
SALARIES**

**RESOLUTION
010510-002**

**2009 COMMITTEE
APPOINTMENTS**

**RESOLUTION
010510-003
COMMITTEE
APPOINTMENTS**

**RESOLUTION
010510-004
COMMITTEE
APPOINTMENTS**

Big Sandy Lake Management Plan (1 + Alternate)	Brian Napstad Galen Tveit, Alternate	<p>CONTINUED: RESOLUTION 010510-004 COMMITTEE APPOINTMENTS</p>
Central MN Corrections (2)	J. Mark Wedel Laurie Westerlund	
Development Achievement Center (liaison) (1 + Alternate)	Laurie Westerlund Paul Bailey, Alternate	
East Central Regional Library Board	Paul Bailey	
Economic Development (2)	Galen Tveit Paul Bailey	
Employee Recognition (2)	Paul Bailey Laurie Westerlund	
Environmental Assessment Worksheet (2)	Galen Tveit Brian Napstad	
Emergency Management	J. Mark Wedel	
Extension Committee (2)	J. Mark Wedel Galen Tveit	
Forest Advisory Committee (2)	Galen Tveit Brian Napstad	
H & HS Advisory Committee (Liaison)	Laurie Westerlund Galen Tveit	
Historical Society (Liaison)	J. Mark Wedel	
Insurance Committee (2)	J. Mark Wedel Laurie Westerlund	
Investment Committee	County Board	
Joint Powers Natural Resources Board	Brian Napstad Mark Jacobs	
Labor Management Committee	J. Mark Wedel Laurie Westerlund, Alternate	
Lakes and Pines (1+ Alternate)	Paul Bailey Galen Tveit, Alternate	
Law Library	Paul Bailey	
MCIT Representative (1 + Alternate)	Laurie Westerlund Kirk Peysar, Alternate	
Mille Lacs Watershed (2)	Paul Bailey Laurie Westerlund	
Mississippi Headwaters Board (MHB)	Brian Napstad	
MN Rural Counties Caucus (1 + Alternate)	Galen Tveit Brian Napstad, Alternate	
Northeast MN ATP Steering Committee	John Welle	
Northeast MN ATP	Paul Bailey John Welle	
Northeast MN ATP Township Representative	Clayton Grimes	
Northeast Waste Advisory Committee (NEWAC) (1+Alternate) (1+Alternate)	Brian Napstad Laurie Westerlund, Alternate	
Northern Counties Land Use Coordinating Board (NCLUCEB)	Brian Napstad Galen Tveit, Alternate	
Onanegozie (RCDC) (1 + Alternate)	Laurie Westerlund	

<p>Ordinance Committee (2)</p> <p>Paul Bunyan Interagency Early Intervention Personnel Committee (2)</p> <p>Planning Commission Public Land Classification Committee (2)</p> <p>Solid Waste Task Force (2)</p> <p>Park Commission</p>	<p>Galen Tveit, Alternate Brian Napstad Galen Tveit Brian Napstad Brian Napstad J. Mark Wedel Laurie Westerlund Galen Tveit Laurie Westerlund' Alternate Laurie Westerlund Brian Napstad Galen Tveit</p>	<p>CONTINUED: RESOLUTION 010510-004 COMMITTEE APPOINTMENTS</p>
<p>Priority items for 2010 and the 2010 Legislative Platform were discussed by the Board. These two items will be brought back to the Board at a future meeting for more consideration and review.</p>		<p>2010 PRIORITY ITEMS & LEGISLATIVE PLATFORM</p>
<p>Motion by Commissioner Napstad, seconded by Commissioner Westerlund and carried, all members voting yes to approve the following designation of the official county newspaper to the <i>Aitkin Independent Age</i>.</p>		<p>OFFICIAL NEWSPAPER</p>
<p>Motion for a resolution by Commissioner Napstad, seconded by Commissioner Wedel and carried, all members voting yes to approve Opposing MN Rules Chapter 7080-7083:</p>		<p>RESOLUTION 010510-005 OPPOSING MN RULES CHAPTER 7080-7083</p>
<p>WHEREAS, the Minnesota Pollution Control Agency (MPCA) has adopted Rules (MN Rule Ch. 7080) related to Septic System the material specifications, site evaluation, design, installation, inspection and maintenance as well as developed regulations related to training, qualifications, certification and performance standards for individuals who work with Septic Systems, and have developed a classification system for the type and use of septic systems; and</p>		
<p>WHEREAS, Aitkin County has adopted an ISTS and Wastewater Ordinance (Ordinance) to implement, administer and enforce Rules related to septic system site evaluations, designs and inspections; and</p>		
<p>WHEREAS, Aitkin County has on staff five (5) MPCA certified Septic System Designers and Inspectors and one (1) Contract Inspector to assist citizens and businesses with technical and common issues related to Septic Systems, to ensure that portion of the Ordinance related to Septic Systems is administered and enforced accordingly, and to conduct as-built Septic System inspections; and</p>		
<p>WHEREAS, one (1) out of every five (5) land use permits issued in Aitkin County is for the installation of a new, or replacement of an old, Septic System. In 2008, 192 of the 934 permits issued by the Zoning Department were for new septic systems; and</p>		
<p>WHEREAS, Aitkin County received approximately \$10,000 in Septic System pass-through grant funds in 2009 for administering and enforcing this program (design review, site review, as-built inspection, public assistance, contractor assistance, complaint investigation, compliance inspection enforcement, violation enforcement). Aitkin County estimates that approximately 2/5 of its</p>		

administrative time and cost is related to Septic Systems, or \$159,000 of its \$397,000 budget for 2009; and

WHEREAS, the MPCA has made Revisions to the Rule in 2007. Counties are required to adopt these Revisions into their local Ordinances by February 2010, and Cities and Townships with Septic System Ordinances are required to adopt the Revisions by February 2011; and

WHEREAS, the Revisions make substantial changes to all aspects of Septic Systems, from material specifications, site evaluation procedures, system design, inspections (both as-built and existing compliance), maintenance, professional training, etc... The result is MR Ch 7080 being expanded into MR Ch 7080, 7081, 7082, 7083; and

WHEREAS, the effect of the Revisions will increase the cost of designing the system, receiving local permits, installing the system, system inspections and the material prices for constructing the system – all of which are borne by the resident or business; and

WHEREAS, the effect of the Revisions will substantially increase the staff time, resources and funding requirements to implement, administer and enforce the Septic System portion of the Ordinance; and

WHEREAS, it is Aitkin County’s belief that the current Septic System Rules did not previously achieve the maximum environmental protection possible as a result of ineffective enforcement of those Rules. (i.e. reluctance to levy significant fines on licensed contractors in violation of their license or non-licensed contractors engaged in regulated septic work, doing non-compliant work, insufficient enforcement staff for program or too large of regional area to cover, reluctance to audit licensed contractors records, etc.); and

WHEREAS, it is Aitkin Counties belief that the Revisions require an undue and unreasonable burden upon the County staff, resources and program funding as to make them unenforceable; and

WHEREAS, it is Aitkin County’s belief that the Revisions, in their current form, have significant errors, unreasonable requirements and unnecessary provisions that adopting and enforcing them would constitute a waste of public time and resources. This is apparent as the MPCA has and is continuing to make changes to the Rules.

NOW THEREFORE BE IT RESOLVED, the Aitkin County Board of Commissioners elects to not adopt the Revisions to the Septic System rules, as required by February 2010, and

THEREFORE BE IT FURTHER RESOLVED, Aitkin County opposes the mandate found in the Revisions to adopt, implement and enforce standard(s) that are known to be in error until such time as they have been addressed and corrected, and

THEREFORE BE IT FURTHER RESOLVED, Aitkin County opposes the mandate found in the Revisions that contribute to unnecessary increases in the cost of new Septic Systems to homeowners and businesses, and

THEREFORE BE IT FURTHER RESOLVED, Aitkin County opposes the mandate found in the Revisions that unreasonably increases the amount of staff time, resources and funding at the County level to implement and enforce the Septic System standards; and

**CONTINUED:
RESOLUTION
010510-005
OPPOSING MN
RULES CHAPTER
7080-7083**

THEREFORE BE IT FURTHER RESOLVED, Aitkin County opposes broad mandates placed upon all Counties to address special needs and/or situations affecting only a few. How to address these issues is a matter best left to the individual County to resolve, with technical assistance provided by the State, as needed through their authority to be more restrictive in passing local Ordinances; and

THEREFORE BE IT FURTHER RESOLVED, Aitkin County encourages the State to increase its protection of water quality and the environment through a more aggressive, effective and efficient enforcement of the existing Rules rather than exacerbating the problem through the creation of more complex and unenforceable Rules; and

THEREFORE BE IT FURTHER RESOLVED, Aitkin County shall continue to enforce the current Rules related to Septic Systems until such time as (1) the Revisions are amended to address these issues, or (2) the MPCA notifies the County of its intention to assume septic system site evaluation, design review, permitting, inspection, public assistance and enforcement duties; and

THEREFORE BE IT FURTHER RESOLVED, it is Aitkin County’s assertion that Septic System pass-through funds continue to be received until such time as these issues related to the Revisions have been addressed, and adequate time to adopt the resulting Revisions has been provided.

Motion by Commissioner Westerlund seconded by Commissioner Tveit, all members voting yes to appoint Roberta Elvecrog from District 3 for a 3-year term to the Extension Committee, carried with all members voting yes.

Motion by Commissioner Westerlund seconded by Commissioner Tveit, all members voting yes to appoint Bonnie Mickelson at large member for a 3-year term to the Extension Committee, carried with all members voting yes.

During the meeting, the Board heard updates on the following committees: i) Law Library; ii) Lakes and Pines, iii) Mille Lacs Electric Outlet Article.

Motion by Commissioner Wedel, seconded by Commissioner Napstad and carried, all members voting yes to adjourn the meeting at 11:20 a.m. until Tuesday, January 12, 2010 at 9:00 a.m.

Paul Bailey, Chairperson
Aitkin County Board of Commissioners

Patrick Wussow, County Administrator

**CONTINUED:
RESOLUTION
010510-005
OPPOSING MN
RULES CHAPTER
7080-7083**

**EXTENSION
COMMITTEE**

**EXTENSION
COMMITTEE**

**COMMITTEE
UPDATES**

ADJOURN

