

**Carlton County
Board of Commissioners
REGULAR SESSION - Rough Draft
Tuesday, April 14, 2015
8:30 a.m.**

The Carlton County Board of Commissioners met this 14th day of April, 2015, in Regular Session at the Carlton County Transportation Building.

Members present: Bodie, Brenner, Peterson, and Zmyslony. Absent: Proulx.

The meeting opened with The Pledge of Allegiance to the Flag.

Motion by Brenner, seconded by Zmyslony, and carried by all yea votes to approve the Agenda as amended.

Motion by Peterson, seconded by Zmyslony, and carried by all yea votes to approve the Minutes of the March 23, 2015, Adjourned Board Meeting.

Brad Matlack, Carlton County Soil and Water Conservation District Manager, was present to review the District's 2014 Annual Report. A discussion was held with respect to exchanging vehicles between the District and the County. Matlack will work with Assessor Moreland to determine the feasibility of this exchange.

Motion by Peterson, seconded by Brenner, and carried by all yea votes to accept the recommendation of the Carlton County Wetlands Technical Evaluation Panel and approve the following Wetlands Replacement Plan:

No. 615003, Land & Lease Development LLC (Moose Lake Kwik Trip). The proposed project is the platting of Opportunity Park where a Kwik Trip fueling station and convenience store will be located, the Southeast Quarter of the Southwest Quarter, Section Twenty-eight (28), Township Forty-six (46), Range Nineteen (19), City of Moose Lake. The proposed wetlands impacts include 9,240 square feet of Type 2 and 9,660 square feet of Type 6 wetlands. The project also includes a 1,000 square feet of temporary impacts to a Type 2 wetland. The wetlands impact is located in the 35 – Kettle River Watershed, bank Service Area 6. The wetland will be replaced at the 1:1 ratio via wetland banking in the 36 – Snake River watershed.

Motion by Zmyslony, seconded by Brenner, and carried by all yea votes to accept the recommendation of the Carlton County Planning Commission and approve the following Conditional Use Permit with conditions as on file in the Zoning Office:

No. 415002, Enbridge Energy, LP, to operate a temporary material storage yard for a pipeline project on property described as Part of the Southwest Quarter of the Southwest Quarter, and Part of the Southeast Quarter of the Southwest Quarter, Section Nineteen (19), Township Forty-seven (47), Range Twenty (20) in Kalevala Township.

Motion by Zmyslony, seconded by Brenner, and carried by all yea votes to accept the recommendation of the Carlton County Planning Commission and approve the following Conditional Use Permit with conditions as on file in the Zoning Office:

No. 415003, KGM Contractors, to operate a borrow pit on property described as Part of the Southwest Quarter of the Southwest Quarter, , Section Five (5), Township Forty-eight (48), Range Seventeen (17) in Twin Lakes Township.

Motion by Brenner, seconded by Peterson, and carried by all yea votes to set a Public Hearing for May 6, 2015, at which time the Planning Commission will consider proposed changes to Carlton County Zoning Ordinance No. 27.

Motion by Brenner, seconded by Peterson, and carried by all yea votes, except Proulx, who was absent, to adopt the following resolution: (15-035)

WHEREAS, the contract with Ulland Brothers Inc., Cloquet, Minnesota, for C.P. 009-116-005, CR 116 (Stark Road) Flood Repairs, 0.23 miles E of CR 118, has in all things been completed and the County Board has been fully advised in the premises.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Carlton County Board of Commissioners does hereby accept said completed project for and in behalf of the County of Carlton.
2. That the Carlton County Board of Commissioners does hereby authorize the County Engineer to make final payment in the amount of Three Thousand, Six Hundred, Fifty-nine Dollars, and Thirty-three Cents (\$3,659.33) to the Contractor.

Motion by Brenner, seconded by Peterson, and carried by all yea votes, except Proulx, who was absent, to adopt the following resolution: (15-036)

WHEREAS, the contract with Ulland Brothers Inc., Cloquet, Minnesota, for S.A.P. 009-601-046, Mill and Overlay, and S.A.P. 009-610-009, Bituminous Overlay, and Project TTFD 2013-1, Thomson Township/Esko Fire Department Lot, and Project MT 2013-1, Mahtowa Township Sundberg Road paving, has in all things been completed and the County Board has been fully advised in the premises.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Carlton County Board of Commissioners does hereby accept said completed project for and in behalf of the County of Carlton.
2. That the Carlton County Board of Commissioners does hereby authorize the County Engineer to make final payment in the amount of One Hundred Twenty-six Thousand, Nine Hundred, Twelve Dollars, and Sixty Cents (\$126,912.60) to the Contractor.

Motion by Brenner, seconded by Peterson, and carried by all yea votes, except Proulx, who was absent, to adopt the following resolution: (15-037)

WHEREAS, the contract with Ulland Brothers Inc., Cloquet, Minnesota, for S.P 009-601-048 Flood Repairs, has in all things been completed and the County Board has been fully advised in the premises.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Carlton County Board of Commissioners does hereby accept said completed project for and in behalf of the County of Carlton.
2. That the Carlton County Board of Commissioners does hereby authorize the County Engineer to make final payment in the amount of Two Thousand, Six Hundred, Eight Dollars, and Twenty-two Cents (\$2,608.22) to the Contractor.

Motion by Brenner, seconded by Peterson, and carried by all yea votes, except Proulx, who was absent, to adopt the following resolution: (15-038)

WHEREAS, the contract with Ulland Brothers Inc., Cloquet, Minnesota, for S.A.P. 009-661-024, Flood repairs on CSAH 61 at Br 09522, I Barnum, MN, and S.P. 009-606-030, Flood repairs for Bridge 09502 Approach Roadway, has in all things been completed and the County Board has been fully advised in the premises.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Carlton County Board of Commissioners does hereby accept said completed project for and in behalf of the County of Carlton.
2. That the Carlton County Board of Commissioners does hereby authorize the County Engineer to make final payment in the amount of Eight Thousand, One Hundred, Eleven Dollars, and Eighty-nine Cents (\$8,111.89) to the Contractor.

Motion by Brenner, seconded by Peterson, and carried by all yea votes to adopt the following resolution: (15-039)

BE IT RESOLVED to authorize and instruct the County Engineer to accept and award equipment rental and supply bids for the year 2015 in the best interest of the County.

Motion by Peterson, seconded by Brenner, and carried by all yea votes to authorize the refilling of a Maintenance Superintendent position in the Transportation Department.

Motion by Brenner, seconded by Zmyslony, and carried by all yea votes, except Proulx, who was absent, to adopt the following resolution: (15-040)

WHEREAS, the contract with Century Fence Co., Forest Lake, Minnesota, for S.P 009-070-002, Pavement Striping for various county highways, has in all things been completed and the County Board has been fully advised in the premises; and

WHEREAS, St. Louis County did provide the administration of this contract on behalf of Carlton County.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Carlton County Board of Commissioners does hereby accept said completed project for and in behalf of the County of Carlton.
2. That the Carlton County Board of Commissioners does hereby authorize the County Engineer to make final payment in the amount of One Thousand, Six Hundred, Fifty-one Dollars, and Twenty-five Cents (\$1,651.25) to St. Louis County.

Motion by Brenner, seconded by Peterson, and carried by all yea votes to approve out of state travel for a Sheriff Department employee to attend a conference in Baltimore, MD, June 26 – July 2, 2015.

Motion by Brenner, seconded by Peterson, and carried by all yea votes to accept staff recommendation and approve Applications for Reduction in Valuation as follows:

- a. Patrick Piwon City of Cloquet Payable 2015
- b. Clouquet Cemetery Assn City of Cloquet Payable 2015
- c. CS Performance City of Cloquet Payable 2015
- d. Humphrey Atkinson Township Payable 2015

Motion by Brenner, seconded by Peterson, and carried by all yea votes to accept staff recommendation and approve Applications for General Abatement as follows:

- a. Oswald Moose Lake Twp Payable 2015
- b. Vance City of Cloquet Payable 2015
- c. Sarvela City of Kettle River Payable 2015

Motion by Brenner, seconded by Zmyslony, and carried by all yea votes, except Proulx, who was absent, to adopt the following resolution: (15-041)

WHEREAS, an offer has been received by the Carlton County Economic Development Department for the purchase of real property held in the name of Carlton County, in fee simple, legally described as:

Lot 17, Block 14, GREYSOLON FARMS, FIRST DIVISION OF DULUTH (010-2010-03710); and

East Half of Lots 13, 14, 15, and 16, Block 14, GREYSOLON FARMS, FIRST DIVISION OF DULUTH (010-2010-03670).

EXCEPTING and RESERVING the right to one-half of the water from the spring located on the East half of Lots 13, 14, 15, and 16, in Block 14, GREYSOLON FARMS, FIRST DIVISION OF DULUTH for the use of the owner of the West half of said Lots 13, 14, 15, and 16, in said Block 14, in said division.

WHEREAS, said property was registered in the name of Carlton County, a Minnesota Political Subdivision, on October 6, 2010, as File No. 890613, under a mortgage foreclosure of collateral secured in the issuance of a defaulted County Economic Development loan agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Carlton County Board of Commissioners, in regular session duly convened, that they hereby approve the sale of the above property to Dean Pearson and Carla Pearson for the sum of \$50,000.00.

BE IT FURTHER RESOLVED that the County Board Chair and the County Auditor/Treasurer execute a Quit Claim Deed on behalf of Carlton County to formally transfer said property and deposit purchase funds into the account of the Carlton County Economic Development Department.

Motion by Brenner, seconded by Peterson, and carried by all yea votes to approve the expenditure of up to \$1,200 from the Recorders Office Compliance Funds for the purpose of updating the Carlton County GIS Parcel Dataset.

Motion by Brenner, seconded by Zmyslony, and carried by all yea votes to approve an extension, (from April 24 to June 9, 2015) to an existing Medical Leave for a Building Maintenance Department employee.

Motion by Peterson, seconded by Zmyslony, and carried by all yea votes to approve the appointment of Commissioners Proulx and Brenner to a committee to meeting with various department heads regarding the Carlton County Job Review/Study.

Motion by Brenner, seconded by Peterson, and carried by all yea votes to approve the appropriation of \$750 to the Carlton County Farmers Market. These are proceeds received from the rental of the County Parking Lot.

Motion by Zmyslony, seconded by Brenner, and carried by all yea votes to discontinue any practice of leasing County owned properties for the purpose of retail sales.

Motion by Brenner, seconded by Zmyslony, and carried by all yea votes, except Proulx, who was absent, to adopt the following resolution: (15-042)

WHEREAS, Cloquet Motors previously did borrow from Carlton County the sum of \$66,500.00, as evidenced by a Promissory Note dated August 14, 2009; and

WHEREAS, the County did properly secure the amount evidenced by said Promissory Note by a Real Estate Mortgage dated August 14, 2009, recorded on August 31, 2009, in the office of the Carlton County Recorder, as Document No. A000426453 ("Mortgage") granting to County a security interest in the real property in Carlton County, Minnesota, as more specifically described therein ("Mortgaged Property"); and

WHEREAS, additional security for the Loan includes the personal guaranties executed by Guarantors in favor of County, each dated August 14, 2009 (collectively, the "Guaranties"); and

WHEREAS, on November 24, 2014, subsequent to obtaining the consent of County, Cloquet Motors did convey the Mortgaged Property to Birman & Larson, a related entity constituted by Guarantors, along with all debt associated with the Mortgaged Property; and

WHEREAS, the remaining principal balance due and owing as of November 24, 2014, upon said Promissory Note assigned to Birman & Larson was \$36,419.30, with interest accruing upon the same after that date; and

WHEREAS, the Note is current and all required payments to date under the Note and Mortgage have been paid; and

WHEREAS, Carlton County is willing to reaffirm its consent to this transfer in writing pursuant to the terms and conditions as provided herein;

NOW THEREFORE, BE IT RESOLVED, that in consideration of the covenants contained herein and the mutual benefits to be derived therefrom, the parties hereto, for themselves and their respective heirs, executors, administrators, successors and assigns, hereby agree as follows:

1. Carlton County hereby reaffirms its consent to the transfer of the Mortgaged Property from Cloquet Motors to Birman & Larson and further reaffirms its consent to the assumption by Birman & Larson as of November 24, 2014 of all debt associated with the Mortgaged Property from Cloquet Motors.
2. Birman & Larson, in accordance with the terms of the Note and Mortgage, and as further provided in this Agreement (the terms and conditions of which said Agreement shall control), reaffirms its assumption as of November 24, 2014 to pay that portion of said Note and Mortgage related to the Mortgaged Property according to their terms as modified herein.
3. Guarantors shall execute additional personal guaranties of the Note as assumed by Birman & Larson, attached hereto as "Exhibit A-1", "Exhibit A-2", and "Exhibit A-3".
4. Cloquet Motors shall further execute a guaranty of the Note as assumed by Birman & Larson, attached hereto as "Exhibit B".
5. Except as modified herein, the terms and conditions of the Note and Mortgage shall remain in full force and effect.

Motion by Brenner, seconded by Peterson, and carried by all yea votes to accept and approve the March, 2015 Expenditure Listing as follows:

Revenue	\$1,507,169.59
Road and Bridge	510,175.08
Human Services	1,124,816.50
Com Svcs Bldg. BAB Bonds	375.00
Com Svcs Bldg. RZB Bonds	375.00
Motor Vehicle	446,576.71
State Fund	40,119.43
Forfeited Tax	20,409.89
Economic Development Fund	21,189.23
Refunding Fund	42,100.80
Total	\$6,372,874.19

Motion by Peterson, seconded by Brenner, and carried by all yea votes, except Proulx, who was absent, to adopt the following resolution: (15-043)

WHEREAS, State Highway 73 is a main corridor for business commerce between the Cities and the Iron Range and points west; and

WHEREAS, the condition of State Highway 73, particularly the portion South of Cromwell to Moose Lake, has been and continues to be in a deplorable condition; and

WHEREAS, the needed funding for said reconstruction project has not been forthcoming, or diverted to other projects.

NOW, THEREFORE, BE IT RESOLVED that the Carlton County Board of Commissioners does hereby declare their support of the State Legislature in seeking Bonding Monies for the completion of the Highway 73 Reconstruction Project (South of Cromwell to Moose Lake).

Motion by Brenner, seconded by Peterson, and carried by all yea votes that this meeting be adjourned.

Attest: _____
Paul G. Gassert
County Auditor/Treasurer

Marv Bodie
County Board Chairperson

