

**Carlton County
Board of Commissioners
REGULAR SESSION - Rough Draft
Tuesday, 2016
8:30 a.m.**

The Carlton County Board of Commissioners met this 11th day of October, 2016, in Regular Session at the Carlton County Transportation Building.

Members present: Bodie, Brenner, Peterson, Proulx and Zmyslony. Absent: None.

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

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

Motion by Zmyslony, seconded by Brenner, and carried by all yea votes to approve the Minutes of the September 26, 2016, Adjourned Board Meeting.

Chris Wills and Justin Safransli, Flexible Benefit Consulting, Inc. were present to provide information on group health insurance options for Carlton County.

Motion by Peterson, seconded by Brenner, and carried by all yea votes to authorize and instruct the County Coordinator to proceed with plans to move to the Carlton County Group Health Insurance Plan to Health Partners.

Motion by Bodie, seconded by Zmyslony, and carried by all yea votes to approve out of state travel for a Public Health and Human Services employee to attend a November Conference in Colorado, and a January Conference in Cancun.

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

No. 416005, Richard Hatanpaa, to operate a vacation rental by owner (VRBO) on a property described as Lots 15 of Lake Park Plat in the Southeast Quarter of the Southeast Quarter, Section Thirty-one (31), Township Forty-six (46), Range Nineteen (19) in Moose Lake Township.

Motion by Peterson, seconded by Brenner, and carried by all yea votes to adopt the following resolution: (15-092)

WHEREAS, the County Board of Commissioners of the County of Carlton, State of Minnesota, desires to offer for sale certain parcels of land that have forfeited to the State of Minnesota for nonpayment of taxes; and

WHEREAS, said parcels of land have been viewed by the County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01.

NOW, THEREFORE, BE IT RESOLVED that the Carlton County Board of Commissioners hereby certifies that all parcels of land have been viewed and comply with the provisions of Minnesota Statutes 85.012, 92.461, 282.01 - Subdivision 8, 282.018, and the 1991 Laws of Minnesota Chapter 354, Article 10, Section 9, amending Minnesota Statute Section 282.018, Subdivision 2 (1990). The County Board of Commissioners hereby certifies that either the County Land Commissioner or the Soil and Water Conservation Board of the district where the land is located has reviewed Landsale List No. 133 and identified any and all non-forested marginal wetlands.

Motion by Peterson, seconded by Brenner, and carried by all yea votes to adopt the following resolution: (16-093)

WHEREAS, Minnesota Statutes 282 provides that certain types of tax forfeited land must be withheld from sale or conveyance, including those tax forfeited lands located on public waters; and

WHEREAS, Minnesota Statutes 282 further provides that the county that has jurisdiction over a tax forfeited parcel located on public waters may ask the Minnesota Legislature to pass a special law authorizing the sale or conveyance of a specific parcel of tax forfeited land located on public water that otherwise must be withheld from sale or conveyance; and

WHEREAS, it has become desirous for Carlton County to offer for sale certain restricted parcels of tax forfeited lands at public auction (said parcels described and on file in the Land Commissioner Offices).

NOW, THEREFORE, BE IT RESOVLED, that pursuant to Minnesota Statutes 282.018, the Carlton County Board of Commissioners does hereby authorize and approve the County Land Commissioner to seek special legislation for the sale those of certain parcels of tax forfeited land described and on file in the Land Commissioner Offices.

Motion by Brenner, seconded by Bodie, and carried by all yea votes to adopt the following resolution: (16-094)

WHEREAS, the contract with Ulland Brothers, Cloquet, Minnesota, for S.A.P. 009-607-023, intersections with County Road 5 and County 114 Improvements, 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 County Board of Commissioners does hereby accept said completed project for and in behalf of the County of Carlton. And
2. That the County Board of Commissioners does hereby authorize the County Engineer to make final payment in the amount of Thirty-seven thousand, Eight hundred, Sixty-seven Dollars and Eleven Cents (\$37,867.11) to the Contractor.

Motion by Brenner, seconded by Zmyslony, and carried by all yea votes to adopt the following resolution: (16-095)

WHEREAS, the City of Cloquet desires to place vehicle noise signage along CSAH 2 (North Road within the City of Cloquet) in order to deter engine braking by heavy truck traffic using the corridor; and

WHEREAS, Carlton County is the Road Authority of said CSAH 2 (North Road); and

WHEREAS, as the Road Authority of said CSAH 2 (North Road), the County Board of Commissioners has determined it is in the best interest of the citizens of Carlton County to allow for the placement of said signage.

NOW, THEREFOR E, BE IT RESOLVED that the Carlton County Board of Commissioner does hereby authorize and approve the placement of vehicle noise signage along CSAH 2 (North Road within the City of Cloquet) in order to deter engine braking by heavy truck traffic using the corridor.

Motion by Zmyslony, seconded by Brenner, and carried by all yea votes to adopt the following resolution: (16-096)

WHEREAS, applications are submitted to the County of Carlton requesting abatements of either real or personal property taxes and/or penalties, interest and costs to correct errors or inequities within the tax system; and

WHEREAS, Pursuant to MN Statute 375.192 REDUCTIONS OR ABATEMENTS OF VALUATION OR TAXES, Subdivision 2 Procedure, conditions: "...the County Board is authorized to consider and grant reductions or abatements on applications only as they relate to taxes payable in the current year and the two prior years; provided that reductions or abatements for the two prior years shall be considered or granted only for (i) clerical errors, or (ii) when the taxpayer fails to file for a reduction or an adjustment due to hardship..."; and,

WHEREAS, it is the intent of the County of Carlton to ensure fairness and equity within both the real and personal property tax billing and collection system; and

WHEREAS, it is important to note that abatement is not part of the appeals process for market valuation challenges, but shall be an administrative process by which corrections can be made to property values, classifications and tax; and,

WHEREAS, abatements should be used only as a last resort method to correct assessments and/or collection errors, as abatements are costly both in terms of manpower expended for preparation and reduced revenues from tax reductions and reimbursements, without any provision for the county to recover these funds from any other source.

NOW, THEREFORE, BE IT RESOLVED that all prior tax, penalty, interest, and cost abatement policies adopted by the Carlton County Board of Commissioners are hereby rescinded;

BE IT FURTHER RESOLVED that the abatement policy of the Carlton County Board of Commissioners is as follows:

I. NO ABATEMENT WILL BE CONSIDERED IF:

1. A Petition has been filed with tax court and the outcome is still pending.
2. A confession of judgment has been signed by taxpayer/applicant.
3. The actual tax reduction for any one year is less than \$100.00. If the actual tax reduction exceeds \$100.00, the abatement will involve only the amount that exceeds the first \$100.00 per year abated. There shall be no minimum for cancellations.
4. It involves a year other than current tax or the previous two tax years.
5. A social security number of the applicant is not provided.
6. It involves a reduction of a special assessment unless it is accompanied by a written recommendation for approval by the governmental unit responsible for the original special assessment.

II. ABATEMENTS SHALL BE CONSIDERED IN ORDER TO CORRECT A VALUATION OR CLASSIFICATION ERROR AS FOLLOWS:

An abatement may only be submitted once per calendar year on a specific parcel.

Objective assessment errors shall be abated for current year and up to the Previous two year's only. Objective errors are defined to include:

1. Exemption by public ownership.

2. Double assessments or other overlapping listings.
3. Homestead classification.
4. Measurable units, i.e., acres, square feet, etc., providing that an adjustment does not reduce the estimated market value below its actual market value.
5. Mobile home ownership or location changes.
6. Personal property ownership changes.
7. Lease cancellations.
8. Local Option Disaster Abatements if the requirements of Minnesota Statutes 273.1233 are met.

Subjective assessment opinions shall not be abated. Subjective changes of assessment opinions shall be addressed through formal appeals processes, otherwise will be effective beginning with the next applicable assessment year.

III. ABATEMENTS OF PENALTY ON CURRENT TAXES:

Abatements of penalty on current taxes shall be approved in the following situations:

1. An abatement of the penalty on a current tax will be approved if an error on the part of the County resulted in nonpayment of tax.
2. Pursuant to Minnesota Statutes 279.01, Subd. 2, and 270.07 the Carlton County Board delegates to the Auditor/Treasurer of Carlton County the power to abate the penalty for late payment of taxes after the due date as specified in this statute.
3. If an abatement application submitted under part II, above is in process at the tax due date consideration will be given to waive penalty for a reasonable period of time after a corrected tax statement is issued, to be determined by the Auditor/Treasurer.

It is also the policy of the County of Carlton that penalty abatements shall NOT be granted:

1. To taxpayers who have inadvertently omitted one parcel when making payment.
2. If the only reason is that the taxpayer failed to receive a tax Statement (MINNESOTA STATUTE 276.04). Failure to receive a tax statement does not void liability to pay on time.
3. If the only reason is that a contract for deed vendor, upon cancellation of contract, failed to be aware of unpaid taxes.

IV ABATEMENTS OF PENALTIES, INTERESTS AND COSTS ON DELINQUENT TAXES:

An abatement of the penalty, interest and cost on a delinquent tax will only be approved if an error on the part of the County resulted in nonpayment of the tax.

An abatement of the penalty, interest and cost on a delinquent tax will NOT be approved if the only reason given is that a contract for deed vendor, upon cancellation of contract, failed to be aware of unpaid taxes.

An abatement of the penalty, interest and cost involving a new economic development or business expansion will be considered on the merits of each individual situation.

V POLICY DEFINITIONS:

A. Abatement

Action to reduce or abate the market value, taxes, penalties or interest on taxes not paid by the due date, or to change the property classification, following a written request that includes a signature. Abatements can result in a reduction of the tax levied against a particular property.

B. Classification

Each property in Minnesota is assigned a classification such as residential homestead, apartment, commercial/industrial, etc., based on the type and use of the property.

C. Clerical Errors

An error made by a Carlton County employee or agent in entering figures in the records, performing arithmetic computations, or omissions where it was clearly the intent of the official to make an entry which was not done. A clerical error does not involve judgment.

D. Hardship

An event or circumstance beyond the control of the taxpayer. Examples of hardship include, but are not limited to, the physical or mental incapacity of the taxpayer or the taxpayer's immediate family and other events and circumstances, which may constitute excusable neglect on the part of the taxpayer. Considerations may be given for financial hardships.

E. Market Value or Valuation

An assessor's estimate of what a property would be worth if it was sold.

F. Total Amount Abated

The sum of the taxes, costs, penalties, and interest of abatement.

G. Unjust and Unreasonable

Denial of abatement would violate the principles of justice or fairness and being within the bounds of common sense.

Motion by Bodie, seconded by Zmyslony, and carried by all yeas votes to authorize the County Coordinator to proceed with plans to contract for consulting services to conduct a county wide building maintenance and space needs assessment

at an amount not to exceed \$20,000.

Motion by Brenner, seconded by Peterson, and carried by all yea votes to approve the expenditure listing for August, 2016, as follows:

Revenue	\$1,658,762.19
Road and Bridge	1,558,850.23
Human Services	1,312,654.24
2016 Refi Bonds	9,800.00
Motor Vehicle	432,383.29
State Fund	119,471.25
Forfeited Tax	15,981.59
Economic Development Fund	22,255.43
Refunding Fund	670.39
Total	<u>\$5,130,828.62</u>

Motion by Zmyslony, seconded by Peterson, and carried by all yea votes to approve an amendment to the Carlton County Personnel Policy (specifically allowing for part time employees budgeted at .7 FTE and above to be eligible to receive health insurance at a cost to the county equal to their budgeted FTE for single coverage) so as to comply with the Affordable Care Act.

Motion by Bodie, seconded by Brenner, and carried by all yea votes to set a closed meeting to discuss labor negotiations following the close of regular business at this meeting.

Motion by Brenner, seconded by Peterson, and carried by all yea votes to approve the appointment of Kyle Holmes as the Carlton County Assessor for a four year term effective January 1, 2017.

Motion by Brenner, seconded by Peterson, and carried by all yea votes to approve the appointment of Kris Basilici as the Carlton County Recorder for a four year term effective January 1, 2015.

Motion by Brenner, seconded by Peterson, and carried by all yea votes to approve the appointment of Duane Brownie as the Carlton County Veterans Service Officer for a four year term effective January 1, 2017.

Motion by Bodie, seconded by Brenner, and carried by all yea votes to set the November, 2016, Regular County Board Meeting as follows:

8:30 a.m., November 8, 2016, Tamarack Room, PHHS Building Cloquet, MN.

Motion by Brenner, seconded by Peterson, and carried by all yea votes to approve terminating the Restorative Justice Coordinator and LCTS Coordinator

Contracts.

The meeting was closed to discuss labor negotiations at 9:45 a.m., and reconvened at 10:45 a.m.

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

Attest: _____
Paul G. Gassert
County Auditor/Treasurer

Thomas Proulx
County Board Chairperson