



# MORRISON COUNTY BOARD OF COMMISSIONERS OFFICIAL MINUTES

December 17, 2013

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The meeting was held in the County Board Room, Government Center, Little Falls MN, and was called to order at 9:00 a.m. by Chairman Johnson.

**Members present:** Commissioners Randy Winscher, Duane Johnson, Don Meyer, Kevin Maurer and Jeff Jelinski.

**Staff present:** Deb Gruber, Brian Middendorf, Michel Wetzel, Brad Vold, Amy Kowalzek, Bonnie Paulsen, Russ Nygren, Steve Backowski, Beth Hamlin, Becky Moe, Glenn Erickson, Jason Jorgensen and Nicole Nordlund.

**Others present:** Jennie Zeitler, Mary French, Stephen Christensen, Rob Parmentier, Carol Anderson, Tim Terrill, Sandy Voigt, Brian Gapinski, Dan Bullert and Mary Kenna.

## APPROVAL OF COUNTY BOARD MINUTES

A motion was made by Commissioner Meyer, seconded by Commissioner Maurer and carried unanimously to approve the Morrison County Board of Commissioner Minutes for December 3, 2013.

## AGENDA CHANGES

A motion was made by Commissioner Jelinski, seconded by Commissioner Winscher and carried unanimously to adopt the agenda as presented with the addition of the Mississippi Headwaters Report.

## PUBLIC HEARING: POST AWARD HEARING

Carol Anderson, Community Development along with Mary French, Stephen Christensen and Rob Parmentier from Triumph Boats presented to the Board the current status of Triumph/Larson Boats and what the future holds for the industry. The County Board invited the representatives to provide them regular reports on the status of the company.

A Public Hearing was conducted, no public comment was received.

A motion was made by Commissioner Winscher, seconded by Commissioner Meyer and carried unanimously to authorize the closing of the loan that was processed on the behalf of Triumph Boats which has met the requirements of the Community Development Block Grant project funded by the Minnesota Department of Employment and Economic Development.

## MISSISSIPPI HEADWATERS REPORT

Tim Terrill, Mississippi Headwaters Director, introduced himself and gave a brief report the Board and an update on their current projects. Tim stated that they are working with a GIS Coordinator to help with prioritizing those areas that need work.

## SHERIFF'S REPORT

Michel Wetzel, Sheriff, presented the monthly report for November 2013 to the County Board.

A motion was made by Commissioner Jelinski, seconded by Commissioner Meyer and carried unanimously to approve the agreement with the Ramsey County Medical Examiner for services in 2014.

## SOCIAL SERVICES REPORT

A motion was made by Commissioner Winscher, seconded by Commissioner Maurer and carried unanimously to approve the contract between Morrison County Social Services and Rural MN CEP for MFIP and DWP employment services for 2014.

## PUBLIC HEALTH REPORT

Bonnie Paulsen, Public Health Director and Mary Kenna from Healthy Communities Collaborative reported to the Board on the Breastfeeding Worksite Survey that was distributed to local businesses in order to provide education, literature and examples of policies to implement to help breastfeeding mothers. Mary Kenna also reported on the other



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areas that HCC is working on with the Breastfeeding Worksite Survey.

### PLANNING AND ZONING REPORT

A motion was made by Commissioner Meyer, seconded by Commissioner Maurer and carried unanimously to enter into the Fiscal Year 2014 and 2015 Board of Water and Soil Resources Natural Resources Block Grant Agreement. A motion was made by Commissioner Winscher, seconded by Commissioner Jelinski and carried unanimously to approve Resolution #2013-068 Amending Portions of the Morrison County Land Use Control Ordinance Section 1300 containing new septic system provisions.

### EXTENSION REPORT

Becky Moe, 4-H Program Coordinator, presented the County Report for the month of November 2013 and reported on various events that have and will be taking place in the upcoming months.

### ASSESSORS REPORT

Glen Erickson, Assessor, introduced Jason Jorgensen who is the new Ag Appraiser in their office.

### TECHNOLOGY SERVICES REPORT

A motion was made by Commissioner Maurer, seconded by Commissioner Jelinski and carried unanimously to approve the Cross-County Archiving and Confidentiality Agreement between Morrison County and Mille Lacs County and to approve Resolution #2013-069, Joint Powers Agreement.

### AUDITOR'S REPORT

A motion was made by Commissioner Meyer, seconded by Commissioner Jelinski and carried unanimously to approve the renewal of the 2 a.m. closing time for Russell Holewa dba Grub & Pub, Ramey, MN.

A motion was made by Commissioner Jelinski, seconded by Commissioner Maurer and carried unanimously to approve an Exempt Permit for the Little Falls Fire Department Relief Association to hold a raffle on February 15, 2014 at the Falls Ballroom, Little Falls, MN.

A motion was made by Commissioner Winscher, seconded by Commissioner Meyer and carried unanimously to approve an Exempt Permit for the Morrison County Gobblers Chapter NWTf to hold a raffle on February 7, 2014 at the Falls Ballroom, Little Falls, MN.

A motion was made by Commissioner Meyer, seconded by Commissioner Winscher and carried unanimously to approve an Exempt Permit for Bethany Lutheran Church of Ramey to hold a bingo and raffle on January 19, 2014 at the Bethany Lutheran Church of Ramey, MN.

Russ Nygren, Auditor/Treasurer reported the November 30, 2013 Cash Report Year End.

### COUNTY BOARD WARRANTS

A motion was made by Commissioner Meyer and seconded by Commissioner Jelinski to approve the following Resolution:

WHEREAS, the Morrison County Board of Commissioners have reviewed the list of County Board Warrants;

NOW THEREFORE, BE IT RESOLVED, that the list of County Board Warrants on file in the Auditor/Treasurer's Office for December 17, 2013 be approved for payment:

REVENUE	\$ 75,740.81
PUBLIC WORKS	\$ 62,932.37
SOCIAL SERVICE	\$224,832.79
SOLID WASTE	\$ 24,667.70
PARKS FUND	\$ 21.72



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LOCAL COLLABORATIVE \$ 5,205.61  
TOTAL \$393,401.00  
Meals \$ 89.04  
Credit Card \$ 6,912.90

Motion carried on a roll call vote with all Commissioners voting "aye".

A motion was made by Commissioner Meyer, seconded by Commissioner Jelinski to approve the Commissioners Expense Reports as presented. Motion carried on a roll call vote with all Commissioners voting "aye".

The County Board recessed at 10:12 a.m. and reconvened at 10:19 a.m.

**BUDGET REPORT**

A motion was made by Commissioner Meyer, seconded by Commissioner Winscher to approve the 2014 Levy for Morrison County as follows:

FUND	LEVY 2014	2014 PROPOSED LEVY LESS AID
GENERAL	\$10,083,214	\$8,948,205
HIGHWAY	\$ 3,232,015	\$2,994,153
SOCIAL SERVICES	\$ 3,487,750	\$3,181,269
SOLID WASTE	\$ 243,140	\$ 191,944
DEBT/BLDG RETIREMENT	\$ 909,621	\$ 683,445
AG. SOCIETY	\$ 35,000	\$ 32,376
HISTORICAL SOCIETY	\$ 37,500	\$ 33,301
PARK FUND	\$ 57,948	\$ 50,684
BUILDING FUND	\$ 125,000	\$ 106,378

A motion was made by Commissioner Jelinski, seconded by Commissioner Maurer to approve the 2014 Budget for Morrison County as follows.

GENERAL FUND	\$15,095,676
ROAD AND BRIDGE FUND	\$ 9,713,481
SOCIAL SERVICES FUND	\$ 8,932,400
SOLID WASTE FUND	\$ 3,634,385
PARK FUND	\$ 67,948
DEBT RETIRMENT	\$ 909,621
AG SOCIETY	\$ 35,000
HISTORICAL SOCIETY	\$ 37,500
BUILDING FUND	\$ 125,000

Motion carried on a roll call vote with all Commissioners voting "aye".

A motion was made by Commissioner Meyer, seconded by Commissioner Winscher to approve the 2014 Fee Schedule. Motion was carried on a roll call vote with all Commissioners voting "aye".

A motion was made by Commissioner Maurer, seconded by Commissioner Winscher to approve the 2014 Levy/Budget for the Morrison County Housing and Redevelopment Authority (HRA) at \$30,000. Motion carried on a roll call vote with all Commissioners voting "aye".

**PUBLIC WORKS REPORT**

A motion was made by Commissioner Maurer, seconded by Commissioner Meyer and carried unanimously to approve Resolution #2013-075 For Creating a Prioritized Bridge Replacement List.



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A motion was made by Commissioner Maurer, seconded by Commissioner Jelinski and carried unanimously to approve a Grant Encroachment License for a tract of land described as the 66 foot wide road known as Aztec Road located within the plat of the Jefferson Beach on Shamineau Lake, Morrison County Minnesota.

## ADMINISTRATORS REPORT

A motion was made by Commissioner Maurer, seconded by Commissioner Jelinski and carried 3-2 with Commissioners Meyer and Johnson opposing, to approve Resolution #2013-070, Setting the 2014 Salary of the Morrison County Attorney at \$104,956.80, a 2% increase from 2013.

A motion was made by Commissioner Winscher, seconded by Commissioner Jelinski and carried 3-2 with Commissioners Meyer and Johnson opposing, to approve Resolution #2013-071, Setting the 2014 Salary of the Morrison County Auditor/Treasurer at \$89,710.40, a 2% increase from 2013.

A motion was made by Commissioner Winscher, seconded by Commissioner Maurer and carried unanimously to approve Resolution #2013-072 Setting the Commissioner's Salaries for 2014 at \$30,014.40, no increase from 2013.

A motion was made by Commissioner Winscher, seconded by Commissioner Maurer and carried 3-2 with Commissioners Meyer and Johnson opposing, to approve Resolution #2013-073, Setting the 2014 Salary of the Morrison County Recorder at \$58,281.60, a 2% increase from 2013.

A motion was made by Commissioner Jelinski, seconded by Commissioner Maurer and carried 3-2 with Commissioners Meyer and Johnson opposing, to approve Resolution #2013-074, Setting of the 2014 Salary of the Morrison County Sheriff at a \$104,083.20, a 2% increase from 2013.


## COUNTY BOARD REPORTS AND SCHEDULE

Members of the County Board reported on various meetings they have attended and on their upcoming schedule of meetings with various organizations.

## ADJOURNMENT

A motion was made by Commissioner Meyer, seconded by Commissioner Maurer and carried unanimously to adjourn the meeting at 11:00 a.m.

  
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Duane Johnson, Chairman

  
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Deb Gruber, Clerk to the County Board

## RESOLUTION #2013-069

### RESOLUTION AMENDING PORTIONS OF THE MORRISON COUNTY LAND USE CONTROL ORDINANCE

#### SECTION: 1300 SANITARY SYSTEM AND WATER WELL STANDARDS

#### THE MORRISON COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS THE FOLLOWING ADDITIONS THEREBY AMENDMENDING ITS LAND USE CONTROL ORDINANCE:

##### 1301.1 PURPOSE AND AUTHORITY

The purpose of the Sanitary System Standard section shall be to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Midsized Sewage Treatment Systems (MSTS) and septage disposal including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the County Comprehensive Plan and the County Land Use Control Ordinance.

##### 1301.2 INTENT

It is intended by the County that this Section will promote the following:

- A. The protection of lakes, rivers and streams, wetlands, and groundwater in Morrison County essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the County.
- B. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
- C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- D. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.

##### 1301.3 JURISDICTION

The jurisdiction of this Section shall include all lands of the County except for incorporated areas that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their incorporated jurisdiction, which is at least as strict as this Section.

##### 1301.4 EFFECTIVE DATE

The provisions set forth in this Section shall become effective on January 1, 2014.

##### 1301.5 SCOPE

This Section regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Section or by a system that has been permitted by the MPCA.

### **1301.6 COUNTY ADMINISTRATION**

- A. The Morrison County Planning & Zoning Department shall administer the SSTS program and all provisions of this Section.
- B. County Duties and Responsibilities shall include but not be limited to the following:
  - 1. Review all applications for SSTS
  - 2. Issue all permits required in this Section
  - 3. Inspect all work regulated in this Section
  - 4. Investigate all complaints regarding SSTS
  - 5. Issue certificates of installation,
  - 6. Enact enforcement provisions of this Section as necessary
  - 7. Refer unresolved violations of this Section to the County Attorney
  - 8. Maintain current records for each permitted SSTS including all site evaluation documents, design documents, inspection documents, and other applicable documents.
  - 9. The County shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.
  - 10. Submit annual reports to MPCA as required.

### **1301.7 STATE ADMINISTRATION**

Per 2011 version 7081.0040 Subpart 1 B, the owner or owners of a single SSTS or a group of SSTS under common ownership must obtain a SDS permit from the Minnesota Pollution Control Agency according to Minnesota Rule Chapter 7001 when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day.

### **1301.8 CITIES AND TOWNSHIPS ADMINISTRATION**

Any jurisdiction within the County that regulates SSTS must comply with the standards and requirements of this Ordinance. The standards and ordinance of the jurisdiction may be administratively and technically more restrictive than this Ordinance.

### **1301.9 LIABILITY**

Any liability or responsibility shall not be imposed upon the department or agency or any of its officials, employees, or other contract agent, its employees, agents or servants thereof for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster SSTS regulated under this Section by reason of standards, requirements, or inspections authorized hereunder.

### **1301.10 ALL SSTS**

Except as explicitly set forth in Article 1301.11 of this Section, all provisions of this Section shall apply to any SSTS regardless of the date it was originally permitted.

### **1301.11 EXISTING PERMITS**

Unexpired permits which were issued prior to the effective date of this Section shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system design, whichever is earlier.

### **1301.12 SSTS ON LOTS CREATED AFTER JANUARY 23, 1996**

All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support Type 1 systems as required in the 2011 version of Minnesota Rules Chapter 7080.2200.

### **1301.13 UPGRADE, REPAIR, REPLACEMENT AND ABANDONMENT**

**A. Failure to Protect Groundwater**

A SSTS that is determined not to be protective of groundwater in accordance with the 2011 version of Minnesota Rules Chapter 7080.1500, Subp.4. B. shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within 12 months from the date of issuance of a Notice of Noncompliance.

**B. Imminent Threat to Public Health or Safety**

A SSTS posing an imminent threat to public health or safety in accordance with the 2011 version Minnesota Rules Chapter 7080.1500, Subp.4. A. shall be pumped within 7 days of receipt of letter from the County and managed as a holding tank and said SSTS shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within 10 months from the date of issuance of a Notice of Noncompliance.

**C. Abandonment**

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with the 2011 version of Minnesota Rules Chapter 7080.2500.

**1301.14 SSTS IN FLOODPLAINS**

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in the 2011 version of Minnesota Rules Chapter 7080.2270 and all relevant local requirements are met.

**1301.15 CLASS V INJECTION WELLS**

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit UIC inventory information to the Environmental Protection Agency as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

**1301.16 SSTS PRACTITIONER LICENSING**

- A.** No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with 2011 version Minnesota Rules Chapter 7083 except as exempted in 7083.0700.
- B.** A MPCA license is not required of an individual who is constructing a SSTS on land that is owned by the individual and functions solely as a dwelling for that individual pursuant to the 2011 version Minnesota Rules Chapter 7083.0700. Installation of the system shall be based upon a design by a licensed designer. The system shall be inspected before it is covered and a 24 hour notification to the department for inspection is required.

**1301.17 PROHIBITIONS**

**A. Occupancy or Use of a Building without a Compliant SSTS**

It is unlawful for any person to maintain, occupy, or use any plumbed building or building intended for habitation that is not provided with a wastewater treatment system that provides treatment via a MPCA permitted facility or a system designed under Minnesota Rules 7080 and 7081 standards as adopted by this ordinance.

**B. Sewage Discharge to Ground Surface or Surface Water**

It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.

**C. Sewage Discharge to a Well or Boring**

It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.

#### **D. Discharge of Hazardous or Deleterious Materials**

It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

#### **1301.18 ALTERNATIVE LOCAL STANDARDS ADOPTED BY REFERENCE**

##### **A. Adoption of Rule by Reference**

1. The County hereby adopts by reference the provisions of the 2011 version of Minnesota Rules Chapter 7080 -7083 in their entirety except as referenced under Article 1301.18 B of this Article.
2. Unless otherwise defined within this Ordinance, the County hereby adopts the 2011 version of Minnesota Rules Chapter 7080.1100, 7081.0020, 7082.0020, and 7083.0020 for definitions relating to this Article.

##### **B. Alternative Local Standards for New and Existing SSTS**

1. The County hereby adopts the 2006 version of Minnesota Rules Chapter 7080.0010 through 7080.0600 for all new and existing residential Type I, Type II and Type III SSTS and SSTS that serve any Food, Beverage and Lodging Establishment under 2,500 gallons per day provided the effluent discharge does not exceed the standards in the 2011 version of Minnesota Rules Chapter 7080.2150 Subp 3 K.

#### **1301.19 DIFFERENCES IN STANDARDS**

##### **A. List of Different Adopted Standards**

1. In no land use district shall a land use permit for a dwelling or dwelling addition, construction or expansion of a commercial structure or any structure within the shoreland zoning district be issued without a current Certificate of Compliance or Certificate of Installation that has not expired according to Article 1301.27 of this ordinance.
2. At least one soil boring during construction inspection shall be adjacent to the lowest trench or next to the down slope side of an elevated treatment area.
3. All dwellings shall meet the required setbacks to the septic tank and soil absorption area. Accessory structures up to 120 square feet in size and open aired unroofed decks shall not be required to meet said setbacks provided that the tank(s) can be maintained properly and that the structure does not negatively impact the function of the system.

#### **1301.20 COMPLIANCE CRITERIA FOR EXISTING SSTS**

SSTS built before April 1, 1996, outside of areas designated as "SWF" – Systems in shoreland areas, wellhead protection areas, or systems serving food, beverage, or lodging establishments - must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

#### **1301.21 SEPTIC SYSTEM TYPES**

- a) **Type I Systems (Standard Systems)** are septic systems that utilize trenches, beds, mounds, at-grades, chambers, dual field or graywater systems and provide treatment of effluent strengths for most domestic strength waste. Standard systems must be placed on natural, undisturbed soils and installed in a manner that allows for at least 36 inches of vertical separation between the bottom of the systems distribution media and periodically saturated soils or bedrock.
- b) **Type II Systems** are systems designed as holding tanks, privies and septic systems installed within floodplains.
- c) **Type III Systems** are systems that deviate from 7080.2210 to 7080.2240. A system built on fill or disturbed soil is an example of this type of system.
- d) **Type IV Systems** are systems that utilize registered treatment or pretreatment technologies in order to meet various treatment requirements that standard systems may not accomplish. These systems require operating permits.
- e) **Type V Systems** are systems associated with collector systems, treatment of high strength wastes, nutrient removal and groundwater mounding. These systems require operating permits.



- f) **Mid Sized Subsurface Sewage Treatment Systems** are systems designed to treat 5000 to 10,000 gallons of effluent per day. These systems require operating permits.

### **1301.22 HOLDING TANKS**

- a) Holding tanks may be allowed for the following applications: as replacements for existing failing SSTS and SSTS that pose an imminent threat to public health or safety, on lots with limitations that will not allow for the installation of a Type 1 SSTS or for uses that are seasonal or intermittent in nature and will not use more than 150 gallons of water per day.
- b) The property owner must sign a form provided by the Planning & Zoning Department certifying that the dwelling is seasonal or used intermittently, that the sewage will be properly maintained and that if at some time the use of the dwelling is utilized more than on a seasonal or intermittent basis, a complete drainfield will be installed prior to the change.
- c) All holding tanks shall have a minimum capacity of 1500 gallons and, if feasible, have multiple compartments for the purpose of installing a lift pump if a drainfield area becomes available.
- d) A monitoring and disposal contract signed by the owner and a licensed maintainer must be submitted before a permit is issued. The contract must guarantee the removal of the tank contents prior to overflow or any discharge to the ground surface or backup into the home and be submitted as part of the permit application.
- e) Property owners with holding tanks shall retain records of all pumping and shall submit pumping records or other evidence to show that the system is being properly maintained when requested by the Department.

### **1301.23 VARIANCE REQUESTS**

A property owner may request a variance from the standards as specified in this Section pursuant to Section 506 of this ordinance.

### **1301.24 STATE AGENCY VARIANCE REQUESTS**

Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency. No permits will be issued by the County until all required State Agency variances have been approved.

### **1301.25 PERMIT REQUIREMENTS**

#### **A. Activities Not Requiring a Land Use Permit**

A land use permit is not required for portable self contained toilets, minor repairs or replacements of system components that do not alter the original function of the system; change the treatment capacity of the system; change the location of the system; or otherwise change the original system design, layout, or function. Examples are, but not limited to, pumps, baffles, and effluent screens or filters.

#### **B. Activities Requiring a Land Use Permit**

A land use permit shall be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, or capacity expansion of a SSTS. It is unlawful for any person to construct, install, modify or replace a SSTS without the appropriate permit from the Department including repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. The issuing of any permit, variance, or conditional use under

the provisions of this ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

### **C. Permit Requirements**

Land Use Permit applications shall be made on forms provided by the Department and signed by the applicant or applicant's agent. All applications shall include the documents listed in items 1 through 4 below:

1. Applicant name, mailing address, telephone number, and email address.
2. Property Identification Number, property address and legal description of property location.
3. Site Evaluation Report according to Section 1301.16 of this ordinance and shall be made on forms provided by the Department
4. Design Report according to Section 1301.16 of this ordinance and shall be made on forms provided by the Department
5. A maintenance plan for systems defined in 2011 version Minnesota Rules Chapter 7080.1100, subparts 51 and 66.

### **D. Application Review and Response**

The Department shall review a permit application and supporting documents according to Section 500 of this ordinance.

### **E. Appeal**

The applicant may appeal any decision of the Department in accordance with Section 505.4 of this ordinance.

### **F. Permit Expiration**

- a) A Land Use Permit for a new SSTS is valid for a period of no more than two years from its date of issue.
- b) A Land Use Permit for the replacement of SSTS failing to protect groundwater is valid for 12 months.
- c) A Land Use Permit for the replacement of SSTS that are imminent threats to public health is valid for 10 months.
- d) Satisfactory completion of construction shall be determined by as-built drawings and a signed certification that the construction and installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the Department or a licensed inspection business, which is authorized by the Department and independent of the owner and the SSTS installer.

### **G. Transferability**

A Land Use Permit may be transferred to a new owner provided there are no proposed changes to the SSTS design.

### **H. Suspension or Revocation**

The Department may suspend or revoke a Land Use Permit issued under this Section for any false statements, misrepresentations of facts on which the Land Use Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Land Use Permit is obtained.

### **I. SSTS Assessment Requirements**

For those SSTS without a management plan or operating permit according to the provisions of this Section, the following provisions apply:

1. The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops,

riser joints, and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.

2. All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or transfer hole or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole. Total sludge and scum volume must not be greater than 25 percent of the tank's liquid capacity. Removal of accumulated sludge, scum, and liquids from septic tanks and pump tanks must be through the maintenance hole. The removal of solids from any location other than the maintenance hole is not a compliant method of solids removal from a sewage tank, and this method does not fulfill the solids removal requirement of this part or a management plan. Liquid and solids removal from clean-out pipes is allowed for holding tanks.

### **1301.26 OPERATING PERMIT**

- A. An Operating Permit shall be required for the following SSTS:
  1. SSTS with high strength waste effluent standards that exceeds the 2011 version of Minnesota Rules Chapter 7080.2150 Subp 3 K;
  2. Type IV and Type V SSTS;
  3. MSTs designed under Minnesota Rules Chapter 7081.
- B. Operating Permits shall be a signed agreement between the Department and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.
- C. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
- D. An Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the Department may require that the system be abandoned in accordance with Section 1301.13 D of this ordinance.
- E. Operating Permits do not transfer to new property owners. New owners shall apply for an operating permit in accordance with Section 1301.26 of this Ordinance. The Department shall not terminate the current permit until 90 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
- F. A report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the operating permit.
- G. The Department may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the operating permit was issued.
- H. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.
- I. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

## **1301.27 COMPLIANCE INSPECTION PROGRAM**

### **A. Department Responsibility**

It is the responsibility of the Department, or its agent, to perform installation inspections of new SSTS or upgrades of SSTS to assure that the requirements of this Ordinance are met.

1. All compliance inspections must be performed and signed by a licensed inspection businesses or qualified employees certified as inspectors.
2. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.
3. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
4. A signed winter agreement may be accepted in lieu of a compliance inspection for property transfers, permit applications and designs to the Department between November 1 and April 30, at the Department's discretion provided the required information is submitted to the Department by June 1 of the subsequent year. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Ordinance.

### **B. New Construction or Replacement**

1. New installation inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules in Section 1301.18 as adopted, and according to Article 1301.27. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department's requirements.
2. It is the responsibility of the SSTS owner or the owner's agent to notify the Department 24 hours prior to the installation inspection.
3. If the installer provides proper notice and the Department does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Article within five working days of the installation.
4. A Certificate of Installation for new SSTS construction or replacement shall be issued by the Department within 30 days of inspection if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit and is in receipt of all necessary documents.
5. The Certificate of Installation must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
6. No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.
7. Certificates of Installation for new construction or replacement shall remain valid for (5) five years from the date of issue unless the Department finds evidence of noncompliance.

### **C. Existing Systems**

1. Compliance inspections shall be required when any of the following conditions occur:
  - a. When applying for a land use permit for a dwelling or dwelling addition, construction or expansion of a commercial structure or any structure within the shoreland zoning district, and the Certificate of Installation is more than five (5) years old or the Certificate of Compliance is more than three (3) years old.

- b. Within 90 days of conveyance of any real property and the Certificate of Installation is more than five (5) years old or the Certificate of Compliance is more than three (3) years old.
  - c. At any time as required by this Ordinance or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
2. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions must be assessed or verified:
    - a. Watertightness assessment of all treatment tanks including a leakage report;
    - b. Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including a vertical soils separation verification report unless soils have been verified according to Minnesota Rules Chapter 7082.0700 subpart 4 (B).
    - c. Sewage backup, surface seepage or surface discharge including a hydraulic function report.
  3. The certificate of compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the requirements of this Article. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the Department if the required corrective action is not a minor repair.
  4. The certificate of compliance or notice of noncompliance must be submitted to the Department no later than 15 calendar days after the date the inspection was performed.
  5. Certificates of compliance for existing SSTS shall remain valid for three (3) years from the date of issue unless the Department finds evidence of noncompliance.
  6. Morrison County may conduct a systematic on-site inspection program including all properties where adequate record of conformances does not exist, identifying non-conforming or illegal systems and requiring reconstruction when appropriate.

#### **D. Transfer of Property**

1. Properties with a SSTS shall not be transferred or sold unless the parties to the transaction have complied with the following:
  - a. A current Certificate of Compliance according to Article 1301.27 C.
  - b. A winter agreement according to Article 1301.27 A
  - c. In the event the seller does not provide a certificate of compliance, the seller and buyer may establish a written agreement or contract to repair, replace or upgrade the existing SSTS according to the terms of this Ordinance.
  - d. The buyer may accept total responsibility of the existing SSTS and be responsible for the necessary upgrading.
  - e. In the absence of a written agreement according to Article 1301.27 D 1, c, the buyer shall be responsible for the necessary inspection and upgrading of said SSTS.

#### **E. Vertical Separation Reduction**

The 2011 version of Minnesota Rules Chapter 7080.1500 Subpart 4 D is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to Section 1301.20.

#### **1301.28 ENFORCEMENT**

Enforcement of this Section shall follow the standards in Section 509 of this Ordinance.

#### **1301.29 STATE NOTIFICATION OF VIOLATION**

The Department shall notify the MPCA of any straight pipe discharges, inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed maintainer that is performed in violation of the provisions of this Ordinance.

**1301.30 RECORD KEEPING**

The County shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, operating permits, an annual list of all sewage tanks installed in the county sorted by licensed installation businesses, and other records relevant to each system.

**1301.31 ANNUAL REPORT**

The department shall provide an annual report of SSTS permitting activities to MPCA for the previous calendar year.

**1301.32 FEES**

From time to time, the County Board shall establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

**1301.33 DISPUTE RESOLUTION**

Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of seasonally saturation of soils and other technical issues shall follow the 2011 version of Minnesota Rules Chapter 7082.0700 subpart 5.

**1301.34 SEPTIC SYSTEM SETBACKS**

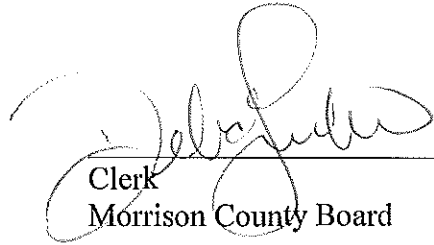
Setback Standards	GD Genera l Devel. Lakes	RD Rec. Devel. Lakes	NE Natur al Enviro . Lakes & Rivers	Foreste d & Transiti on Rivers	Ag, Urban & Tributa ry Rivers	Protecte d Wetland s	All Other Zoning
Sewage Tank to the Ordinary High Water Mark of the lake (OHWM)	100 ft*	100 ft	150 ft	100 ft.	75 ft.	50 ft.	Na
Soil Treatment Area to OHWM	100 ft*	100 ft	150 ft	100 ft.	75 ft.	75 ft.	Na
Side property line to septic tank or drain field	10 ft	10 ft	10 ft	10 ft	10 ft		10ft
Rear property line (without road frontage) to septic tank or drain field	10 ft	10 ft	10 ft	10 ft	10 ft		10 ft
County or Twp road right-of-way to septic tank or drain field	10 ft	10 ft	10 ft	10 ft	10 ft		10 ft.
Sewer tanks to structure	10 ft	10 ft	10 ft	10 ft	10 ft		10 ft
Drain field to structure	20 ft	20 ft	20 ft	20 ft	20 ft		20 ft
Septic tank to well	50 ft	50 ft	50 ft	50 ft	50 ft		50 ft
Septic drainfield to well (> 50 ft well)	50 ft	50 ft	50 ft	50 ft	50 ft		50 ft
Septic drainfield to well (< 50 ft well)	100 ft	100 ft	100 ft	100 ft	100 ft		100 ft

\*in the event the 100' setback cannot be met, the Zoning Administrator may allow an Administrative Variance to the setback requirement on a General Development Lake to no less than a 50' setback for a septic tank and a 75' setback for a drainfield

These changes are effective January 1, 2014.

Adopted this 17th Day of December, 2013.

  
Chairman  
Morrison County Board

  
Clerk  
Morrison County Board

**CROSS-COUNTY ARCHIVING & CONFIDENTIALITY AGREEMENT**  
**(the "Agreement")**

**BETWEEN:**

Morrison County of 213 SE 1st Ave, Little Falls, MN 56345  
(referred to as "Party")

**-AND-**

Mille Lacs County of 525 2nd St SE, Milaca, MN 56353  
(referred to as "Party"; both collectively referred to as the "Parties")

**PURPOSE**

1. As allowed by MN. Stat. § 471.59, Subd. 1, Morrison County and Mille Lacs County desire to enter into a collaborative arrangement whereby safety backups of certain electronic documents will be stored on hardware provided by the Party owning the data (also known as the "Source County") but housed in the opposite county's compatible system for backup and recovery purposes. This process, termed "Remote Replication" utilizes the Imation InfiniVault Replication systems. Remote Replication offers a layer of disaster protection to each of our environments by providing geographic diversity in case of localized problems causing loss of data.

**OBLIGATIONS**

2. Parties acknowledge some of the documents stored in these systems may be confidential in nature. To protect the confidentiality of such documents Parties agree that:
  - a. Any data transferred will remain the exclusive property of the Party owning the data and will only be accessed by the hosting Party when specifically directed by the Party owning the data. Because it remains the exclusive property of the Party owning the data, other than to allow the Source County physical and electronic access to its own equipment, the hosting Party will not collect, create, receive, maintain or disseminate any Source County data.
  - b. In no case will the host Party make the data housed within their system on behalf of the Party owning the data available to any party including the staff of the host Party, the public or any other agency.
  - c. Both parties, when acting either as the source or destination of any transfer, agree to take all steps necessary to insure the confidentiality and integrity of the data involved.
  - d. Other than at request of the Party owning the data, the data will not be duplicated by the host Party.
3. Both Parties agree to put in place systems that insure the encryption of data during transport between end systems, in order that interception of the data during transport would impose negligible risk to either party.

**REMEDIES**



4. The willful or negligent failure by either Party to maintain the integrity of the confidential data will constitute a breach of this agreement and the Party shown to be in default will be individually liable for any damages that are caused by such a breach with the exception that neither Party shall be liable for the non-negligent acts or omissions of the other Party for loss of the other Party's data including where the loss is caused by errors in data transmission, programming malfunction or equipment malfunction or damage. Where such willful or negligent loss occurs any damages may not exceed the amounts listed in MN. Stat. 466.04, Subd. 1(a) or otherwise limited as a matter of law.

#### **MITIGATION**

5. In the event data is disclosed in a manner inconsistent with the terms and/or intent of this agreement, the responsible Party will be considered in default of this agreement and the defaulting Party will notify the other county, in writing, immediately upon becoming aware of such a prohibited disclosure. The defaulting Party will also take all reasonable steps required to retrieve the lost data.

#### **TERM**

6. This Agreement shall take effect upon the signature of the Parties representatives and shall continue unless and until it is terminated by either Party. In the event this agreement is terminated for any reason, Parties agree to immediately return all data, programs, hardware and any related equipment or devices to the Party owning the data, programs, hardware and any related equipment or devices.

#### **TERMINATION**

7. With Notice: This agreement may be cancelled with or without cause by either party upon thirty (30) days written notice. Without Notice: If a Party knows of a pattern of activity or practice of the other Party that constitutes a material breach of violation of the other Party's obligations under this Agreement the Agreement may be immediately cancelled without notice to any Party. Notwithstanding the date of any such cancellation, the breaching Party shall take any steps reasonably necessary to cure such breach and mitigate any loss to the non-breaching Party.

#### **MERGER AND MODIFICATION**

9. This Cross-County Archiving & Confidentiality Agreement constitutes the agreement between Morrison County and Mille Lacs County. Any further provisions will need to be agreed upon by both Counties and added to this agreement.

#### **DESIGNEE**

**CROSS-COUNTY ARCHIVING & CONFIDENTIALITY AGREEMENT**  
(the "Agreement")

**BETWEEN:**

Morrison County of 213 SE 1st Ave, Little Falls, MN 56345  
(referred to as "Party")

**-AND-**

Mille Lacs County of 525 2nd St SE, Milaca, MN 56353  
(referred to as "Party"; both collectively referred to as the "Parties")

**PURPOSE**

1. As allowed by MN. Stat. § 471.59, Subd. 1, Morrison County and Mille Lacs County desire to enter into a collaborative arrangement whereby safety backups of certain electronic documents will be stored on hardware provided by the Party owning the data (also known as the "Source County") but housed in the opposite county's compatible system for backup and recovery purposes. This process, termed "Remote Replication" utilizes the Imation InfiniVault Replication systems. Remote Replication offers a layer of disaster protection to each of our environments by providing geographic diversity in case of localized problems causing loss of data.

**OBLIGATIONS**

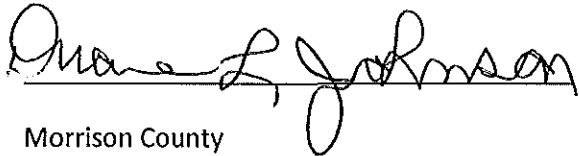
2. Parties acknowledge some of the documents stored in these systems may be confidential in nature. To protect the confidentiality of such documents Parties agree that:
  - a. Any data transferred will remain the exclusive property of the Party owning the data and will only be accessed by the hosting Party when specifically directed by the Party owning the data. Because it remains the exclusive property of the Party owning the data, other than to allow the Source County physical and electronic access to its own equipment, the hosting Party will not collect, create, receive, maintain or disseminate any Source County data.
  - b. In no case will the host Party make the data housed within their system on behalf of the Party owning the data available to any party including the staff of the host Party, the public or any other agency.
  - c. Both parties, when acting either as the source or destination of any transfer, agree to take all steps necessary to insure the confidentiality and integrity of the data involved.
  - d. Other than at request of the Party owning the data, the data will not be duplicated by the host Party.
3. Both Parties agree to put in place systems that insure the encryption of data during transport between end systems, in order that interception of the data during transport would impose negligible risk to either party.

**REMEDIES**

10. This agreement is between the Parties, two governmental units, implemented by action of their governing bodies and shall be administered by their representatives, Mike Virnig, Mille Lacs County Technology Director and Mike Disher, Morrison County Technology Director or their designee(s).

\_\_\_\_\_  
Mille Lacs County

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Morrison County

12-17-13  
Date

## Morrison County Resolution

Whereas: Morrison and Mille Lacs Counties have a shared need to maintain electronic backups of certain electronic documents.

And

Whereas: By allowing the other County to house computer hardware within facilities maintained by the opposite county, both Mille Lacs and Morrison Counties can engage in the process of "Remote Replication" which offers a layer of disaster protection by providing geographic diversity in the case of localized problems causing the loss of data.

And

Whereas: The IT staff of Mille Lacs and Morrison Counties have determined the current computer systems maintained by each County are presently compatible enough to meet the "Remote Replication" needs of each County.

And

Whereas: Encryption technology, and other measures, are believed available which should prevent risks to either County during the transport between either County's facility.

And

Whereas: By utilizing the expertise of the IT staff and the existing facilities of each County in the manner described herein, the Board of each County believes "Remote Replication" conducted as part of a Joint Powers Agreement will provide a cost benefit to each County.

And

Whereas: The Mille Lacs County Board of Commissioners is the contracting authority for Mille Lacs County and the Morrison County Board of Commissions is the contracting authority for Morrison County.

Therefore, be it Resolved,

Let it be resolved that the Morrison County Board of Commissioners hereby enters the attached Joint Powers agreement herein attached.

Adopted this day 17 of December 2013

**Mille Lacs County**

\_\_\_\_\_ Date \_\_\_\_\_, 20\_\_

Chair - Mille Lacs County Board of Commissioners

\_\_\_\_\_ Date \_\_\_\_\_, 20\_\_

Clerk - Mille Lacs County Board of Commissioners

**Morrison County**

Duane L. Johnson Date 12-17, 2013

Chair - Morrison County Board of Commissioners

[Signature] Date 12/17, 2013

Clerk - Morrison County Board of Commissioners

STATE OF MINNESOTA }  
COUNTY OF MORRISON }

I, Deb Gruber, County Administrator, Morrison County, Minnesota hereby certify that I have compared the foregoing copy of the resolution of the County Board of said County with the original record thereof on file in the Administration Office of Morrison County in Little Falls, Minnesota as stated in the minutes of the proceedings of said board at a meeting duly held on this 17 day of December, and that the same is a true and correct copy of said original record.

Commissioner	Yes	No	Abs	Mot	2nd
Jelinski	X				X
Johnson	X				
Winscher	X				
Meyer	X				
Maurer	X			X	

Witness by hand and seal this \_\_\_\_\_ day of .

[Signature]  
Deb Gruber  
County Administrator

**Resolution #2013- 075**  
**For Creating a Prioritized Bridge Replacement List**

WHEREAS, Morrison County has reviewed the pertinent data on bridges requiring replacement, rehabilitation, or removal, supplied by local units of government, and

WHEREAS, Morrison County has identified those bridges that are high priority and that require replacement, rehabilitation, or removal within the next five years;

NOW, THEREFORE BE IT RESOLVED that the following deficient bridges are high priority and Morrison County intends to replace, rehabilitate or remove these bridges as soon as possible when funds are available,

Old Bridge Number	Road Number or Name	Feature Crossed	Twp or State Bridge Funds	Local or State Aid Funds	Total Project Cost	Proposed Construction Year
88070	CSAH 26	UNNAMED STREAM	\$120,000	\$20,000	\$140,000	2014
49520	CSAH 1	CROW WING RIVER	\$176,000	\$117,000	\$293,000	2014
N/A	CR 244	PUBLIC DITCH NO. 21	\$60,000	\$20,000	\$80,000	2014
N/A	CR 236	LITTLE ROCK CREEK	\$80,000	\$20,000	\$100,000	2014
N/A	CR 236	BUCKMAN CREEK	\$60,000	\$20,000	\$80,000	2014
49509	CSAH 43	PLATTE RIVER	\$374,000	\$250,000	\$624,000	2015
49519	C R 252	SKUNK RIVER	\$370,600	\$83,000	\$453,600	2016
7351	CSAH 47	PLATTE RIVER	\$232,400	\$55,600	\$288,000	2016
L-5991	TWO RIVERS TWP 40 <sup>th</sup> ST	TWO RIVERS	\$325,000	\$40,000	\$365,000	2016
N/A	BUCKMAN TWP 250TH AV	KUNTZ CREEK	\$100,000	\$20,000	\$120,000	2017
7343	CSAH 26	LITTLE ROCK CREEK	\$200,000	\$60,000	\$260,000	2018
7357	CR 220	SWAN RIVER	\$150,000	\$100,000	\$250,000	2018

FURTHERMORE, Morrison County does hereby request authorization to replace, rehabilitate or remove such bridges, and

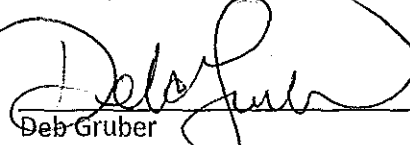
FURTHERMORE, Morrison County does hereby request financial assistance with eligible approach grading and engineering costs on township bridges, as provided by law, and

FURTHERMORE, Morrison County grants the County Engineer the authority to request funds.

STATE OF MINNESOTA }  
 COUNTY OF MORRISON }

I, Deb Gruber, County Administrator, Morrison County, Minnesota hereby certify that I have compared the foregoing copy of the resolution of the County Board of said County with the original record thereof on file in the Administration Office of Morrison County in Little Falls, Minnesota as stated in the minutes of the proceedings of said board at a meeting duly held on this 17 day of December 2013, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness by hand and seal this 17 day of December 2013.

  
 Deb Gruber  
 County Administrator

Commissioner	Yes	No	Abs	Mot	2nd
Jelinski	X				
Johnson	X				
Winscher	X				
Meyer	X				X
Maurer	X			X	



GRANT OF ENCROACHMENT LICENSE

THIS AGREEMENT, Made and entered into this 17 day of December, 2013, by and between County of Morrison, a public corporation and political subdivision under the laws of the State of Minnesota, hereinafter referred to as "County" and Lowell Koenig and Norma Koenig, as joint tenants, hereinafter referred to as "Licensee",

WITNESSETH

WHEREAS said County is the owner of a tract of land in the County of Morrison, State of Minnesota, described as follows:

**The 66 foot wide road known as Aztec Road located within the plat of the Jefferson Beach on Shamineau Lake, Morrison County, Minnesota**

WHEREAS the Licensee is the owner of a tract of land in the County of Morrison, State of Minnesota, described as follows:

**That part of Lot Eight (8), in Block One (1) of Jefferson Beach on Shamineau Lake, according to the plat thereof on record, described as follows: Commencing at the Southwest corner of said Lot 8; thence North 18 degrees 49 minutes East, 743.88 feet along the easterly line of Jefferson Highway; thence North 39°49' East 63 feet to the place of beginning; thence continuing North 39°49' East 71.49 feet continuing along said easterly line of Jefferson Highway; thence South 50°11' East 55 feet to the shore of Shamineau Lake; thence South 22°03' West 60.18 feet along said shore; thence North 60°59' West to the place of beginning, Morrison County, Minnesota;**

**AND**

**That part of Lot Eight (8), in Block One (1) of Jefferson Beach on Shamineau Lake, according to the plat thereof on record, described as follows: Commencing at the Southwest corner of said Lot 8; thence North 18°49' East 743.88 feet along the easterly line of Jefferson Highway; thence North 39°49' East 50 feet continuing along said easterly line of said Jefferson Highway to the place of beginning; thence North 39°49' East 13 feet continuing along said easterly line of Jefferson Highway; thence South 60°59' East 74.24 feet to the shore of Shamineau Lake; thence South 22°03' West to its intersection with a line bearing South 60°59' East from the point of beginning, thence North 60°59' West 78.78 feet to the place of beginning, Morrison County, Minnesota;**



**LESS AND EXCEPT**

That part of Lot Eight (8), in Block One (1) of Jefferson Beach on Shamineau Lake, described as follows: Commencing at the Southwest corner of said Lot 8; thence North 18°49' East, 743.88 feet along the Easterly line of Jefferson Highway; thence North 39°49' East 121.49 feet to the place of beginning; thence continuing north 39°49' East 13 feet continuing along said easterly line of Jefferson Highway; thence South 50°11' East 55 feet to the shore of Shamineau Lake; thence South 22°03' West 13 feet along said shore; thence North 60°59' West to the place of beginning, Morrison County, Minnesota.

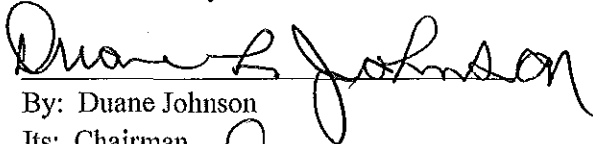
Which adjoins said land of the County.

WHEREAS a plat drawing was prepared, said plat drawing discloses that the Licensee's house encroaches onto Aztec Road Right of Way. The plat drawing is attached hereto as "Exhibit A".

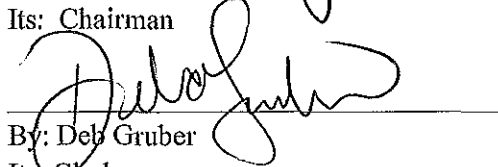
NOW THEREFORE, the County and Licensee agree as follows:

The County grants to Licensee, their heirs and assigns, an encroachment license for the house onto said land owned by the County as shown on the survey. This license for encroachment shall last for 31 years from the above date. However, should the house need repair or reconstruction costing more than 50% of the reasonable market value of the house, this license shall immediately terminate and the building shall be removed, at the sole cost of the Licensee, their heirs and assigns.

Morrison County Board of Commissioners

  
By: Duane Johnson

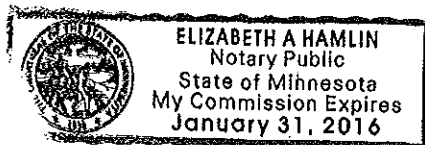
Its: Chairman

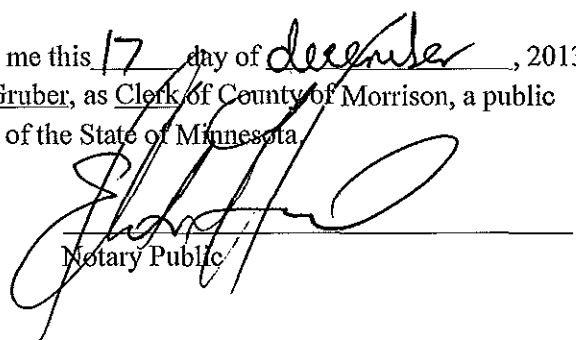
  
By: Deb Gruber

Its: Clerk

State of MINNESOTA  
County of MORRISON

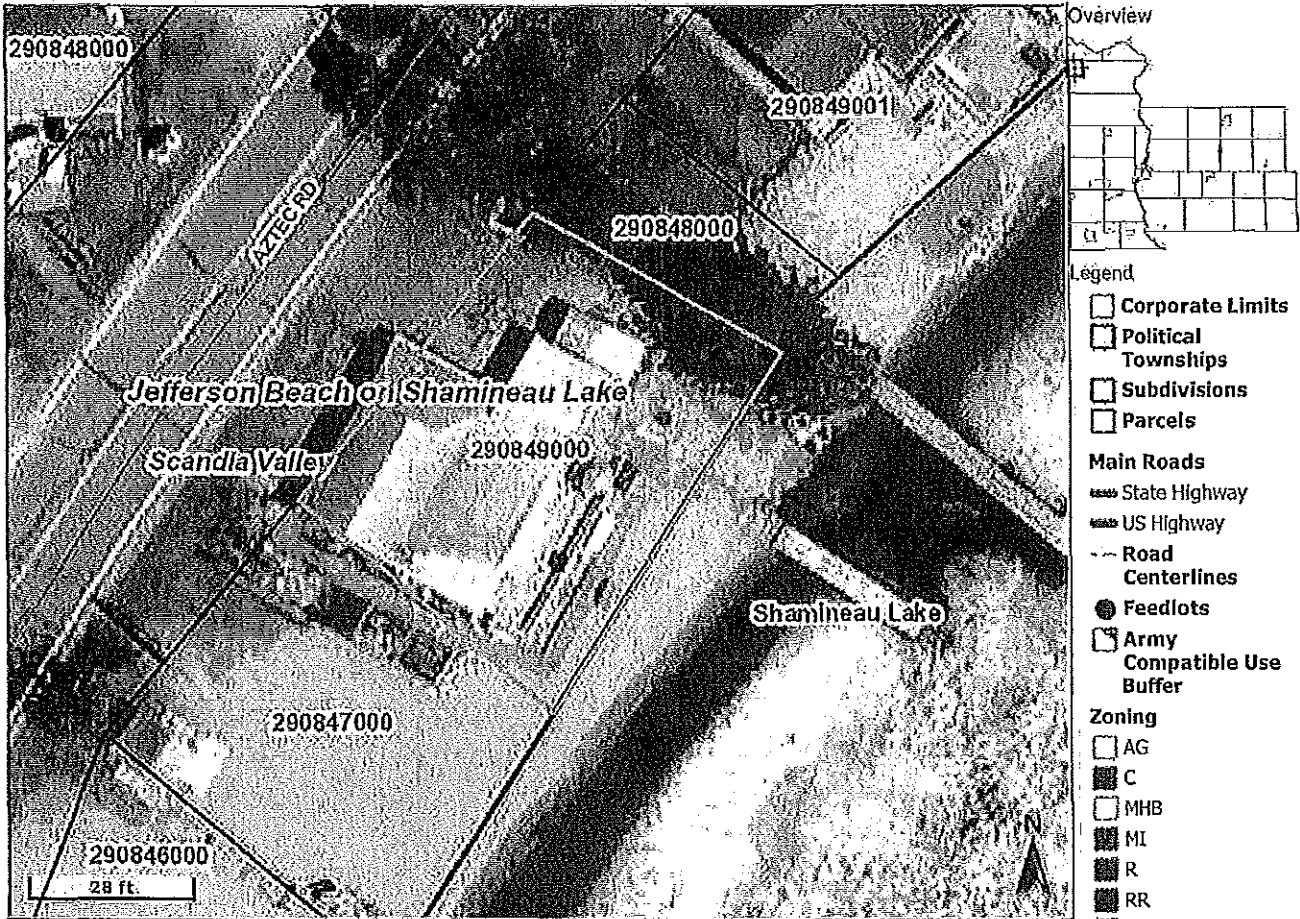
The foregoing instrument was acknowledged before me this 17 day of December, 2013 by Duane Johnson, as Chairman and by Deb Gruber, as Clerk of County of Morrison, a public corporation and political subdivision under the laws of the State of Minnesota.



  
Notary Public



Date Created: 11/6/2013



<b>Parcel ID</b>	290849000	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	LOWELL & NORMA KOENIG 715 VICTORIA CT STILLWATER MN 55082
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	4C12-Seasonal recreational residential - Non Commercial		
<b>Property Address</b>	34714 AZTEC RD MOTLEY	<b>Acreage</b>	n/a		
<b>District</b>	SCANDIA VALLEY-School District 2170				
<b>Brief Tax Description</b>	Lot 008 Block 001 of JEFFERSON BCH-SHAM Plat No. 29006 PT OF LOT 8 BLK 1 DESC AS: COM AT SW COR OF LOT 8, N 18*49' E 743.8E FT ALG ELY LN OF JEFFERSON HWY, N 39*49' E 50 FT TO PT OF BEG, CONT N 39*49' E 71.49 FT ALG SAID ELY LN OF JEFFERSON HWY, S 50*11' E 55 FT' TO SHOREL OF SHAM LK, S 22* 03' W 60.18 FT ALG SHOREL, N 60*59' W 78.78 FT TO BEG (Note: Not to be used on legal documents)				

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RESOLUTION # 2013 - 070  
Setting the 2014 Salary of the  
Morrison County Attorney

WHEREAS, the Morrison County Board is statutorily required to annually set the salary of the Morrison County Attorney (hereinafter referred to as an Elected Official); and

WHEREAS, the statutory obligation of the County Board to individually consider the responsibilities and duties of the elected Official's Office as well as the Elected Officials experience, qualifications, and performances; and

WHEREAS, the County Board met and conferred with each Elected Official prior to the end of December, 2013 and invited the Elected Officials to submit any materials that they deemed relevant and valuable for the County Board to consider related to the duties and responsibilities of the Office as well as the Elected Official's experiences, qualifications, and performance prior to this meeting.

WHEREAS, the applicable statutes provide that the County Board may not reduce the salary of the Elected Official during the term for which the individual was elected or appointed; and

WHEREAS, application of the statutory criteria requires comparisons to Elected Officials in other counties; and

WHEREAS, the statutes applicable to the Elected Officials, as interpreted by the Minnesota Supreme Court in Stensland v. County of Faribault, 365 N.W.2d 224,228 (Minn. 1985), does not permit the County Board to place primary focus on the qualifications or performance of each Elected Official – rather those factors are left to the electorate to decide who is suitable and qualifies for the offices; and

WHEREAS, the same Minnesota Supreme Court decision noted that the County Board may not reward or penalize an office holder for his or her conduct in office; and

WHEREAS, the County Board has reviewed the statutory criteria; and

Now, THEREFORE, BE IT RESOLVED by the Morrison County Board of Commissioners and Morrison County that the 2014 salary for the County Attorney at 2%, \$104,956.80

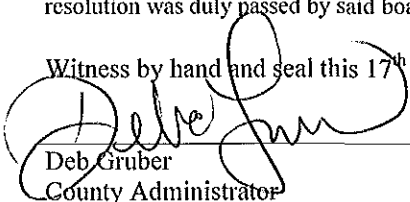
Adopted this 17<sup>th</sup> day of December, 2013.

STATE OF MINNESOTA }  
COUNTY OF MORRISON }

I, Deb Gruber, County Administrator, Morrison County, Minnesota hereby certify that I have compared the foregoing copy of the resolution of the County Board of said County with the original record thereof on file in the Administration Office of Morrison County in Little Falls, Minnesota as stated in the minutes of the proceedings of said board at a meeting duly held on this 17<sup>th</sup> day of December, 2013, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Commissioner	Yes	No	Abs	Mot	2nd
Jelinski	X				X
Johnson		X			
Winscher	X				
Meyer		X			
Maurer	X			X	

Witness by hand and seal this 17<sup>th</sup> day of December.

  
Deb Gruber  
County Administrator

RESOLUTION # 2013 - 071  
 Setting the 2014 Salary of the  
 Morrison County Auditor-Treasurer

WHEREAS, the Morrison County Board is statutorily required to annually set the salary of the Morrison County Auditor-Treasurer (hereinafter referred to as an Elected Official); and

WHEREAS, the statutory obligation of the County Board to individually consider the responsibilities and duties of the elected Official's Office as well as the Elected Officials experience, qualifications, and performances; and

WHEREAS, the County Board met and conferred with each Elected Official prior to the end of December, 2013 and invited the Elected Officials to submit any materials that they deemed relevant and valuable for the County Board to consider related to the duties and responsibilities of the Office as well as the Elected Official's experiences, qualifications, and performance prior to this meeting.

WHEREAS, the applicable statutes provide that the County Board may not reduce the salary of the Elected Official during the term for which the individual was elected or appointed; and

WHEREAS, application of the statutory criteria requires comparisons to Elected Officials in other counties; and

WHEREAS, the statutes applicable to the Elected Officials, as interpreted by the Minnesota Supreme Court in Stensland v. County of Faribault, 365 N.W.2d 224,228 (Minn. 1985), does not permit the County Board to place primary focus on the qualifications or performance of each Elected Official – rather those factors are left to the electorate to decide who is suitable and qualifies for the offices; and

WHEREAS, the same Minnesota Supreme Court decision noted that the County Board may not reward or penalize an office holder for his or her conduct in office; and

WHEREAS, the County Board has reviewed the statutory criteria; and

Now, THEREFORE, BE IT RESOLVED by the Morrison County Board of Commissioners and Morrison County that the 2014 salary for the County Auditor/Treasurer at 2%, \$89,710.40.

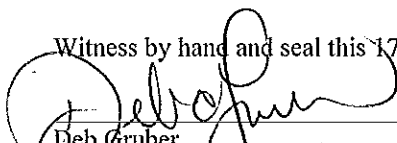
Adopted this 17<sup>th</sup> day of December, 2013.

STATE OF MINNESOTA }  
 COUNTY OF MORRISON }

I, Deb Gruber, County Administrator, Morrison County, Minnesota hereby certify that I have compared the foregoing copy of the resolution of the County Board of said County with the original record thereof on file in the Administration Office of Morrison County in Little Falls, Minnesota as stated in the minutes of the proceedings of said board at a meeting duly held on this 17<sup>th</sup> day of December, 2013, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Commissioner	Yes	No	Abs	Mot	2nd
Jelinski	X				X
Johnson		X			
Winscher	X			X	
Meyer		X			
Maurer	X				

Witness by hand and seal this 17<sup>th</sup> day of December.

  
 \_\_\_\_\_  
 Deb Gruber  
 County Administrator

RESOLUTION # 2013 – 072  
 COMMISSIONER’S SALARIES FOR 2014

WHEREAS, Minnesota Statutes Chapter 375.055 requires that County Commissioner’s annual salaries, meeting attendance payments and reimbursement for necessary expenses be set by resolution of the County Board, and

WHEREAS, the salary and meeting attendance and expense schedule becomes effective on the first day of January following the adoption of resolution referenced above, and

WHEREAS, Minnesota Statutes provide for the payment of attendance of meetings plus expenses or for full-time salary,

THEREFORE, BE IT RESOLVED that the Morrison County Board of Commissioners salaries for 2014 be set at 0% \$30,014.40 annually, and

BE IT FURTHER RESOLVED that no per diems will be paid from Morrison County for meeting attendance. All miscellaneous expenses will require a receipt for reimbursement. Mileage reimbursement will remain for travel expenses incurred while performing official duties as a County Commissioner and as identified in the Morrison County Meal and Travel Reimbursement Policy.

BE IT FURTHER RESOLVED that per diem payments from an outside entity will be paid to Morrison County and credited to offset the Commissioner Salary budget, and

BE IT FURTHER RESOLVED that each County Commissioner will report on their upcoming Committee meetings during a regularly scheduled County Board Meeting. All County Commissioners will report on their recent Committee meetings during a regularly scheduled County Board Meeting. All Commissioners are expected to attend meetings as specified in the County Commissioner Committee Appointment adopted annually and as necessary to complete their official duties.

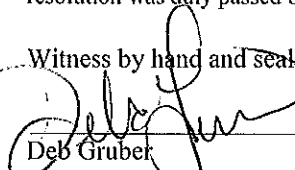
Adopted this 17<sup>th</sup> day of December, 2013.

STATE OF MINNESOTA }  
 COUNTY OF MORRISON }

I, Deb Gruber, County Administrator, Morrison County, Minnesota hereby certify that I have compared the foregoing copy of the resolution of the County Board of said County with the original record thereof on file in the Administration Office of Morrison County in Little Falls, Minnesota as stated in the minutes of the proceedings of said board at a meeting duly held on this 17<sup>th</sup> day of December, 2013, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Commissioner	Yes	No	Abs	Mot	2nd
Jelinski	X				
Johnson	X				
Winscher	X			X	
Meyer	X				
Maurer	X				X

Witness by hand and seal this 17<sup>th</sup> day of December.

  
 \_\_\_\_\_  
 Deb Gruber  
 County Administrator

RESOLUTION # 2013 - 074  
Setting the 2014 Salary of the  
Morrison County Sheriff

WHEREAS, the Morrison County Board is statutorily required to annually set the salary of the Morrison County Sheriff (hereinafter referred to as an Elected Official); and

WHEREAS, the statutory obligation of the County Board to individually consider the responsibilities and duties of the elected Official's Office as well as the Elected Officials experience, qualifications, and performances; and

WHEREAS, the County Board met and conferred with each Elected Official prior to the end of December, 2013 and invited the Elected Officials to submit any materials that they deemed relevant and valuable for the County Board to consider related to the duties and responsibilities of the Office as well as the Elected Official's experiences, qualifications, and performance prior to this meeting.

WHEREAS, the applicable statutes provide that the County Board may not reduce the salary of the Elected Official during the term for which the individual was elected or appointed; and

WHEREAS, application of the statutory criteria requires comparisons to Elected Officials in other counties; and

WHEREAS, the statutes applicable to the Elected Officials, as interpreted by the Minnesota Supreme Court in Stensland v. County of Faribault, 365 N.W.2d 224,228 (Minn. 1985), does not permit the County Board to place primary focus on the qualifications or performance of each Elected Official – rather those factors are left to the electorate to decide who is suitable and qualifies for the offices; and

WHEREAS, the same Minnesota Supreme Court decision noted that the County Board may not reward or penalize an office holder for his or her conduct in office; and

WHEREAS, the County Board has reviewed the statutory criteria; and

Now, THEREFORE, BE IT RESOLVED by the Morrison County Board of Commissioners and Morrison County that the 2014 salary for the County Sheriff at 2% \$104,083.20.

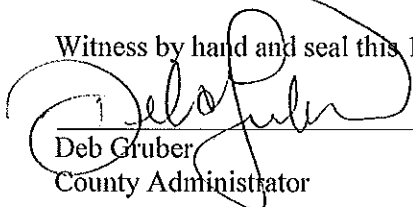
Adopted this 17<sup>th</sup> day of December, 2013.

STATE OF MINNESOTA }  
COUNTY OF MORRISON }

I, Deb Gruber, County Administrator, Morrison County, Minnesota hereby certify that I have compared the foregoing copy of the resolution of the County Board of said County with the original record thereof on file in the Administration Office of Morrison County in Little Falls, Minnesota as stated in the minutes of the proceedings of said board at a meeting duly held on this 17<sup>th</sup> day of December, 2013, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Commissioner	Yes	No	Abs	Mot	2nd
Jelinski	X			X	
Johnson		X			
Winscher	X				
Meyer		X			
Maurer	X				X

Witness by hand and seal this 17<sup>th</sup> day of December, 2013.

  
\_\_\_\_\_  
Deb Gruber  
County Administrator