

AITKIN COUNTY BOARD

28
June 11, 2019

The Aitkin County Board of Commissioners met this 11th day of June, 2019 at 9:02 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.

Motion by Commissioner Pratt, seconded by Commissioner Niemi and carried, all members voting yes to approve the June 11, 2019 amended agenda. Consent Agenda Item 2L – Approve Manual Warrants, was removed.

Motion by Commissioner Wedel, seconded by Commissioner Westerlund and carried, all members voting yes to approve the Consent Agenda as follows: A) Correspondence File: May 28, 2019 to June 10, 2019; B) Approve County Board Minutes: May 28, 2019; C) Approve Electronic Funds Transfers: \$3,999,573.75; D) Approve Purchase of Survey Equipment; E) Adopt Resolution: Frontier Communications Easement Sec 25 Twp 48 Rge 24; F) Adopt Resolution: Frontier Communications Convert Annual Leases to Perpetual Easement; G) Adopt (2) Resolutions for Towards Zero Deaths; H) Approve Fire Protection Contracts – City of Hill City Fire Department; I) Approve Fire Protection Contract – City of McGregor; J) Approve Commissioner Warrants: General Fund \$109,669.92, Road & Bridge \$47,110.32, Health & Human Services \$11,618.30, Trust \$5,150.11, Forest Development \$10,563.98, Long Lake Conservation Center \$13,874.08, Parks \$19,799.45 for a total of \$217,786.16; K) Approve Auditor Warrants – Contegrity: \$566,965.15

Under the consent agenda, motion by Commissioner Wedel, seconded by Commissioner Westerlund and carried, all members voting yes to approve budgeted purchase of survey equipment as presented, at a cost of \$26,329.50.

Under the consent agenda, motion for a resolution by Commissioner Wedel, seconded by Commissioner Westerlund and carried, all members voting yes to adopt resolution – Frontier Communications Easement Sec 25 Twp 48 Rge 24:

UTILITY EASEMENT

Pursuant to the authority given to the County Auditor of Aitkin County, by the County Board of said County of Aitkin, as set forth in their resolution adopted by the County on June 11, 2019 to, Frontier Communications of P.O. Box 368, Mountain Lake, MN 56159 a perpetual easement to construct and maintain an underground utility lying over, under, and across the following Aitkin County managed lands to wit:

The easement is described as follows:

LEGAL DESCRIPTION –

A 10.00 foot utility easement over, under, and across that part of the NW1/4 of the NW1/4, SW1/4 of the NW1/4, SE1/4 of the NW1/4, NE1/4 of the SW1/4, NW1/4 of the SE1/4, SW1/4 of the SE1/4, and the SE1/4 of the SE1/4, all being in Section 25, Township 48, Range 24, Aitkin County, Minnesota, lying 5.00 feet on either side of the

CALL TO ORDER

APPROVED AGENDA

CONSENT AGENDA

SURVEY EQUIPMENT

RESOLUTION 20190611-043 FRONTIER COMMUNICATIONS EASEMENT SEC 25 TWP 48 RGE 24

following described centerline: Commencing at the Southeast corner of said Section 25; thence on an assumed bearing of North 89 degrees 56 minutes 19 seconds West, along the South line of said Section 25, a distance of 139.02 feet to a point on said south line of Section 25, said point being 10.00 feet Northeasterly, at right angles, from the centerline of the Soo Line Recreational trail and the point of beginning of the centerline being herein described; thence North 52 degrees 41 minutes 21 seconds West, parallel with said centerline of Soo Line Recreational Trail, a distance of 6,521.62 feet, to a point on the West line of said Section 25 and there terminating, said point being South 00 degrees 35 minutes 11 seconds East, 1318.23 feet from the Northwest Corner of said Section 25.

Also subject to other easements, reservations or restrictions of record, if any.

AND WHEREAS, said applicant will be charged \$1,425 for the easement and timber charges 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 permit and easement.

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 Frontier Communications of P.O. Box 368, Mountain Lake, MN 56159 a perpetual easement to use said strip of land, if consistent with the law, as in the special conditions set forth herein.

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

1. The communication 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 for a resolution by Commissioner Wedel, seconded by Commissioner Westerlund and carried, all members voting yes to adopt resolution – Frontier Communications Convert Annual Leases to Perpetual Easement:

EASEMENT

Pursuant to the authority given to the County Auditor of Aitkin County, by the County Board of said County of Aitkin, as set forth in their resolution adopted by the County on June 11, 2019 to, Frontier Communications of P.O. Box 368, Mountain Lake, MN 56159, a perpetual easement to construct and maintain a utility easement lying over, under, and across the following Aitkin County managed lands to wit:

The easement is described as follows:

LEGAL DESCRIPTION –

1 Lease #15210	2 Soo Line RR R/W encroachments west of MP 211 at McGrath, Mn survey station 1249-80
3 Lease #23563	4 Soo Line RR R/W 2061+85 approx. 4,032' west of MP 280 at Palisade, Mn.
5 Lease #15656	6 Soo Line RR R/W – 1 anchor encroachment W of MP 209 at McGrath, Mn survey station 1279+68
7 Lease #14870	8 Soo Line RR R/W overhead wire crossing, 2 pole encroachments W of MP 258 Lawler, Mn survey station 901+74
9 Lease #19818	10 Soo Line RR lease 2036+25 approx. 1,100 feet E of MP 281 Palisade, Mn.
11 Lease #23005	12 Soo Line RR lease survey station 2116+03 approx. 4,170 feet W of MP 281 Palisade, Mn.

**RESOLUTION
20190611-044
FRONTIER
COMMUNICATIONS
CONVERT ANNUAL
LEASES TO
PERPETUAL
EASEMENT**

13 Lease #15874A	14 Soo Line RR lease overhead wire crossing w/ 2 poles and 6 anchor encroachment at survey station 2098+18 approx. 2,383 feet W of MP 281 Palisade, Mn.
15 Lease #28958	15 Soo Line RR ROW easement McGregor to east county line
16 Lease #365123	17 Part of SE-SW 36-51-23
18 Lease #134825	19 Part of E ½-NE of 13-48-25 (McGregor exchange)
20 Lease #144825	21 Part of NE-SE, SE-NE 14-48-25 and SW-NW, N ½-N 1/2 13-48-25

WHEREAS, said applicant will be charged \$9,250 for the easement and timber charges 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 permit and easement.

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 Frontier Communications of P.O. Box 368, Mountain Lake, MN 56159 a perpetual easement to use said strip of land, if consistent with the law, as in the special conditions set forth herein, and

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

1. The communication 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 for a resolution by Commissioner Wedel, seconded by Commissioner Westerlund and carried, all members voting yes to adopt resolution – Support Towards Zero Deaths Coalition:

BE IT RESOLVED, that the Aitkin County Board supports the Towards Zero Deaths Coalition.

**RESOLUTION
20190611-045
SUPPORT
TOWARDS ZERO
DEATHS
COALITION**

Under the consent agenda, motion for a resolution by Commissioner Wedel, seconded by Commissioner Westerlund and carried, all members voting yes to adopt resolution – Towards Zero Deaths Fiscal Agent Agreement:

WHEREAS, that Towards Zero Deaths enter into a grant agreement with the Minnesota Department of Public Safety, for traffic safety projects during the period from October 1, 2019 through September 30, 2020.

BE IT FURTHER RESOLVED, that Kirk Peysar, Aitkin County Auditor, is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of Towards Zero Deaths and to be the fiscal agent and administer the grant.

**RESOLUTION
20190611-046
TOWARDS ZERO
DEATHS FISCAL
AGENT
AGREEMENT**

Motion by Commissioner Pratt, seconded by Commissioner Niemi and carried, all members voting yes to approve Right of Way Plat No. 21 as presented.

**RIGHT OF WAY
PLAT NO. 21**

Motion for a resolution by Commissioner Wedel, seconded by Commissioner Westerlund and carried, all members voting yes to adopt resolution – Award Contract No. 20194:

WHEREAS, Contract No. 20194 is for construction of S.A.P. 001-603-019, S.A.P. 001-610-030, S.A.P. 001-616-007, C.P. 001-070-001, and C.P. 001-090-033, and

WHEREAS, sealed bids were opened for this project at 2:00 p.m. on Monday, June 3, 2019 with a total of four bids received, and

WHEREAS, Anderson Brothers Construction Company, Brainerd, MN was the lowest responsible bidder in the amount of \$2,919,888.99.

THEREFORE, BE IT RESOLVED, that Anderson Brothers Construction Company is awarded Contract No. 20194.

BE IT FURTHER RESOLVED, that the chairperson of the Aitkin County Board and the Aitkin County Administrator 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.

Rich Courtemanche, Land Commissioner introduced Dennis Thompson, the new Assistant Land Commissioner to the Board.

Rich Courtemanche, Land Commissioner discussed the following with the Board:

- 2019 Legislative Session
- May Timber Sale
- ATV Seismic Counters
- DNR ATV Trail Grant

Jessica Seibert, County Administrator welcomed and introduced Jim Bright, the new Aitkin County Facilities Coordinator to the Board.

Motion by Commissioner Niemi, seconded by Commissioner Pratt and carried, all members voting yes to accept Government Center technology proposal from Marco in the amount of \$61,788.52.

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

- AMC District 1 Mtg.
- Upcoming AMC Communication/Education Mtg.
- Upcoming MACA Mtg.
- Construction Update
- Department Head Budget Process
- Facilities Coordinator Onboarding

**RESOLUTION
20190611-047
AWARD
CONTRACT
NO. 20194**

**ASSISTANT LAND
COMMISSIONER**

**LAND
DEPARTMENT**

**FACILITIES
COORDINATOR**

**GOVERNMENT
CENTER
TECHNOLOGY
PROPOSAL**

**COUNTY
ADMINISTRATOR
UPDATES**

The Board discussed: Library, NRAC, AMC District 1 Mtg., Extension, Budget, ACLARA, Aitkin Airport, and NCLUCB.

Motion by Commissioner Wedel, seconded by Commissioner Westerlund and carried, all members voting yes to adjourn the meeting at 10:40 a.m. until Tuesday, June 25, 2019 at Aitkin City Hall.

**BOARD
DISCUSSION**

ADJOURN

Anne Marcotte, Board Chair
Aitkin County Board of Commissioners

Jessica Seibert, County Administrator