

PROCEEDINGS OF THE RED LAKE COUNTY BOARD OF COMMISSIONERS

October 8, 2024

Pursuant to adjournment of its last meeting, the Red Lake County Board of Commissioners duly met in regular session at the Courthouse in Red Lake Falls, MN on October 8th, 2024 at 10:00 a.m.

CALL TO ORDER

Chairman Tony Gerardy called the meeting to order. Commissioners present were Al Remick, Eric Mickelson, Chuck Flage and Ron Weiss. The Pledge of Allegiance was recited.

PUBLIC HEARING

Commissioner Mickelson moved to close the regular meeting 10:01 a.m. to conduct the Public Hearing on Portable Recording System Implementation, seconded by Commissioner Remick. Present were: All County Commissioners, Sheriff Mitch Bernstein, RLC SWCD District Manager Tanya Waldo, RLC SWCD Conservation Technician Travis Nelson, County Engineer Taylor Amiot, County Environmentalist Kurt Casavan, County Auditor Kelsey Gervais and Ulrich Farms Inc. Shareholder David Ulrich. Sheriff Bernstein provided an overview of the Portable Recording System Implementation regarding the Sheriff's office, there was no public comment regarding the implementation or costs. Commissioner Mickelson motioned to reconvene the regular meeting at 10:15 a.m., seconded by Commissioner Remick. Motion Carried

Once the meeting was reopened, Commissioner Weiss moved to authorize Sheriff Bernstein to move forward with the purchase of the Portable Recording System. Commissioner Remick seconded the motion. Motion Carried

APPROVAL OF AGENDA

Commissioner Mickelson moved, seconded by Commissioner Flage and carried unanimously to approve the agenda.

COUNTY DITCH 62

David Ulrich, a shareholder of Ulrich Farms Inc., met with the board to discuss the legal jurisdiction surrounding County Ditch 62. Ulrich raised the question of why the county's ownership authority ends at the county road and does not extend to the river outlet. Environmentalist Kurt Casavan explained that the ditch terminates at a natural waterway or outlet. Tanya Waldo, RLC SWCD District Manager, noted that Ulrich Farms Inc. has the option to file a petition to have the outlet included in County Ditch 62, or alternatively, they could deed the land to the county, subject to the county board's approval.

OATH OF OFFICE

Stephen Larson was present and was administered the Oath of Office as Assistant County Attorney as he may be required to fill in for the County Attorney during an upcoming court case due to scheduling conflicts.

Larson also presented a title issue and resolution to the board regarding the John Abeld Estate: There was an error in the legal description when Red Lake County conveyed the property out, which creates the potential for an outstanding interest in favor of Red Lake County. Commissioner Mickelson offered the following resolution which was seconded by Commissioner Flage.

RED LAKE COUNTY BOARD OF COMMISSIONERS
RESOLUTION NO. 10-01-2024
RESOLUTION AUTHORIZING THE DISPOSAL OF REAL PROPERTY

WHEREAS, the County of Red Lake previously received title to the “West 10 Acres of the Northwest Quarter of the Northeast Quarter of Section 29, Township 152, North of Range 45 West of the Fifth Principal Meridian” under that certain Quit Claim Deed dated October 26, 1972 and recorded November 2, 1972 in Book 72 of Deeds on page 336 (the “Land”).

WHEREAS, the County of Red Lake purported to convey the Land to James Abeld and John Abeld, as tenants in common, under the Limited Warranty Deed dated July 22, 2008 and recorded August 6, 2008 as Document No. 127517 (“Conveyance”), but there was a deviation in the legal description in that the Land was described as: The West Half of the West Half of the Northwest Quarter of the Northeast Quarter of Section 29, Township 152, North of Range 45, West of the Fifth Principal Meridian.

WHEREAS, the West 10 Acres of the Northwest Quarter of the Northeast Quarter of Section 29, Township 152, North of Range 45 West of the Fifth Principal Meridian, is almost certainly not the same as the West Half of the West Half of the Northwest Quarter of the Northeast Quarter of Section 29, Township 152, North of Range 45, but only a professional land surveyor can make that determination.

WHEREAS, if the West Half of the West Half of the Northwest Quarter of the Northeast Quarter of Section 29, Township 152, North of Range 45 is larger than 10-acres, then there is no outstanding interest in favor of the County of Red Lake. However, if the West Half of the West Half of the Northwest Quarter of the Northeast Quarter of Section 29, Township 152, North of Range 45, is less than the West 10-acres of the Northwest Quarter of the Northeast Quarter of Section 29, Township 152, North of Range 45, then there is an outstanding interest in a small portion of the subject real property in favor of Red Lake County.

WHEREAS, in order to resolve this potential title problem, James Abeld and Carol Jean Abeld, Personal Representative of the Estate of John Abeld, have requested that the County of Red Lake authorize a conveyance from Red Lake County of the West 10 Acres of the Northwest Quarter of the Northeast Quarter of Section 29, Township 152, North of Range 45 West of the Fifth Principal Meridian, to James Abeld and Carol Jean Abeld, Personal Representative of the Estate of the Estate of John Abeld (whether one or more “Transferee”).

NOW, THEREFORE, IT IS RESOLVED by the Red Lake County Board of Commissioners as follows:

NOW, THEREFORE, IT IS RESOLVED by the County of Red Lake’s commissioners as follows:

1. The previous disposal of the Land by and through the Conveyance is hereby ratified and approved; and
2. That the County of Red Lake transfer the Land to the Transferee using the correct legal description, namely, the West 10 Acres of the Northwest Quarter of the Northeast Quarter of Section 29, Township 152, North of Range 45 West of the Fifth Principal Meridian; and

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2. That the Chairperson is authorized and directed to sign and deliver an instrument of conveyance of the land to the Transferee and any such instrument of conveyance which was previously signed and delivered is ratified and approved.

HIGHWAY ANNOUNCEMENTS

Highway Engineer Taylor Amoiti informed the board that the overlay on CSAH 51 has been completed. The paving for the Oklee project is scheduled to begin on Friday. There will be a meeting on Monday to discuss Main Street and Minnesota Street in the City of Brooks. Houston Engineering is currently working on the plans for the Highway 1 bypass. Remick inquired whether the county would receive reimbursement from MNDot, as the detour for Highway 32 is routed along County Highway 19. Amiot noted that reimbursement is unlikely because the total cost is \$450, and MNDot only reimburses for amounts over \$500. However, Amiot will investigate it further.

MINUTES

Commissioner Remick moved, seconded by Commissioner Mickelson, and carried unanimously to approve the minutes from the meeting on September 24th, 2024.

EXPENDITURES

Commissioner Weiss moved, seconded by Commissioner Flage, and carried unanimously to approve the following expenditures for the period:

<u>Vendor</u>	<u>Amount</u>
Gladden Construction, Inc.	\$4,782.00
Houston Engineering, Inc	\$19,350.50
Knife River Materials Inc	\$885,318.99
M & R Signs Co Inc	\$3,604.45
RJ Zavoral & Sons	\$162,956.97
Seachange Printing and Marketing Service	\$3,782.11
Sir Lines-A-Lot	\$319,939.20
5 Payments less than \$2000	<u>\$10,651.71</u>
TOTAL	\$1,410,385.93

COMMITTEE REPORTS

Remick- None

Mickelson- None

Weiss- None

Flage- Minnesota Rural Counties

Gerardy- Association Minnesota Counties

AUDITOR ANNOUNCEMENTS

Auditor Gervais presented the board with a Memorandum of Agreement (MOA) for County Extension services provided through the University of Minnesota Extension. The County currently uses the 4-H Youth Development Educator position through the University. The proposed agreement covers the period from January 1, 2025, to December 31, 2027, with a 3% increase each year. Commissioner Mickelson moved to approve the MOA, seconded by Remick, and the motion was carried.

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Gervais informed the board that they need to schedule the Truth and Taxation meeting, which must take place in person between November 24 and December 30. The board decided on Thursday, December 5, at 6:00 p.m. in the Commissioner's Boardroom at the Courthouse. Auditor Gervais also provided an update on tax-forfeited properties, noting that the county is still awaiting approval from the DNR for a property in Emardville Township. If the DNR grants approval, seven properties will be auctioned on Friday, November 22, 2024, at 10:00 a.m. in the Courtroom at the Red Lake County Courthouse.

ADJOURNMENT

A motion was made by Commissioner Mickelson, seconded by Commissioner Remick, and unanimously carried to adjourn the meeting at 12:04 p.m. The next regular meeting of the board is scheduled for Tuesday, October 22nd, at 10:00 a.m.

Attest: _____
Kelsey Gervais, County Auditor

Tony Gerardy, Chairman
Board of Commissioner