

PROCEEDINGS OF THE COUNTY BOARD

State of Minnesota
County of Kanabec
Office of County Coordinator

July 6, 2016

The Kanabec County Board of Commissioners met at 9:00am on Wednesday, July 6, 2016 pursuant to adjournment with the following Board Members present: Kim Smith, Dennis McNally, Les Nielsen, Kathi Ellis and Gene Anderson.

The Chairperson led the assembly in the Pledge of Allegiance.

Action #1 – It was moved by Kim Smith, seconded by Dennis McNally and carried unanimously to approve the agenda as amended: The addition of a monthly Highway report from the Public Works Director, and job positions.

Environmental Services Supervisor Teresa Wickeham met with the County Board to discuss matters concerning her department.

Action #2 – It was moved by Kim Smith, seconded by Kathi Ellis and carried unanimously to approve the following resolution:

Resolution #2 – 07/06/16

Septic Loan Program

BE IT RESOLVED by the Kanabec County Board of Commissioners, that it hereby designates Teresa Wickeham, Kanabec County Environmental Services Supervisor as Project Representative for the implementation of the Snake River Watershed Resource Protection Clean Water Partnership Project for Kanabec County.

The Project Representative shall have the authority to represent the Kanabec County Board of Commissioners in all Project matters that do not specifically require action by the Kanabec County Board of Commissioners.

BE IT FURTHER RESOLVED by the Kanabec County Board of Commissioners that, as Loan Sponsor, the Kanabec County Board of Commissioners enters into the attached Minnesota Clean Water Partnership Project Implementation Loan Agreement along with the Snake River Watershed Management Board, as Project Sponsor, and the Minnesota Pollution Control Agency to conduct the implementation of the Snake River Watershed Resource Protection Clean Water Partnership Project.

BE IT FURTHER RESOLVED by the Kanabec County Board of Commissioners that the County Board Chair, Gene Anderson be authorized to execute the attached Minnesota Clean

Water Partnership Project Implementation Loan Agreement for the above referenced Project on behalf of the Board as Loan Sponsor.

BE IT FURTHER RESOLVED by the Kanabec County Board of Commissioners that the Kanabec County Environmental Services Supervisor, Teresa Wickeham be authorized to execute loan disbursement requests for the above referenced project to the Minnesota Pollution Control Agency on behalf of the Board.

Action #3– It was moved by Kathi Ellis, seconded by Dennis McNally and carried unanimously to approve the following resolution:

Resolution #3 – 07/06/16

RESOLUTION OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 394.307

WHEREAS, on May 12, 2016, the Governor of Minnesota signed into law Chapter 111 of the 89th Legislature of the State of Minnesota establishing definitions and requirements for Temporary Family Health Care Dwellings, which was introduced during the 2016 legislature session as Senate File 2555 and House File 2497; and

WHEREAS, Chapter 111 amends Minnesota Statute § 394 which regulates county permitting and zoning processes by establishing new rules for the placement of Temporary Family Health Care Dwellings on residential property; and

WHEREAS, the Minnesota Association of County Planning and Zoning Administrators, the professional association for county planning and zoning staff in Minnesota, supports the concept of Temporary Family Health Care Dwellings; and

WHEREAS, Chapter 111 erodes local control of the permitting process; limiting a county's ability to foster and guide development, and placing undue burden on county staff to forego standard permitting practices; and

WHEREAS, it is the intent of the Kanabec County Board of Commissioners to protect the public health, safety, and general welfare of County residents and the environment of the County; and

WHEREAS, subdivision 9 of Minnesota Statute § 394.307 allows a county to “opt-out” of the regulations through the passage of a county board resolution; now therefore,

BE IT RESOLVED, Kanabec County elects to regulate Temporary Family Health Care Dwellings through already existing permitting standards of the Kanabec County Zoning Ordinance; and

BE IT RESOLVED, pursuant to authority granted by Minnesota Statutes, Section 394.307, Subdivision 9, the County of Kanabec opts-out of the requirements of Minnesota

Statute 394.307, which defines and regulates Temporary Family Health Care Dwellings.

Swimming at DNR boat landings discussed, since they are state owned the issue should be addressed by the township.

Chief Deputy Assessor Jodi Lindberg met with the County Board to discuss matters concerning her department.

Action #4– Kathi Ellis introduced the following resolution and moved its adoption:

Resolution #4 – 07/06/16

WHEREAS, Petitioner K.B.T. LLC initiated a Real Property Tax Petition challenging the valuation of real property located within Kanabec County for assessment for 2015, payable in 2016; and

WHEREAS, the parties desire to resolve this matter by written stipulation without a hearing;

NOW, THEREFORE, it is hereby stipulated and agreed upon as follows:

1. VALUATION

PIN 04.00565.20

The estimated market value for assessment year 2015 payable in 2016 for PIN 04.00565.20 shall be:

ASSESSMENT YEAR	PAYABLE YEAR	ORIGINAL VALUE	STIPULATED VALUE
2015	2016	\$438,600	\$351,600

2. Kanabec County shall calculate and pay any refund due as required by Minnesota statutes.
3. Any refund shall be made payable to Petitioner and shall be mailed to Petitioner at the address set forth in the signature line provide below.
4. Petitioner’s Real Property Tax Petition filed herein is hereby dismissed with prejudice, without further hearing, without further notice to either party and without costs to either party.
5. The person(s) executing this agreement on behalf of the Petitioner represent and warrant that they are duly authorized by that party to do so, and that this agreement is a valid and binding obligation of that party.

The motion for the adoption of the foregoing Resolution was duly seconded by Kim Smith and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: Kathi Ellis, Kim Smith, Gene Anderson, Les Nielsen
OPPOSED: Dennis McNally
ABSTAIN: None

whereupon the resolution was declared duly passed and adopted.

Action #5 – It was moved by Kim Smith, seconded by Les Nielsen and carried unanimously to approve a Consent Agenda including all of the following actions:

Resolution #5a – 07/06/16

SCORE CLAIMS

WHEREAS the board has been presented with claims for recycling efforts to be paid from SCORE Funds, and

WHEREAS these claims have been reviewed, tabulated and approved by the Kanabec County Solid Waste Officer, and

WHEREAS SCORE Funds appear adequate for the purpose;

BE IT RESOLVED to approve payment of the following claims on SCORE Funds:

East Central Sanitation	\$1,248.51
Quality Disposal	\$2,348.54
Arthur Township	\$400.00
Total	\$3,997.05

Resolution #5b – 07/06/16

KLID CLAIMS

WHEREAS the Kanabec County Board of Commissioners have been presented with a request to pay claims on Knife Lake Improvement District funds, and

WHEREAS the request was accompanied by invoices and verification in the Knife Lake Improvement District board minutes of June 18, 2016, and

WHEREAS the Knife Lake Improvement District has sufficient funds on hand to cover these claims;

BE IT RESOLVED to pay the following claims:

Central Minnesota Aquatics, Inc.	\$2,500.00
Kanabec County Auditor	\$676.00

Action #6 – It was moved by Dennis McNally, seconded by Kim Smith and carried unanimously to approve the June 15, 2016 minutes of the Kanabec County Board of Commissioners as corrected: Les Nielsen was absent, 3 people spoke during public comment, Gene Carda, Donovan Stromberg, and Kathy Koch.

Action #7 – It was moved by Kathi Ellis, seconded by Les Nielsen and carried unanimously to approve the following paid claims:

Vender	Amount
Ammerman, Mark	100.00
Beaudry Oil Company	11,418.14
Braham Public Schools	200.00
Brunswick Township	100.00
Centerpoint Energy	36.00
Clark, Michelle	22.95
Consolidated Communications	1,000.97
Consolidated Communications	68.18
CW Technology	568.40
Dearborn National Life Insurance Co.	632.95
East Central Energy	156.33
East Central Energy	186.00
East Central Energy	277.07
East Central School District	156.80
Fish Lake Improvement Association	8,258.00
Hartford Priority Accounts	1,680.18
Health Partners	5,127.39
Kanabec County Auditor Treas.	7,418.85
Kanabec County Auditor Treas.	44,805.00
Kanabec County Auditor Treas.	6,180.00
Kroschel Township	78.40
Midcontinent Communications	202.63
Minnesota Energy Resources Corp.	2,770.12
Mora Municipal Utilities	984.19
Mora Public Schools	1,222.05
Office of Enterprise Technology	1,300.00
Peace Township	611.03
Resource Training & Soln's.	2,905.30
Schafer, Mark	555.69

Spire Credit Union	3,411.91
Sun Life Financial	3,246.35
United States Treasury	<u>2,098.39</u>
Total	107,779.27

Action #8 – It was moved by Kim Smith, seconded by Les Nielsen and carried unanimously to approve the following claims on the funds indicated:

Revenue Fund

VENDOR	AMOUNT
A'viands LLC	14,289.35
Ace Hardware	239.20
Alkire, Alyce	1,419.69
Association of MN Counties	25.00
Auto Value Mora	223.45
Bachman, Fran	218.84
Baldwin, Gilbert	349.80
Barrett, Zachary	100.00
Benton Trophy & Awards	27.83
Bernicks	439.20
Barker, Bob	461.03
Bond Trust Services Corp.	6,625.00
Bond Trust Services Corp.	450.00
Bowman, Theresia	19.49
Brenny, Laurell	1,748.66
Coborn's	27.23
Coborn's	187.95
Century Link	109.67
Cheek, Joseph	100.00
Christianson, Craig	1,934.60
Community Partnership	250.00
Curtis, Michael	2,126.38
Dex Media East Inc.	54.50
Doering, David	40.50
DS Solutions Inc.	214.44
E. Weinberg	510.00
East Central Exterminating	120.00
East Central Exterminating	240.00
ECM Publishers	71.25
Election Systems & Software Inc.	329.15
Election Systems & Software Inc.	2,400.00

ETS Health	609.00
Fairview Health Services	150.00
Faust, Patrick	1,639.98
First Light Health System	747.40
Fresonke, Lew	180.00
Fritz, William	500.00
Garcia, Timonthy	978.07
Granite City Jobbing Company	108.13
Granite City Jobbing Company	1,109.89
Hampton Inn and Suites Bemidji	527.79
Handyman's Inc.	102.72
Hennepin county Medical Ctr.	596.00
Hippen, Alyssa	75.00
Hoglund Bus & Truck Co.	1,598.61
Hood, Barb	450.29
Hviding, Wendy	54.00
Ideal Service, Inc.	297.50
Ideal Service, Inc.	297.50
Indianhead Specialty Co.	295.51
Innovative Office Solutions	120.32
Isanti County Sheriff's Office	263.48
Juettner Marketing	992.00
Juettner Marketing	512.00
Juettner Marketing	200.00
Kalahari Rsort	276.12
Kanabec Co. Hwy Dept	604.30
Kanabec Co. Hwy Dept	131.43
Kanabec Co. Hwy Dept	72.38
Kanabec County IS	374.47
Kanabec Pine Community Health	133,152.50
Kanabec Publications	845.00
Kanabec Publications	408.00
Kanabec County Soil and Water	15,631.00
Kanabec Times	63.00
KEEPRS	559.96
KEEPRS	7.29
KEEPRS	32.99
Kennedy Jr, Kerry	463.86
Landreville, Willard	808.53
Lerrssen, Jennifer	546.90
Magaard Robert	23.76
MailFinance	1,686.42
Manthie, Scott	1,361.48

Manthie, Wendy	1,035.07
Marco	534.60
Matthew Bender	396.31
McClellan, Karen	295.00
McClellan, Karen	151.07
MCCC	110.00
Mehlhop, Ron	135.54
MN Public Transit Assn.	245.00
Minnesota Counties Intergovernmental Trust	60.00
Minnesota Counties Intergovernmental Trust	2,500.00
MN Counties Insurance Trust	400.00
MHSRC/Range	512.00
MCCC	80.00
MN Dept of Revenue	275.00
MN Dept of Revenue	275.00
Minnetonka Public Schools	500.00
Mora Municipal Utilities	244.82
MRA Trusight	825.00
Nelson, Ansel	794.66
Newgard, Jean	108.54
Nelson, Jerald	218.70
Nelson, Ronette	586.72
Nelson, Wanda	598.69
Nielsen, Faith	75.00
O'Donovan, Barbara	487.62
Office Depot	59.18
Office Depot	64.52
Office Depot	53.82
Office Depot	97.58
PD's Embroidery	266.20
PD's Embroidery	134.40
PD's Embroidery	16.03
PD's Embroidery	220.68
Pieper, Helen	365.90
Pine River-Backus Family Center	1,913.50
Prefered Cleaning	450.00
Prophoenix Corp	475.00
Quality Disposal	378.89
Quality Disposal	22.50
RJ Mechanical	1,130.00
RS Eden	38.00
Ratwik, Roszak & Maloney, PA	34.00
Regents of the University of MN	17,220.24

Reid, Greg	27.54
Roberts, Rodney	529.37
Reliance Telephone, Inc.	800.00
Rogers, Pearl	715.51
Sea Change LLC	5,422.45
Safariland, LLC	100.00
Savvy	193.04
Sawatsky, Caleb	98.97
Search Institute	795.00
SelectAccount	352.37
Sheriff Kanabec County	840.93
Sheriff's Office Pine County	4,365.85
Smith, Larry	889.68
Stellar Services	1,117.08
Streichers	96.99
Swanson, Jeremy	162.97
Thompson-Reuters-West	225.00
Touch & Go	75.82
Trane U.S. Inc.	1,412.00
Twin City Hardware	1,990.99
UPS	35.60
VanDall, Camille	1,286.46
Verizon Wireless	280.11
Visser, Maurice	692.28
Wergin, Richard	300.00
Western Alliance Bank	44,135.00
Wiitala, David	1,193.94
Zamora, Ray	<u>1,739.62</u>
Total	309,066.14

Road & Bridge Fund

Vendor	Amount
Ace Hardware	384.58
Ameripride	584.19
Auto Value	3,211.62
Boyer Trucks	233.73
Braham Ford	373.72
Caswell Cycle	148.65
Chamberlain Oil	2,407.06
Citi Lites	441.00
Federated Co-op	89.80
Glens Tire	647.76

Gopher State One Call	68.85
Harddrivers, Inc.	137.41
Kanabec Publications, Inc	131.13
Maney International, Inc.	269.99
Northern Salt Inc	13,695.32
Northern States Supply	50.02
Nuss Truck Equipment	2,321.07
Office Depot	215.07
Olson Power & Equipment, Inc.	770.02
Oslin Lumber	37.76
Owens Auto Parts	415.80
Pomp's Tire Service, Inc.	1,376.00
Preferred Cleaning	1,100.00
Premier Outdoor Services, LLC	3,040.00
Quality Disposal Systems	164.01
Tihlarik, Amy	465.00
Widseth Smith Nolting & Assoc., Inc.	1,950.00
Ziegler Cat	<u>5,250.00</u>
Total:	39,979.56

Action #9– Kathi Ellis introduced the following resolution and moved its adoption:

Resolution 9 – 07/06/16

WHEREAS the County Assessor position is currently vacant, and

WHEREAS interviews have been conducted for vacant position and a candidate has been selected

BE IT RESOLVED to offer the position of county assessor to Kyle Holmes at grade 18 step E which is \$35.13 per hour with 5 days of paid time off.

The motion for the adoption of the foregoing Resolution was duly seconded by Kim Smith and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: Kathi Ellis, Kim Smith, Gene Anderson

OPPOSED: Les Nielsen, Dennis McNally

ABSTAIN: None

whereupon the resolution was declared duly passed and adopted.

Michele Bollenbeck with Toward Zero Deaths/Safe Roads Coalition met with the County

Board to give update.

Commissioners gave reports on the activities of the Boards and Committees in which they participate.

10:30am - The Chairperson then called for public comment. Those that responded included:

Ken Monson	Solid waste in Ann Lake Township
Greg Yankowiak	Comments regarding expansion of Mora Airport

11:03am - The Chairperson closed public comment.

Auditor Treasurer Denise Snyder met with the County Board to discuss matters concerning her department.

Action #10 – Kim Smith introduced the following resolution and moved its adoption:

Resolution 10 – 07/06/16

Credit cards for Public Health & Sheriff’s office use

WHEREAS the county Auditor Treasurers office would like to apply for two additional credit cards to be used in the Sheriff’s Office and Public Health.

BE IT RESOLVED to approve the County Auditor Treasurer to apply for these cards.

Resolution failed for lack of second.

Public Works Director Chad Gramentz met with the County Board to discuss matters concerning his office.

Action #11 – It was moved by Kim Smith, seconded by Kathi Ellis and carried unanimously to accept quote by RJ Mechanical for chiller replacement.

Resolution #11 – 07/06/16

Purchase Chiller System Compressor

WHEREAS a compressor in courthouse chiller system is beyond repair and in need of replacement, and

WHEREAS the following quotes were received for chiller compressor replacement:

RJ Mechanical	\$24,995.00
Johnson Controls	\$25,355.00

Trane

\$29,345.00

THEREFORE BE IT RESOLVED that the Kanabec County Board of Commissioners accepts the quote of \$24,995.00 submitted by RJ Mechanical, and

BE IT FURTHER RESOLVED that this project is to be paid from the county building fund.

Action #12 – It was moved by Kim Smith, seconded by Dennis McNally and carried unanimously to approve the following resolution:

Resolution #12 – 07/06/16

SP 033-070-006, Township Signing
Final Payment

WHEREAS Project SP 033-070-006 has in all things been completed and in accordance with the contract and the County Board being fully advised in the premises,

BE IT RESOLVED that we do hereby accept said completed project for and on behalf of the County of Kanabec and authorize final payment to ID Sign Solutions, LLC. in the amount of \$8,275.54

Action #13 – It was moved by Kathi Ellis, seconded by Kim Smith and carried unanimously to approve the following resolution:

Resolution #13 – 07/06/16

SP 033-605-019, CSAH 5 Resurfacing
Final Payment

WHEREAS Project SP 033-605-019 has in all things been completed and in accordance with the contract and the County Board being fully advised in the premises,

BE IT RESOLVED that we do hereby accept said completed project for and on behalf of the County of Kanabec and authorize final payment to Tri-City Paving Inc. in the amount of \$91,954.62

Action #14 – It was moved by Les Nielsen, seconded by Dennis McNally and carried unanimously to approve the following resolution:

Resolution #14- 07/06/16

KCP 15-02 CR 78 Resurfacing
Final Payment

WHEREAS Project KCP 15-02 has in all things been completed and in accordance with the contract and the County Board being fully advised in the premises,

BE IT RESOLVED that we do hereby accept said completed project for and on behalf of the County of Kanabec and authorize final payment to Tri-City Paving Inc. in the amount of \$7,379.13

The County Board requested Environmental Services Supervisor Teresa Wickeham returned to the meeting to discuss a solid waste issue in Ann Lake Township. Discussion only no action taken.

The County Board discussed illegal placement of a private dock on Kanabec County property, County Attorney Barbara McFadden will give dock owner a 10 day notice to remove dock.

Action #15 – Kim Smith introduced the following resolution and moved its adoption:

Resolution #15 – 07/06/16

BE IT RESOLVED to add a porta potty to the Knife Lake fishing Pier on the south end of Knife Lake

BE IT FURTHER RESOLVED the Board will discuss park ordinance by 2017.

Gene Anderson recused himself as Chairman.

The motion for the adoption of the foregoing Resolution was duly seconded by Gene Anderson and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: Kim Smith, Gene Anderson, Kathi Ellis

OPPOSED: Dennis McNally, Les Nielsen

ABSTAIN: None

whereupon the resolution was declared duly passed and adopted.

Gene Anderson reassumed the position of Chairman.

Action #16 - Kathi Ellis introduced the following resolution and moved its adoption:

Resolution 16 – 07/06/16

Aggregate Removal Tax

BE IT RESOLVED to approve the following Ordinance #23:

Ordinance No. 23

Kanabec County

AGGREGATE REMOVAL TAX ORDINANCE

An Ordinance, imposing a production tax on the removal of aggregate from pits, quarries, or deposits located within the County; establishing reports requirements; providing penalties for failure to comply with the provisions of this ordinance; and providing for distribution of revenues collected under this ordinance, pursuant to Section 298.75 Minnesota Statutes 2015.

THE COUNTY BOARD OF KANABEC COUNTY ORDAINS:

- 1.00 **DEFINITIONS** The following words and phrases, when used in this ordinance, unless the content clearly indicates otherwise, shall have the meanings given them in this section.
- 1.01 “Aggregate material” shall mean non-metallic natural mineral aggregate including, but not limited to, sand, silica sand, gravel, crushed rock, limestone, granite and borrow, but only if the borrow is transported on a public road, street, or highway. Aggregate material shall not include dimension stone and dimension granite. Aggregate material must be measured or weighed after it has been extracted from the pit, quarry, or deposit.
- 1.02 “Person” shall mean any individual, firm, partnership, corporation, organization, trustee, association or other entity.
- 1.03 “Operator” shall mean any person engaged in the business of removing aggregate from the surface or subsurface of the soil, for the purpose of sale, either directly or indirectly, through the use of the aggregate in a marketable product or service.
- 1.04 “Importer” shall mean any person who buys aggregate material produced from a county not listed in section 1.05 or another state and causes the aggregate material to be imported into Kanabec County.
- 1.05 "County" means a county imposing the tax under this section on December 31, 2014, or any other county whose board has voted after a public hearing to impose the tax under this section and has notified the commissioner of revenue of the imposition of the tax.

- 1.06 “Extraction Site” shall mean a pit, quarry, or deposit containing aggregate and any contiguous property to the pit, quarry or deposit which is used by the operator for stockpiling the aggregate.
- 1.07 “Borrow” shall mean granular borrow, consisting of durable particles of gravel and sand, crushed quarry or mine rock, crushed gravel or stone, or any combination thereof, the ratio of the portion passing the (#200) sieve divided by the portion passing the (1 inch) sieve may not exceed 20 percent by mass.

2.00 IMPOSITION OF TAX

- 2.01 A county that imposes the aggregate production tax shall impose upon every operator a production tax of 21.5 cents per cubic yard or 15 cents per ton of aggregate material excavated in the county except that the county board may decide not to impose this tax if it determines that in the previous year operators removed less than 20,000 tons or 14,000 cubic yards of aggregate material from that county. The tax shall not be imposed on aggregate material excavated in the county until the aggregate material is transported from the extraction site or sold, whichever occurs first. When aggregate material is stored in a stockpile within the state of Minnesota and a public highway, road or street is not used for transporting the aggregate material, the tax shall not be imposed until the aggregate material is sold, or it is transported from the stockpile site, or it is used from the stockpile, whichever occurs first.
- 2.02 Any operator who removes for sale aggregate from a pit, quarry, or natural deposit located within this County shall pay a production tax thereon. The tax shall be imposed when the aggregate is transported from the extraction site, provided however, that when in the case of storage the stockpile is within the State of Minnesota and the highways are not used for transporting the aggregate, the tax shall be imposed when the aggregate is sold.
- 2.03 Any importer who buys aggregate material produced from a county other than those included in section 1.05 shall pay the production tax on the material so imported. This tax is due when the aggregate material is imported into Kanabec County.
- 2.04 In the event that the aggregate is transported directly from the extraction site to a waterway, railway, or another mode of transportation other than highway, road, or street, the tax imposed by this section shall be apportioned equally between the county where the aggregate is extracted and the county to which the aggregate is originally transported. If that destination is not located in Minnesota, then the county where the aggregate was extracted shall receive all of the proceeds of the tax.
- 2.05 The Kanabec County Board may by resolution exempt the first 575 tons or 400 cubic yards per year on those operators who have removed in Kanabec County or importers who have imported into Kanabec County less than 575 tons or 400 cubic yards of aggregate material.

3.00 REPORTING REQUIREMENTS

- 3.01 By the 14th day following the last day of each calendar quarter, every operator selling aggregate removed from operator's extraction site during said quarter, must file with the County Auditor/Treasurer a report under oath stating the quantity of aggregate so removed. The report shall be accompanied by a remittance of the amount of tax due. If any of the proceeds of the tax are to be apportioned as provided in section 2.04, the operator shall also include on the report any relevant information concerning the amount of aggregate transported, the tax, and the county destination. The county Auditor/Treasurer shall remit the tax to the appropriate county within 30 days of the receipt of the tax by Kanabec County.
- 3.02 If the County Auditor/Treasurer has not received the report by the 15th day after the last day of each calendar quarter from the operator or importer as required by section 3.01 or has received an erroneous report, the County Auditor/Treasurer shall estimate the amount of tax due and notify the operator or importer by registered mail of the amount of tax so estimated within the next 14 days. An operator or importer may, within 30 days from the date of mailing the notice, and upon payment of the amount of tax determined to be due, file in the office of the County Auditor/Treasurer a written statement of objections to the amount of taxes determined to be due. The statement of objections shall be deemed to be a petition within the meaning of Minnesota Statutes Chapter 278, and shall be governed by sections 278.02 to 278.13.

4.00 VIOLATIONS AND PENALTIES

- 4.01 Failure to file the report and submit payment shall result in a penalty of \$5 for each of the first 30 days, beginning on the 15th day after the last day of each calendar quarter, for which the report and payment is due and no statement of objection has been filed as provided in subdivision 4, and a penalty of \$10 for each subsequent day shall be assessed against the operator or importer who is required to file the report. The penalties imposed by this subdivision shall be collected as part of the tax and credited to the county revenue fund. If neither the report nor a statement of objection has been filed after more than 60 days have elapsed from the date when the notice was sent, the operator or importer who is required to file the report is guilty of a misdemeanor.
- 4.02 It is a misdemeanor for any operator to remove aggregate from a pit, quarry, or deposit unless all taxes due under this ordinance for the previous reporting period have been paid or objections thereto have been filed pursuant to section 3.02.
- 4.03 It is a misdemeanor under this ordinance for the operator or importer who is required to file a report to file a false report with intent to evade the tax. This provision does not alter the consequences of a violation of state law.

5.00 DISTRIBUTION OF REVENUES

5.01 All moneys collected as taxes under this ordinance shall be deposited in the county treasury and credited as follows, for expenditure by the county board:

(a) The county auditor shall retain an annual administrative fee of up to five percent of the total taxes collected in any year.

(b) The remaining funds shall be allocated in the following manner:

- i 42.5 percent to the county road and bridge fund for expenditure for the maintenance, construction and reconstruction of roads, highways and bridges;
- ii 42.5 percent to the general fund of the city or town in which the mine is located, or to the county, if the mine is located in an unorganized town, to be expended for maintenance, construction and reconstruction of roads, highways and bridges; and
- iii 15 percent to the general fund of the city or town in which the mine is located, or to the county, if the mine is located in an unorganized town, to be expended for maintenance, construction and reconstruction of roads, highways and bridges or to a fund to restore abandoned pits.

If there are no abandoned pits, quarries or deposits located within the county, this portion of the tax shall be used for any other unmet reclamation need or for conservation or other environmental needs.

In the event that there are no abandoned pits, quarries, or deposits located upon public or tax forfeited lands within the county, this portion of the tax shall be deposited in the county road and bridge fund for expenditure for the maintenance, construction and reconstruction of roads, highways and bridges.

5.02 The County Auditor/Treasurer or its duly authorized agent may examine records, including computer records, maintained by an importer or operator and pit owners. The term "record" includes, but is not limited to, all accounts of an importer or operator. The County Auditor/Treasurer must have access at all reasonable times to inspect and copy all business records related to an importer's or operator's collection, transportation, and disposal of aggregate to the extent necessary to ensure that all aggregate material production taxes required to be paid have been remitted to the county. The records must be maintained by the importer or operator for no less than six years.

6.00 SEVERABILITY

6.01 It is hereby declared to be the intention of the County board that this ordinance, and every provision thereof, shall be severable in accordance with the following:

- a) If any Court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

- (b) If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular pit, quarry, deposit, or operator such judgment shall not affect the application of said provision to any other pit, quarry, deposit, or operator not specifically included in said judgment.

7.00 PROVISIONS ARE ACCUMULATIVE

- 7.01 The provisions of this ordinance are cumulative to all other laws, ordinances, and regulations hereto passed, or which may be passed hereafter, covering any subject matter in this ordinance.

8.00 EFFECTIVE DATE

- 8.01 This ordinance shall be effective January 1, 2017.

- 8.02 Passed by the Kanabec County Board of Commissioners, July 6, 2016.

The motion for the adoption of the foregoing Resolution was duly seconded by Kim Smith and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: Kathi Ellis, Kim Smith, Gene Anderson

OPPOSED: Dennis McNally, Les Nielsen

ABSTAIN: None

whereupon the resolution was declared duly passed and adopted.

Commissioners continued reports on the activities of the Boards and Committees in which they participate.

Future Agenda Items: Timeclocks, Airport runway, Credit Card, Water plant.

Action #17 – It was moved by Kathi Ellis, seconded by Dennis McNally and carried unanimously to approve the following resolution:

Resolution #17 - 07/06/16

BE IT RESOLVED to close at the meeting at 12:23 pm pursuant to Minnesota Statute §13D.03 to consider strategy for labor negotiations, including negotiation strategies or developments and discussion and review of labor negotiation proposals, conducted pursuant to sections §179A.01 to §179A.25.

Those present during the closed portion of the meeting include Commissioners Dennis McNally, Gene Anderson, Les Nielsen, Kathi Ellis and Kim Smith. Also present were County Coordinator & Personnel Director Patrick Christopherson.

Action #18 – It was moved by Kathi Ellis, seconded by Kim Smith and carried unanimously to reopen the meeting at 12:37 pm.

Action #19 – It was moved by Les Nielsen, seconded by Kathi Ellis and carried unanimously to adjourn at 12:39 p.m. and to meet again in regular session on Wednesday, July 20, 2016 at 9:00am.

Signed _____
Chairperson of the Kanabec County Board of Commissioners,
Kanabec County, Minnesota

Attest: _____
Board Clerk