

AITKIN COUNTY BOARD

28
July 9, 2019

The Aitkin County Board of Commissioners met this 9th day of July, 2019 at 9:00 a.m., at the Aitkin Public Library, with the following members present: Board Chair Anne Marcotte, Commissioners J. Mark Wedel, Laurie Westerlund, Don Niemi, Bill Pratt, County Administrator Jessica Seibert and Administrative Assistant Sue Bingham.

CALL TO ORDER

Motion by Commissioner Westerlund, seconded by Commissioner Pratt and carried, all members voting yes to approve the July 9, 2019 agenda.

**APPROVED
AGENDA**

Motion by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to approve the Consent Agenda as follows: A) Correspondence File: June 25, 2019 to July 8, 2019; B) Approve County Board Minutes: June 25, 2019; C) Approve June 25, 2019 BAE Minutes; D) Approve July 2, 2019 County Board Minutes – Emergency Meeting; E) Approve Electronic Funds Transfers: \$2,884,446.08; F) Approve Commissioner Warrants: General Fund \$137,944.09, Road & Bridge \$149,633.86, Health & Human Services \$8,974.19, Trust \$16,236.88, Forest Development \$2,884.18, Capital Project \$354.90, Long Lake Conservation Center \$8,799.03, Parks \$4,248.83 for a total of \$329,075.96 ; G) Approve Auditor Warrants – Contegrity: \$559,656.80; H) Approve Temporary 3.2 Malt Liquor License – Jacobson Vol. Fire Dept.; I) Approve Temporary 3.2 Malt Liquor Licenses – Aitkin Fire Dept.; J) Approve License to Sell Tobacco Products – TW & ML Partners, LLC; K) Adopt Resolution: Cancellation of Forfeiture; L) Adopt Resolution: Accept Donation to STS; M) Approve Temporary Workspace of County Lands – 1. Adopt Resolution: Enbridge Energy Pipeline Easement; N) Approve LLCC Water Well Grant; O) Approve Extension of Timber Sale Permit #13694

**CONSENT
AGENDA**

Under the consent agenda, motion by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to approve the following Temporary On Sale 3.2 Malt Liquor License for August 24, 2019, and November 15, 2019:

**TEMPORARY ON
SALE 3.2 MALT
LIQUOR LICENSE
– JACOBSON
VOLUNTEER FIRE
DEPT.**

ON Sale:

Jacobson Community Volunteer Fire Dept., d/b/a Jacobson Volunteer Fire Dept. – Ball Bluff Township

Under the consent agenda, motion by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to approve the following (2) Temporary On Sale 3.2 Malt Liquor Licenses for the Aitkin Fire Department:

**(2) TEMPORARY
ON SALE 3.2
MALT LIQUOR
LICENSES –
AITKIN FIRE
DEPT.**

1. Temporary On Sale 3.2 Malt Liquor License for July 10 through July 13, 2019 (July 10, 11, 12, & 13, 2019):

ON Sale:

Aitkin Fire Department, d/b/a Aitkin Fire Department Relief Association – Aitkin Township

2. Temporary On Sale 3.2 Malt Liquor License for August 3, 2019:

ON Sale:

Aitkin Fire Department, d/b/a Aitkin Fire Department Relief Association – Aitkin Township

Under the consent agenda, motion by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to approve the following Application for License to Sell Tobacco Products for the period ending March 31, 2020, subject to the completion of all paperwork in full:

#26 TW & ML Partners LLC, d/b/a Viking @ 1865/Viking Auto Repair – Williams Township

Under the consent agenda, motion for a resolution by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to adopt resolution – Cancellation of Forfeiture:

WHEREAS, Michael and Barbara Frank were the owners of a parcel of land in Aitkin County described as Parcel ID 01-0-037201, (NE NE) Lot 3, (NW NE) Lot 2, SW NE, AND (SE NE) Lot 5 lying Sly of Rd ROW as in Document 385158, 64.47 Acres, and

WHEREAS, on March 4, 2010 a Mortgage dated February 16, 2010 was recorded as Document #398863 between John R Cosgriff (Lender) and Michael and Barbara Frank (Borrowers) for said property, and

WHEREAS, on August 10, 2018 said property forfeited for non payment of taxes, recorded August 14, 2018 as Document #446857, and

WHEREAS, John R Cosgriff was not notified as an interested party in said property regarding the pending forfeiture, and

THEREFORE BE IT RESOLVED, the Aitkin County Board of Commissioners approve the Cancellation of Forfeiture.

Under the consent agenda, motion for a resolution by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to adopt resolution – Accept Donation to STS:

WHEREAS, Aitkin County is generally authorized to accept donations of real and personal property with a 2/3 majority vote pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens.

WHEREAS, the following persons and entities have offered to contribute the cash amounts set forth below to the county:

Round Lake Presbyterian Church	\$100.00
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WHEREAS, the terms or conditions of the donations, if any, are as follows:

Round Lake Presbyterian Church	Sentence to Service
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LICENSE TO SELL TOBACCO PRODUCTS – 1865/VIKING AUTO REPAIR

RESOLUTION 20190709-052 CANCELLATION OF FORFEITURE

RESOLUTION 20190709-053 ACCEPT DONATION TO STS

WHEREAS, all such donations have been contributed to the county for the benefit of its citizens, as allowed by law.

NOW THEREFORE BE IT RESOLVED, the Aitkin County Board of Commissioners finds that it is appropriate to accept the donations offered.

Under the consent agenda, motion for a resolution by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to adopt resolution – Enbridge Energy Pipeline Easement:

WHEREAS, on December 11, 2018, the Aitkin County Board of Commissioners granted a utility easement, temporary work space, and temporary road access (20181211-081) to Enbridge Energy, Limited Partnership, a Delaware limited partnership, with an office located at 119 North 25th Street East, Superior, Wisconsin 54880 (Enbridge) for a right-of-way easement to survey, locate, construct, install, operate, maintain (including cathodic protection systems), clear, inspect (including aerial patrol and subsurface digging), reclaim, remove, protect, idle in place, repair, replace, relocate, change the size of and reconstruct a single pipeline, together with any associated valves, fittings, location markers and signs, communication systems and lines, utility lines, safety and protective apparatus, and all other equipment and appurtenances, whether above or below grade across the Aitkin County managed lands,

WHEREAS, Enbridge requests an additional 0.25 acre of temporary work space in Section 30, Township, 51N, Range 23W (SWSW Lot 4; PIN 06-0-048600) and corrections to the temporary roads per attached Exhibit (Temporary Access Road Lease),

WHEREAS, said applicant will be charged Temporary Work Space costs of \$1,000.00, and changes to the Temporary Access Roads costs of \$2,400 as appraised by the County Land Commissioner,

WHEREAS, the Aitkin County Land Commissioner, after making an investigation of such application, has advised that he finds no objection to granting such permit and easement,

WHEREAS, the Aitkin County Board of Commissioners resolved its support for Enbridge's proposed Line 3 Replacement Project, their preferred route, and their plan for deactivating the existing Line 3 (20170926-073),

WHEREAS, the Aitkin County Board of Commissioners recognized Enbridge for its longstanding performance and continual efforts to protect the environment, wildlife and habitats, as well as the people who live in the communities in which it operates (20170926-073),

NOW THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes, Section 282.04, Subdivision 4, the County Auditor be and is hereby authorized to issue to Enbridge Energy, Limited Partnership, a Delaware limited partnership, with an office located at 119 North 25th Street East, Superior, Wisconsin 54880 (Enbridge), an easement to use said described land, if consistent with the law, as in the special conditions set forth herein,

**RESOLUTION
20190709-054
ENBRIDGE
ENERGY
PIPELINE
EASEMENT**

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

1. The utility infrastructure shall be constructed and maintained by the grantee or permittee without any cost to the County of Aitkin and the land area shall be open for public use, as long as said easement is in force.
2. Any timber cut or destroyed shall be paid for at the usual rate as soon as determined by the Land Commissioner. (Timber has been included in the easement costs.)
3. 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.
4. 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.
5. 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.
6. 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.
7. Aitkin County manages the property for many purposes such as a motorized and non-motorized recreation trails, access to county managed and other lands for resource management purposes, including the harvesting of timber, extraction of gravel, peat, fill dirt, etc, and the mining and extraction of minerals. The issuing and use of this easement shall not adversely affect any other Aitkin County authorized uses of this strip of land.
8. After construction, the lessee shall mark the location of the utilities and shall return the land to the same condition as prior to issuing of the easement.
9. If the County shall make any improvements or changes on all or any part of its property upon which utilities have been placed by this permit, the utility owner shall, after notice from the County, change vacate, or remove from County property said works necessary to conform with said changes without cost whatsoever to the County.

Under the consent agenda, motion by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to approve MN Dept. of Health grant as presented, and to assign Wendie Carlson, Business Manager of LLCC, as the authorized representative for Aitkin County during this agreement (MNDH Grant Sec. 6.2).

Under the consent agenda, motion by Commissioner Wedel, seconded by Commissioner Niemi and carried, all members voting yes to approve second extension of Timber Sale Permit #13694, and require that the permit be paid in full (\$5,173.78)

LLCC WATER WELL GRANT

TIMBER SALE PERMIT EXTENSION

with bond payment of (\$608.68), as per the precedent set at the March 12, 2019 Board meeting for Futurewood Corp.

The County Board recognized the following employee for his years of service:

- Dan Gordon, 30 years of service, Forester in the Land Department

Tim Terrill, Executive Director of Mississippi Headwaters Board (MHB) reviewed the MHB 2019 Comprehensive Plan with the Board and answered questions. Motion for a resolution by Commissioner Westerlund, seconded by Commissioner Pratt and carried, all members voting yes to adopt resolution – Adoption of MHB 2019 Comprehensive Plan:

WHEREAS, the Mississippi Headwaters Board (MHB), is required by Minnesota Statutes 103F.361-378 to identify and protect the natural, cultural, historical, scientific and recreational values of the first 400 miles of the Mississippi River; and

WHEREAS, the Mississippi Headwaters Board Technical & Management Committee, consisting of Zoning Administrators from each of the eight counties, met and recommended changes to the 2002 Comprehensive Management Plan; and

WHEREAS, the MHB Board has reviewed changes to the 2002 Comprehensive Plan at previous board meetings, and

WHEREAS, the 2002 Comprehensive Management Plan was updated and approved on May 24, 2019 by the Mississippi Headwaters Board to create the 2019 Comprehensive Management Plan; and

WHEREAS, Aitkin County is a member county of the Mississippi Headwaters Board; and

WHEREAS, a public comment period was given in each of the eight member counties of the Mississippi Headwaters Board to review the 2019 Comprehensive Management Plan.

NOW THEREFORE, BE IT RESOLVED that Aitkin County officially adopts the 2019 MHB Comprehensive Management Plan through this resolution.

Kevin Balfanz, MCIT Director of Field Services reviewed the 2019 MCIT Report with the Board and answered questions.

Motion by Commissioner Niemi, seconded by Commissioner Pratt and carried, all members voting yes to accept Henricksen Furniture Proposal for the Government Center and Judicial Center as presented, in the amount of \$459,744.13.

Travis Feuchtmann and Marty Kassahn from Contegrity Group, Inc. updated the Board on the progress of the Government Center construction.

Jessica Seibert, County Administrator and the Board discussed the Commissioners budget for 2020.

EMPLOYEE RECOGNITION

RESOLUTION 20190709-055 ADOPTION OF MHB 2019 COMPREHENSIVE PLAN

2019 MCIT REPORT

FURNITURE PROPOSAL

GOVERNMENT CENTER UPDATE

2020 COMMISSIONERS BUDGET

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

- AMC Communications Mtg.
- DH Budget Meetings
- Upcoming Horse Barn Ribbon Cutting
- Upcoming Emergency Management Training
- Upcoming MACA Technical Training

**COUNTY
ADMINISTRATOR
UPDATES**

The Board discussed: BAE, Dirt Bike Track, McGregor Airport, NRAC, Budget Committee, HRA, Facilities Committee, Historical Society, and MHB.

**BOARD
DISCUSSION**

Break: 10:55 a.m. to 11:11 a.m.

BREAK

Motion by Commissioner Wedel, seconded by Commissioner Pratt and carried, all members voting to close the meeting at 11:11 a.m. per Minnesota Statute 13D.05 Subd 3(c)(3) – Real Estate Purchase 01-0-051400

**CLOSED
SESSION**

Motion by Commissioner Wedel, seconded by Commissioner Pratt and carried, all members voting to reopen the meeting at 11:16: a.m.

**REOPEN
MEETING**

Motion by Commissioner Westerlund, seconded by Commissioner Pratt and carried, all members voting to authorize proceeding with the acquisition of Parcel #01-0-051400 for \$10,000.

**PARCEL
#01-0-051400**

Motion by Commissioner Wedel, seconded by Commissioner Westerlund and carried, all members voting yes to adjourn the meeting at 11:17 a.m. until Tuesday, July 23, 2019 at the Aitkin Public Library.

ADJOURN

Anne Marcotte, Board Chair
Aitkin County Board of Commissioners

Jessica Seibert, County Administrator