

Carlton County
Board of Commissioners
REGULAR SESSION

Tuesday August 11, 2020

8:30 a.m.

Carlton County Community Services Building
Tamarack Room

Watch the meeting live at:

<https://www.co.carlton.mn.us/meetings>

A. Administrative - Routine

1. Roll Call
2. Pledge of Allegiance to the Flag
3. ** County Attorney's Statement Allowing Remote Participation due to Peacetime Emergency
4. Approve Agenda
5. Approve Minutes of the July 27, 2020, Regular Session
6. Visitors:
 - a.
 - b.
 - c.
 - d.

B. Human Services

1. Financial
2. Personnel
 - a. Approve re-filling vacant Office Support Specialist
3. Administrative
4. Social Services
5. Public Health Services

6. Income Maintenance
7. Child Support & Collections
8. Commissioner's Comments
9. Human Services Advisory Committee Comments
10. Case Action & Licensing of Foster and Day Care Homes

C. Zoning and Environmental Services

1. Consider Interim Use Permit (IUP) #420002 Douglas and Barb Omar, CBA Omar's Sand and Gravel
2. Consider proposals for brush disposal
3. Regional Solid Waste Management Plan Proposals
4. Consider one year electronic contract extension for Retrofit Companies (TRC)
5. Consider Interim Use Permit (IUP) #420003 Fond du Lac Band of Lake Superior Chippewa Via Proposed lease from Carlton County
6. Consider Interim Use Permit (IUP) #420001 Jeffrey and Barn Herman

D. Land and Building

E. Transportation

F. Public Safety

G. Tax Matters

H. Administrative – Other

1. Approve Soil Improvement Program (SIP) contract renewals
2. Approve merging two part-time positions into one FT for Restorative Justice (RJ) specialist

I. Unorganized Township Matters

J. Commissioners Comments and Meetings Attended

K. Correspondence

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

B-2a
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting 8-11-2020
Date: Via: Kathryn Kortuem, Acting County Auditor/Treasurer
From: Public Health and Human Services
Title of Item for Consideration: Refill vacant Office Support Specialist
Presenter: Annie Napoli /Carrie Umpierre

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
 Award contract or bid
 Approve by resolution
 Approve refill

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
Budget adjustment required Yes No NA
Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
Applicable job description(s) may require revision Yes No NA
Item may change the department's authorized staffing level Yes No NA
Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
If yes, what was their recommendation Reviewed and approved by Public Health & Human Services Administration Team.

Summary

In May of 2020 an internal staff from the Office Support Unit was selected to fill an open Financial Worker position. The internal staff was from the Office Support Unit of the Income Maintenance department, Team 3 (elderly and disabled populations).
At this time, the Department of Human Services is lifting some of the waivers and exemptions in place due to the Covid-19 pandemic, including renewal documents for Income Maintenance teams. This Office Support Team 3 position refill is vital to supporting and ensuring the renewals are complete, thus ensuring clients in Carlton County continue to receive their benefits in an efficient and timely manner. The position is also vital to the team of Office Support, performing other office related tasks and support for the Income Maintenance unit and the agency.

Supporting Attachments

- 8-11-2020 Hiring request PHHS

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Date: 8-11-2020 Hiring Request for Public Health and Human Services

Position: Full time Office Support Income Maintenance Team 3 (Elderly and Disabled populations). At this time we have been informed that SNAP and CASH reviews/CSRs will resume for September and likely the Health Care renewals will also follow. Forms are due to be turned in by August 8th. Because of Covid-19, the renewals were suspended for several months. It is expected that there will now be an increase in the number of renewals due each month as a result of renewal dates being pushed out from earlier months. Having an Office Support trained to handle and receive Team 3 renewals is vital. Team 3 Office Support is also responsible for other tasks such as front desk coverage to help customers, FTI documentation and tracking, mail sort back up, MLARs, outgoing case transfers, maintaining the PHHS program information and events content for display on the monitor in the lobby, and creating and maintaining 3 program-specific packets.

Funding sources: State and Federal Funds specific to Income Maintenance programs

Impact on Client: Without an Office Support Specialist for Team 3 to review and process pieces of the renewal process for individuals, they may experience a delay in benefits. Without an Office Support to screen and review renewal paperwork that arrives at our office, the work would have to shift to the Team 3 Financial Workers. The process is paperwork intensive and detail-oriented.

Impact on Other Departments: The impact of not filling this position will fall back to the Financial Workers in Team 3 to process and review renewals or to other Income Maintenance Office Support. Financial Workers in Team 3 have tasks and responsibilities to clients beyond the renewal process as do the other Office Support staff. This would mean added tasks to the Financial Workers. Renewals and re-certification tasks are that of an Office Support Specialist. More details are set out below in the "restructuring ideas" section.

Impact on Budget: There is not an impact as this time, as this position is and has been in our PH&HS budget.

Impact on Morale: Without this position, the impact to Financial Workers or other Income Maintenance Office Support, would mean that they would have to assume the work and duties that go along with the renewal and re-certification process as well as MLARs, Team 3 faxes, and returned T3 mail. This impact would be significant. Office Support assist with specific tasks to help Financial Workers to do their job daily. This Team 3 Office Support staff person is also responsible for front desk coverage to help the current receptionist while at lunch, while taking sick, vacation or personal time. This staff is also vital to helping assist customers when needed to complete applications and assist when walk-in times are busy. Team 3 Office Support is a role that works as part of the overall Income Maintenance Office Support team, assisting Financial Workers for Team 1, 2, 3, and Health Care.

Restructuring Ideas: Restructuring has been reviewed, as well as the current tasks and responsibilities of the Team 3 Office Support Specialist. Team 3 Office Support is the most complex and detailed in training and execution of tasks related to the review process. There are many facets to training and it can take roughly 3 months to be trained in Team 3 tasks for the Elderly and Disabled populations. Team 3 has complex rules and determinations thus taking longer to learn. Financial Workers rely on detail-centered and thorough Office Support to review data in renewals. Due to the reinstatement of processing renewals at this time, other Office Support Team staff will be overwhelmed with their own renewals and duties and won't be able to cross train to help specifically with Team 3. It is suggested to continue to have an Office Support for each Income Maintenance team as this is the best way to help serve clients in our County and assist Financial Workers.

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

C-1 Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting Date: August 11, 2020
Via: Kathy Kortuem, County Auditor/Treasurer
From: Heather Cunningham, Zoning and Environmental Services
Title of Item for Consideration: Consider Interim Use Permit (IUP) #420002 Douglas and Barb Omar, DBA Omar's Sand and Gravel

Presenter: Heather Cunningham, Zoning and Environmental Services

Type of Action Requested (check all that apply)

Approve by resolution or order (approve IUP in accordance with Findings of Fact and associated conditions)

Fiscal Impact (check all that apply)

Item included under current budget Yes No NA

Budget adjustment required Yes No NA

Reviewed by Finance Committee Yes No NA

Staffing Impact

Duties of a County employee(s) may be materially affected Yes No NA

Applicable job description(s) may require revision Yes No NA

Item may change the department's authorized staffing level Yes No NA

Has Human Resources reviewed the request Yes No NA

Other

Reviewed by other Committee, Board or Commission Yes No NA

If yes, what was their recommendation The Planning Commission recommended approval in accordance with Findings of Fact and conditions at the August 5, 2020, meeting.

Summary:

Douglas and Barb Omar, DBA Omar's Sand and Gravel, have requested a Conditional/Interim Use Permit for a pipe and contractor yard for equipment staging, material staging and parking, which includes vehicles and office trailers to support Enbridge Energy's Line 3. This request relates to previously permitted Conditional Use Permits #408006 and 414008. The authorized representative is Trevor Lindblom of Enbridge Energy, Limited Partnership of 11 East Superior Street, Suite 125, Duluth, MN 55802. The subject property is described as Part of the Southeast ¼ of the Southwest ¼ (81-050-3730); Part of the Southwest ¼ of the Southwest ¼ (PIN 81-050-3710); Northwest ¼ of the Southwest ¼ (81-050-3700); Northeast ¼ of the Southwest ¼ (PIN 81-050-3690); Southwest ¼ of the Northwest ¼ (PIN 81-050-3670); and the Southeast ¼ of the Northwest ¼ (PIN 81-050-3680) all in Section 19, Township 48 North, Range 17 West in Twin Lakes Township. The property address is 2081 and 2083 Highway 61.

This request was considered at the August 5, 2020, Planning Commission meeting with recommendations to grant Interim Use Permit #420002 in accordance with the Findings of Fact detailed in the meeting minutes and with the following conditions:

1. The application is processed as an Interim Use Permit. The use as a pipe storage yard and contractor yard for equipment staging, material staging and parking for vehicles, equipment and office trailers can continue as long as the use has not ceased, has not been discontinued, or has been abandoned for a period of one year and all conditions have been abided by. The use to operate 24 hours a day/seven days a week shall be limited to the construction of Line 3 and shall terminate 18 months from the authorized order to construct or mechanical completion of the pipeline, whichever comes first. At such time, the use shall revert to the previously agreed Monday through Sunday, 7:00 AM to 8:00 PM.

2. The applicant must undertake the project according to the plans and specifications submitted to the County with the application or as modified by Carlton County.
3. The permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions. The permit may be modified or revoked if the permittee violates one or more of the conditions of the permit.
4. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinance.
5. Lighting shall be directed away from neighboring properties so as not to be a nuisance. Lighting shall be restricted to the same hours as in Condition #1.
6. The applicant shall comply with any requirements of the Carlton County Transportation Department regarding traffic, dust control and signage. This includes any road repairs required above and beyond typical road maintenance completed by the County.
7. The noise generated from the use shall not exceed the standards set forth by the Minnesota Pollution Control Agency (MPCA) in Minnesota Rules Chapter 7030. The applicant shall be responsible for the hiring of a qualified consultant to test for compliance of the aforementioned Rule during the first month of operation and if and when a signed, written complaint has been received by the Zoning and Environmental Services Office from a property owner within 0.25 mile of the subject property. The test results shall be filed with the Zoning and Environmental Services Office.
8. The applicant shall be compliant with Conditional Use Permits #408006 and #414008, except as modified by Interim Use Permit #420002 or the County shall pursue revocation of Conditional Use Permits #408006 and #414008 and Interim Use Permit #420002.

Supporting Attachments

Meeting minutes related to this issue

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

C-2
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting Date: August 11, 2020
Via: Kathy Kortuem, County Auditor/Treasurer
From: Heather Cunningham, Zoning and Environmental Services Administrator
Title of Item for Consideration: Consider proposals for brush disposal
Presenter: Heather Cunningham, Zoning and Environmental Services Administrator

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
- Award contract or bid
- Approve by resolution
- Accept the brush disposal proposal from SKB/Shamrock Landfill

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
- Budget adjustment required Yes No NA
- Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
- Applicable job description(s) may require revision Yes No NA
- Item may change the department's authorized staffing level Yes No NA
- Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
- If yes, what was their recommendation _____

Summary

A request for brush disposal proposals was sent to all the licensed haulers on July 20, 2020. Only one bid was received from SKB/Shamrock Landfill for \$250.00 for the container and service (subject to CPI review). SKB/Shamrock previously provided the service for the last three years at \$325.00 for the container and service. The new agreement will again be for three years, effective September 1, 2020.

Supporting Attachments

- _____
- _____

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

<u>C-3</u> Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting Date: August 11, 2020
Via: Kathy Kortuem, County Auditor/Treasurer
From: Heather Cunningham, Zoning and Environmental Services Administrator
Title of Item for Consideration: Regional Solid Waste Management Plan Proposals
Presenter: Heather Cunningham

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
 Award contract or bid
 Approve by resolution
 Approve tentative proposal to plan as a region for a Solid Waste Management Plan and commit to cost sharing plan

Fiscal Impact (check all that apply)

- Item included under current budget Yes, \$10,000 No NA
Budget adjustment required Yes No NA Maybe, depending on grant allocation but could use revenue from Transfer Station
Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
Applicable job description(s) may require revision Yes No NA
Item may change the department's authorized staffing level Yes No NA
Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
If yes, what was their recommendation _____

Summary

The Solid Waste Officers of the Northeast Region (NEWAC) have been collaborating on a proposed Regional Solid Waste Management Plan. We solicited proposals from five consultants and interviewed three of the firms. We have tentatively selected a firm. Below you will see how a proposed breakdown of costs should we agree to move forward with a Regional Solid Waste Management Plan. The parameters include 50% of the cost divided evenly among the counties and the remaining 50% of the cost based on population. NEWAC also is working on a proposed grant opportunity with the Minnesota Pollution Control Agency (MPCA) that could be as much as half of the cost. The latest info we received from the MPCA is that the applications should be available in September. NEWAC has asked the respective counties and WLSSD to get back to the group by the end of August with a commitment to plan as a region and share in the costs. If Carlton County chooses not to participate as a region, we would need to complete a Solid Waste Management Plan. Costs to complete the plan as a county and not as a region would exceed the \$21,712.59 allocated below. The cost for the plan is in the 2020 budget and was allocated at \$10,000. It could be rolled over to 2021 if necessary. Any remaining balance could be taken from revenue generated by the Transfer Station.

County	Pop %	Base Share	Population Share	Total Share
Aitkin	5%	\$11,549.25	\$4,619.70	\$16,168.95
Carlton	11%	\$11,549.25	\$10,163.34	\$21,712.59
Cook	2%	\$11,549.25	\$1,847.88	\$13,397.13
Lake	3%	\$11,549.25	\$2,771.82	\$14,321.07
Itasca	14%	\$11,549.25	\$12,935.16	\$24,484.41
Koochiching	4%	\$11,549.25	\$3,695.76	\$15,245.01
St. Louis (Less WLSSD)	19%	\$11,549.25	\$17,554.86	\$29,104.11
WLSSD	42%	\$11,549.25	\$38,805.48	\$50,354.73
	100%	\$92,394.00	\$92,394.00	\$184,788.00

Supporting Attachments

- _____
- _____

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

C-4
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting Date: 8/11/2020

Via: Kathy Kortuem, County Auditor/Treasurer

From: Carlton County Zoning and Environmental Services

Title of Item for Consideration: Consider one year electronic contract extension for Retrofit Companies (TRC)

Presenter: Heather Cunningham, Zoning and Environmental Services Administrator

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
 Award contract or bid
 Approve by resolution
 Approve one year extension of agreement to August 31, 2021.

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
Budget adjustment required Yes No NA
Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
Applicable job description(s) may require revision Yes No NA
Item may change the department's authorized staffing level Yes No NA
Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
If yes, what was their recommendation

Summary

The agreement with Retrofit Companies (TRC) to collect and process electronics from the Transfer Station expires August 31, 2020. The agreement allows an extension for one year (up to three times) at the same rate if agreeable by both parties. This would be the third and final extension of the agreement.

Supporting Attachments

- _____

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

C-5
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting Date: August 11, 2020
Via: Kathy Kortuem, County Auditor/Treasurer
From: Heather Cunningham, Zoning and Environmental Services
Title of Item for Consideration: Consider Interim Use Permit (IUP) #420003 Fond du Lac Band of Lake Superior Chippewa via proposed lease from Carlton County

Presenter: Heather Cunningham, Zoning and Environmental Services

Type of Action Requested (check all that apply)

Approve by resolution or order (approve IUP in accordance with Findings of Fact and associated conditions)

Fiscal Impact (check all that apply)

Item included under current budget Yes No NA

Budget adjustment required Yes No NA

Reviewed by Finance Committee Yes No NA

Staffing Impact

Duties of a County employee(s) may be materially affected Yes No NA

Applicable job description(s) may require revision Yes No NA

Item may change the department's authorized staffing level Yes No NA

Has Human Resources reviewed the request Yes No NA

Other

Reviewed by other Committee, Board or Commission Yes No NA

If yes, what was their recommendation The Planning Commission recommended approval in accordance with Findings of Fact and conditions at the August 5, 2020, meeting.

Summary:

Fond du Lac Band of Lake Superior Chippewa of 1720 Big Lake Road, Cloquet, MN 55720 have requested a Conditional/Interim Use Permit to construct and operate an electrical substation and associated electric transmission line on land they propose to lease from Carlton County. The transmission line will be energized to 230/23 kV and will be less than 1,500 feet in length. The subject property is described as Part of the North ½ of Section 11, and Part of the North ½ of Southwest ¼ in Section 11, Township 48 North, Range 17 West, lying south of railroad and lying north of State of MN DNR trail, in Twin Lakes Township. The property address is XXXX Highway 61 (PIN 81-030-2240).

This request was considered at the August 5, 2020, Planning Commission meeting with recommendations to grant Interim Use Permit #420003 in accordance with the Findings of Fact detailed in the meeting minutes and with the following conditions:

1. The application is processed as an Interim Use Permit and will terminate with the lease.
2. Fond du Lac Band of Lake Superior Chippewa must undertake the project according to the plans and specifications submitted to the County with the application or as modified by Carlton County.
3. The permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions. The permit may be modified or revoked if the permittee violates one or more of the conditions of the permit.
4. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinance.

5. Fond du Lac Band of Lake Superior Chippewa shall comply with any requirements of the Carlton County Transportation Department regarding traffic, dust control and signage. This includes any road repairs required above and beyond typical road maintenance completed by the County.
6. Fond du Lac Band of Lake Superior Chippewa shall comply with applicable state or federal permitting rules.

Supporting Attachments

Meeting minutes related to this issue

Motion By _____ Seconded By _____
TO: _____
Action on Motion: _____ AYE _____ NO _____ ABSTAIN
Motion: Carried Defeated

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

_____ Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting Date: August 11, 2020
Via: Kathy Kortuem, County Auditor/Treasurer
From: Heather Cunningham, Zoning and Environmental Services
Title of Item for Consideration: Consider Interim Use Permit (IUP) #420001 Jeffrey and Barb Herman

Presenter: Heather Cunningham, Zoning and Environmental Services

Type of Action Requested (check all that apply)

Approve by resolution or order (approve IUP in accordance with Findings of Fact and associated conditions)

Fiscal Impact (check all that apply)

Item included under current budget Yes No NA

Budget adjustment required Yes No NA

Reviewed by Finance Committee Yes No NA

Staffing Impact

Duties of a County employee(s) may be materially affected Yes No NA

Applicable job description(s) may require revision Yes No NA

Item may change the department's authorized staffing level Yes No NA

Has Human Resources reviewed the request Yes No NA

Other

Reviewed by other Committee, Board or Commission Yes No NA

If yes, what was their recommendation The Planning Commission recommended approval in accordance with Findings of Fact and conditions at the August 5, 2020, meeting.

Summary:

Jeffrey and Sheri Herman of 1976 Lakeview Drive, Carlton, MN 55718 have requested an Interim Use Permit to grade and fill in excess of 10 cubic yards on a steep slope, outside the building setback from the ordinary high water level (OHWL). The property is described as Lots 28 and 29 of Lee's Chub Lake Subdivision in Section 23, Township 48 North, Range 17 West on Chub Lake in Twin Lakes Township. The property address is 1975 Lakeview Drive (PIN 81-270-0500 and 0520).

This request was considered at the August 5, 2020, Planning Commission meeting with recommendations to grant Interim Use Permit #420001 in accordance with the Findings of Fact detailed in the meeting minutes and with the following conditions:

1. The permit will be periodically reviewed by the County to assure compliance with Carlton County Zoning Ordinance #27, the permit and permit conditions.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinance.
3. The permit may be modified if the permittee violates one or more of the conditions in the permit.
4. Must comply with the standards listed in Article 4, Section 5, Subdivision H, 10, b of Carlton County Zoning Ordinance #27 for grading and filling permit standards which include conducting the alteration in a manner that ensures only the smallest areas of soil are exposed for the shortest time possible.

5. An erosion control blanket shall be placed over all disturbed areas. Two rows of silt fence shall be maintained until all disturbed areas have been adequately vegetated.
6. The retaining wall itself must meet the 100 feet setback of the OWHL of Chub Lake.
7. Deep-rooted plants used in the terraced area shall be native to Minnesota.

Supporting Attachments

Meeting minutes related to this issue

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

H-1
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting August 11, 2020
Date: Via: Kathryn Kortuem, Acting County Auditor/Treasurer
From: Donna Lekander
Title of Item for Consideration: Soil Improvement Program (SIP) renewal contracts
Presenter: Donna Lekander

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
- Award contract or bid
- Approve by resolution
-

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
- Budget adjustment required Yes No NA
- Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
- Applicable job description(s) may require revision Yes No NA
- Item may change the department's authorized staffing level Yes No NA
- Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
- If yes, what was their recommendation _____

Summary

updated contracts developed by the County Attorney's office for SIP

Supporting Attachments

- contracts
-

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated



CARLTON COUNTY
SOIL IMPROVEMENT PROGRAM

317 Chestnut Ave, P.O. Box 30Z Carlton, MN 55718
t. 218.384.3511 f. 218.384.3512

MASTER SERVICES AGREEMENT FOR TRANSPORTATION OF
WOOD-ASH AND BY-PRODUCT

This Agreement, made this _____ day of _____ by and between the Carlton County Soil Improvement Program (hereinafter called SIP) and Industrial By Products, LLC. (hereinafter called the Contractor).

WHEREAS SIP provides education and public information to farmers, property owners and the general public regarding proper utilization and benefits of wood ash by-product and other byproduct materials for the purpose of crop yield maximization; and

WHEREAS SIP provides a trained program coordinator who performs site analysis, soil testing, and who provides individual consultation with farmers who are interested in learning of the benefits of and using wood ash from Contractor; and

WHEREAS SIP assists farmers with permitting consistent with the Minnesota Pollution Control Agency (MPCA) guidelines; and

NOW, THEREFORE, for good and valuable consideration, the parties do hereby agree as follows:

1. Responsibilities of Contractor

- a. Contractor hereby agrees to furnish all of the necessary equipment and labor to arrange, operate and transport by-product ash or other agreed-upon by-product (hereinafter referred to as "ash") from plant to farm site using Contractor's own equipment and employees.
- b. Contractor shall keep accurate weight slips for each farm delivery and provide said slips to SIP on a monthly basis.
- c. Contractor shall coordinate and complete all regulatory reporting requirements as required by MPCA.

2. Responsibilities of SIP

- a. SIP shall provide a planned delivery schedule to Contractor for distribution of ash to farm sites.
- b. SIP shall invoice Contractor on a monthly basis per ton of ash delivered to each

farm site.

- c. SIP shall conduct an annual composite ash analysis at a MPCA-approved research laboratory, in accordance with MPCA guidelines and shall provide the composite ash analysis laboratory results to Contractor.
- d. SIP shall maintain a record system of application sites in accordance with MPCA guidelines and shall provide information to Contractor for Contractor's completion of MPCA reports.

3. Payment

Invoices shall be paid on a monthly basis of \$2.70 per ton of ash and lime delivered to the farm.

4. Subcontracting and Assignment

Contractor shall neither enter into subcontracts for performance of any of the services contemplated under this Agreement, nor assign this Agreement without prior written approval of SIP, and subject to such conditions and provisions as SIP may deem necessary. Contractor shall be responsible for the performance of all sub-contractors.

5. Term

The Agreement shall be for a one (1) year period beginning the effective day of this Agreement.

6. Training and Duty of Care

- a. All personnel of Contractor who arrange, operate or transport ash from plant to farm site shall be trained and capable of completing such a delivery. The personnel shall be trained by Contractor or Contractor's designees or third parties. If required by MPCA, Contractor shall maintain certifications of training.
- b. Contractor shall use reasonable care in transporting and delivering ash to designated farm sites.

7. INDEMNIFICATION

CONTRACTOR DOES HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS AND DEFEND SIP, ITS OFFICERS, AGENTS, EMPLOYEES, AND VOLUNTARY WORKERS AGAINST ANY AND ALL CLAIMS, LOSSES, EXPENSES, DAMAGES, OR LAWSUITS FOR DAMAGES WHICH SUCH PARTIES OR INDIVIDUALS MAY HEREINAFTER SUSTAIN, INCUR, OR BE REQUIRED TO PAY BY REASON OF ANY INTENTIONAL OR NEGLIGENT ACT OR OMISSION CONTRACTOR IN THE PERFORMANCE OF THE SERVICES PURCHASED BY SIP AS EXPRESSED HEREIN.

Insurance

- a. Contractor shall maintain and cause its subcontractors to maintain insurance covering, in minimum amounts, as follows: (i) commercial general liability, naming SIP as an additional insured (including contractual, premises and operations, products and completed operations liability) in the amount of at least \$2,000,000.00 for injury or death of any one person in any one occurrence and aggregate bodily liability in the amount of at least \$4,000,000.00 for injuries or death arising out of any one occurrence; (ii) Employer's liability of \$1,000,000; (iii) automobile public liability (including all owned, hired and non-owned automotive equipment) of \$1,000,000 combined single limit; and (iv) professional liability insurance covering Contractor for errors, omissions or negligent acts arising out of the performance (or failure to perform) such services of at least \$1,000,000 per occurrence, which shall remain effect for a period of two (2) years after completion of such services to the extent required by law, Contractor shall carry, in a company authorized to transact business in the State of Minnesota, a policy of insurance fulfilling all requirements of the Workmen's Compensation Act of said State, including all legal requirements for occupational diseases.
- b. Contractor shall submit certificates of insurance to SIP evidencing coverages prior to commencing performance of this Agreement.

8. General

- a. This Agreement shall terminate in the case of bankruptcy, voluntary or involuntary, or insolvency of Contractor. In the case of bankruptcy, such termination shall take effect on the day and at the time the bankruptcy is filed. This Agreement shall be governed by the laws of the State of Minnesota, both as to interpretation and performance.
- b. Jurisdictional venue for any dispute or claims arising from this Agreement shall be within the Sixth Judicial District of Minnesota and shall be venued in Carlton County.
- c. This Agreement constitutes the entire Agreement and understanding between the parties hereto, and it shall not be considered modified, altered, changed, or amended in any respect unless in writing and signed by the parties hereto.
- d. The failure of the SIP at any time to require performance by Contractor of any provisions hereof shall in no way affect the right of the SIP thereafter to enforce the same. The SIP's failure to require such performance shall not be construed as a waiver of any of the provisions hereof.
- e. If any provisions of the Agreement shall be declared illegal, void, or unenforceable, the other provisions shall not be affected and shall remain in full force and effect.

f. A letter addressed and sent by certified United States mail to either party at its business address shall be sufficient notice whenever required for any purpose in this Agreement.

i. The business address of SIP is PO Box 307, Carlton, MN 55718

ii. The business address of Contractor is 18382 Farm to Market Road, Sturgeon Lake MN 55783

g. It is agreed by the parties to this Agreement that at all times and for all purposes hereunder Contractor is an independent contractor and not an employee of the SIP or Carlton County. No statement contained in this Agreement shall be misconstrued so as to find Contractor an employee of the SIP or Carlton County, and Contractor shall be entitled to none of the rights, privileges, or benefits of SIP or Carlton County employees.

h. Either party may terminate this agreement prior to the expiration date by providing written notice to the other party at least ninety (90) days in advance of termination.

i. No person shall illegally be excluded from employment rights in, participation in, or be denied the benefits of the program which is the subject of this agreement on the basis of race, creed, color, sex, age, disability, or national origin.

The Minnesota Government Data Practices Act Chapter 13 governs all use or disclosure of information concerning this Agreement. It is the responsibility of Contractor to maintain functional knowledge of Chapter 13 and maintain proper levels of confidentiality as detailed in Chapter 13 and is the responsible party for ensuring Contractor is in compliance with the above-cited data practices.

This Agreement shall become effective on the ____ day of _____

IN WITNESS THEREOF, the parties have executed this Agreement the date and year first above written.

CONTRACTOR: _____
Jason Williams, Owner
Industrial By Products, LLC.

APPROVED AS TO FORM & EXECUTION: BY:

Marv Bodie, Chair
County Board

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

H-2
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting August 11, 2020
Date: Via: Kathryn Kortuem, Acting County Auditor/Treasurer
From: Donna Lekander
Title of Item for Consideration: merge two part-time positions in to one FT for Restorative Justice (RJ) Specialist (internal fill)
Presenter: Donna Lekander

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
- Award contract or bid
- Approve by resolution
-

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
- Budget adjustment required Yes No NA
- Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
- Applicable job description(s) may require revision Yes No NA
- Item may change the department's authorized staffing level Yes No NA
- Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
- If yes, what was their recommendation _____

Summary

merge two part-time positions in to one FT for RJ Specialist (internal fill) and update the Job description from a .6 to a 1 FTE (internal fill). Previously, this was a 1 FTE position that was split when a previous staff retired. With the new hiring freeze this could assist us to continue to provide services without having to do an external hire.

Supporting Attachments

-
-

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN
Motion: Carried Defeated

DRAFT
PLANNING COMMISSION MEETING
August 5, 2020, at 7:00 PM
Carlton County Transportation Building

(1) Chairperson Ezell called the meeting to order at 7:02 PM.

Members Present: Jack Ezell, Jim Gottschald, Byron Kuster, Sam Huhta, Dennis Lundin, Erik Abrahamson and Keith Depre

Members Absent: None

Ex Officio Members Present: Commissioner Mark Thell and Heather Cunningham

Ex Officio Member Absent: None

(2) Motion by Abrahamson, seconded by Huhta, and supported by all yeas votes to approve the minutes of the March 4, 2020, meeting.

(3) The public hearing was called to order at 7:03 PM.

(4) Chairperson Ezell read a statement that legal ads were sent to the two legal newspapers. The Star Gazette ad was sent on July 16, 2020, and published July 23, 2020. The Pine Knot ad was sent on July 16, 2020, and published on July 24, 2020.

(5) Chairperson Ezell read statements regarding Findings of Fact and Finality of Decisions. Statements regarding Findings of Fact and Finality of Decisions were placed on the projector screen.

(6) Permit Requests:

(A) Interim Use Permit #420001

Jeffrey and Sheri Herman of 1976 Lakeview Drive, Carlton, MN 55718 have requested an Interim Use Permit to grade and fill in excess of 10 cubic yards on a steep slope, outside the building setback from the ordinary high water level (OHWL). The property is described as Lots 28 and 29 of Lee's Chub Lake Subdivision in Section 23, Township 48 North, Range 17 West on Chub Lake in Twin Lakes Township. The property address is 1975 Lakeview Drive (PIN 81-270-0500 and 0520).

Jeffrey and Sheri Herman were present to represent the request. Chairperson Ezell read the description of the request from the legal ad and asked the applicants to expound on the request.

Mr. Herman summarized the request. They would like to construct terraced retaining walls. There is 16 feet of elevation difference between the lake and the house. The slope is very steep and slippery. He almost flipped his trailer last week. They have contracted with an engineer and general contractor to complete the work. The slope will be terraced with retaining walls every two feet. It will be planted with native plants. The former owner had poured concrete down the slope and it is very slippery. The county requires a setback of 100 feet. Ideally they would like to start the project at 90 feet from the OHWL.

Chairman Ezell asked if there were any questions from the Planning Commission. There were none.

Cunningham played the development review video and the applicants narrated.

Kuster asked if the work would be completed on both parcels. Mr. Herman indicated it would be on both parcels. Kuster asked if the walls would meet setback requirements. Mr. Herman said it would meet the 10 foot side yard setback.

Chairman Ezell summarized the development review submitted by Zoning Administrator Cunningham dated July 30, 2020.

Chairman Ezell asked the applicants if they understood and agreed to the conditions. Mr. Herman indicated yes he understood and agreed to the conditions, but would like to discuss the 100 feet setback from the OHWL. Cunningham indicated that the condition should be amended to indicate the retaining wall should be 100 feet from the OHWL as it is considered a structure but the excavation could occur within 100 feet of the OHWL. Mr. Herman asked about how the OHWL was determined. Cunningham described the process that the DNR uses to determine the elevation. She indicated that the water level is down about two feet.

Chairperson Ezell asked if there were any comments in support or neutral of the request from the audience.

Tim Young of 1989 Lakeview Drive, Carlton, MN 55718 indicated he lives two houses down. He said the Herman's have improved the property and have maintained a good shoreline buffer. He indicated the project is not offensive or visible from the lake or neighbors. He stated he is in support of the project.

Chairperson Ezell asked if there were any other comments from the audience. There were none.

(B) Conditional/Interim Use Permit #420002

Douglas and Barb Omar, DBA Omar's Sand and Gravel, have requested a Conditional/Interim Use Permit for a pipe and contractor yard for equipment staging, material staging and parking, which includes vehicles and office trailers to support Enbridge Energy's Line 3. This request relates to previously permitted Conditional Use Permits #408006 and 414008. The authorized representative is Trevor Lindblom of Enbridge Energy, Limited Partnership of 11 East Superior Street, Suite 125, Duluth, MN 55802. The subject property is described as Part of the Southeast ¼ of the Southwest ¼ (81-050-3730); Part of the Southwest ¼ of the Southwest ¼ (PIN 81-050-3710); Northwest ¼ of the Southwest ¼ (81-050-3700); Northeast ¼ of the Southwest ¼ (PIN 81-050-3690); Southwest ¼ of the Northwest ¼ (PIN 81-050-3670); and the Southeast ¼ of the Northwest ¼ (PIN 81-050-3680) all in Section 19, Township 48 North, Range 17 West in Twin Lakes Township. The property address is 2081 and 2083 Highway 61.

Trever Lindblom and Christine Davis of Enbridge Energy located at 11 East Superior Street, Suite 125, Duluth, MN 55802 were present to represent the request. Chairperson Ezell read the description of the request from the legal ad and asked the authorized representatives to expound on the request.

Lindblom indicated they are currently operating under another conditional use permit. This application is different in that they would like office trailers and operation hours of 24 hours per day, seven days per week (24/7).

Chairman Ezell asked about the provision to operate 24/7 and how often it would be used. Lindblom indicated that the provision would be used in the winter when they are working in wetlands and need frozen ground. Chairman Ezell asked about when the provision would sunset. Lindblom indicated 18 months from the start of construction. Chairman Ezell asked about the projected start date. Lindblom indicated in Q4 (quarter 4, October). Kuster and Cunningham discussed the start date for the 24/7 provision and wording of the condition.

Chairman Ezell asked if there were any questions from the Planning Commission. There were none.

Cunningham played the development review video and Lindblom narrated.

Chairman Ezell summarized the development review submitted by Zoning Administrator Cunningham dated July 30, 2020.

Chairman Ezell asked Lindblom if he understood and agreed to the conditions. Lindblom indicated he agreed to the conditions. Chairman Ezell inquired about a sunset date for the 24/7 provision. Cunningham asked Lindblom if the Public Utilities Commission gave them a start date. Lindblom said no, they provide a date they can obtain permits from other agencies. Davis suggested that we use the authorized order to construct as a start date and mechanical completion of the pipeline as the end date. Gottschald suggested mechanical completion of the pipeline or 18 months, whichever comes sooner.

Gottschald asked how we would determine that the provision related to operating 24/7 is being used for the construction of the pipeline or gravel operation. Cunningham indicated that the office would rely on compliance inspections and complaints received to make that determination.

Kuster asked the authorized representative to expound further on what activities would be occurring on the property related to the request. Lindblom described the daily operation. He indicated the pipe is already at the property.

Lundin asked how many miles this storage yard would support. Lindblom indicated from Superior, WI to Gowan, MN.

Davis indicated that the provision to operate 24/7 would also be used to conduct daily safety meetings.

Lindblom and Davis indicated they have been in contact with Rick Norrgard and JinYeene Neumann of the Carlton County Transportation Department regarding condition number six.

Gottschald asked if, because of the presence of office trailers, this property would be an area for protests and do we need a condition to address this? Chairman Ezell indicated he didn't think it was appropriate. Cunningham indicated there have been protests adjacent to the property and the Sheriff's Office has handled it and would continue to handle it.

Chairperson Ezell asked if there were any comments in support or neutral of the request from the audience.

June Lind of 2601 Nasenius Road, Carlton, MN 55718 indicated she lives about a half mile from the property. She didn't realize they would be operating 24/7 for 1.5 years. She wanted to know when the start date and end date would be. She also wanted to know if people would be living in the trailers. Chairman Ezell said the trailers would not be used as living quarters. He asked how many trailers would be on the property. Lindblom indicated there would be five or six. Davis wanted to clarify that they would not be operating 24/7 all the time. It would mostly be used when they need to work in wetlands when the ground is frozen and for safety meetings.

Chairperson Ezell asked if there were any other comments from the audience. There were none.

(C) Conditional/Interim Use Permit #420003

Fond du Lac Band of Lake Superior Chippewa of 1720 Big Lake Road, Cloquet, MN 55720 have requested a Conditional/Interim Use Permit to construct and operate an electrical substation and associated electric transmission line on land they propose to lease from Carlton County. The transmission line will be energized to 230/23 kV and will be less than 1,500 feet in length. The subject property is described as Part of the North ½ of Section 11, and Part of the North ½ of Southwest ¼ in Section 11, Township 48 North, Range 17 West, lying south of railroad and lying north of State of MN DNR trail, in Twin Lakes Township. The property address is XXXX Highway 61 (PIN 81-030-2240).

Bruno Zagar of the Fond du Lac Band of Lake Superior Chippewa was present to represent the request. Chairperson Ezell read the description of the request from the legal ad and asked the authorized representative to expound on the request.

Zagar described the request. He indicated they have looked at several locations along Highway 210. This location is the most appealing and the safest location for the substation and distribution center.

Chairman Ezell asked if there were any questions from the Planning Commission. There were none.

Cunningham played the development review video and Cunningham narrated. Cunningham also placed a 2019 aerial photograph on the overhead projector to describe the location of the request.

Chairman Ezell summarized the development review submitted by Zoning Administrator Cunningham dated July 30, 2020.

Chairperson Ezell asked if Zagar understood and agreed to the conditions. Zagar said yes.

Gottschald asked if the lease has been drafted. Cunningham indicated it is in progress. Kuster asked if the lease could be renewed over and over again. Cunningham indicated it could potentially be renewed.

Chairperson Ezell asked if there were any comments in support or neutral of the request from the audience.

Ron Johnson of 1923 County Road 7, Mahtowa, MN 55707 asked why Minnesota Power isn't providing the substation and power line. Zagar indicated that the nearest substation is 10 miles away and it needs to be upgraded as well. He indicated the band has been studying the issue for six years.

Debra Johnson of 1641 Highway 210, Carlton, MN 55718 asked about access. Zagar indicated it would be from the Carlton Travel Center. Johnson asked about the lease and where the lease money would go. Cunningham indicated that the lease agreement is in progress. The band would like to obtain a grant from the federal government with a fast timeline for submission. Therefore, several processes and permits are happening at the same time. Johnson asked if the county would sell the property to the band. Cunningham indicated she didn't want to speak for the county board, but it is not their intent to sell the property. Cunningham described the previous work and permits completed for the subdivision and development of this property. She indicated that the process was stalled during the recession but that the process has begun again. Commissioner Thell indicated the county board gave a commitment to work with FDL on the substation and line. It would help support further development of this area.

Chairperson Ezell read a letter submitted by Minnesota Power via email and dated August 5, 2020, (attached as Exhibit A).

Chairperson Ezell asked if there were any other comments from the audience. There were none.

(7) As there were no additional questions, Chairman Ezell closed the public hearing at 8:43 PM. The Planning Commission deliberated the conditional/interim use applications as part of the Planning Commission meeting.

(A) Interim Use Permit #420001

Motion by Gottschald, seconded by Abrahamson, and supported by yeas votes to recommend approval of Interim Use Permit #420001 to the County Board in accordance with the findings of fact and approved by the Planning Commission with the conditions, as follows:

Article 4, Section 5, Subdivision H, 10, b of Carlton County Zoning Ordinance #27 indicates the standards for topographic alterations/grading and filling. This section indicates that an Interim Use

Permit shall be required from the County Board for grading and filling activities that involve the movement of 10 or more cubic yards of material per site within a steep slope. In addition, the following findings of fact shall be made to grant an Interim Use Permit.

FINDINGS OF FACT:

1. IS THE CONDITIONAL OR INTERIM USE SPECIFICALLY LISTED IN THE ZONING DISTRICT IN WHICH THE PROPERTY LIES? Yes. As stated above, a Shoreland Alterations Interim Use Permit for grading and filling is required for the movement of 10 or more cubic yards of material per site within a steep slope.

If the answer is no, you must make the following findings:

~~A.) THE USE IS SIMILAR IN NATURE TO OTHER USES LISTED IN THE SAME ZONING DISTRICT. WHY OR WHY NOT?~~

~~B.) THE PROPOSED USE DOES NOT CREATE A GREATER POTENTIAL FOR IMPACTS THAN OTHER USES LISTED THAT CANNOT BE MITIGATED WITH APPROPRIATE CONDITIONS. WHY OR WHY NOT?~~

~~C.) IS THE PROPOSED USE COMPATIBLE WITH ADJACENT LAND USES? WHY OR WHY NOT?~~

~~D.) THE PROPOSED USE IS CONSISTENT WITH THE CARLTON COUNTY COMPREHENSIVE PLAN OR THE INTENT OF THE ORDINANCE. WHY OR WHY NOT?~~

If the answer to 1 is yes or if A – D are all yes, proceed to question 2.

If not, the request should not be approved.

2. THE USE WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF PROPERTY IN THE IMMEDIATE VICINITY FOR THE PURPOSE ALREADY PERMITTED NOR SUBSTANTIALLY DIMINISH AND IMPAIR PROPERTY VALUES. Yes. The project has been designed by a structural engineer and should not degrade water quality on Chub Lake or be injurious to the use and enjoyment of property in the immediate vicinity.
3. THE ESTABLISHMENT OF THIS USE WILL NOT IMPEDE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING VACANT PROPERTY FOR USES PREDOMINANT IN THE AREA. Yes. The project has been designed by a structural engineer and should not degrade water quality on Chub Lake. It should not impede further development or improvement on the lake.
4. ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED. Yes. The project has been designed by a structural engineer and should not degrade water quality on Chub Lake. Erosion control practices will include two rows of silt fence and erosion control blankets. Long term erosion control includes deep-rooted plants in the terraced area.
5. ADEQUATE OFF STREET PARKING IS OR WILL BE PROVIDED. Yes. Not applicable.
6. ADEQUATE MEASURES HAVE BEEN OR WILL BE TAKEN TO PREVENT OR CONTROL OFFENSIVE ODOR, FUMES, DUST, NOISE AND VIBRATION SO THAT NONE OF THESE CONSTITUTE A NUISANCE. Yes. No offensive odor, fumes, dust or vibration should be generated by this use in the long term.

7. ADEQUATE CONTROL OF LIGHTED SIGNS AND OTHER LIGHTS IS PROVIDED SO THAT A DISTURBANCE TO NEIGHBORING PROPERTIES WILL NOT RESULT. Yes. Not applicable.

Article 3, Section 5, Subdivision E of Carlton County Zoning Ordinance #27 indicates additional evaluation criteria and standards apply within shoreland areas. However, this provision does not apply as grading and filling permits have their own criteria.

CONDITIONS:

1. The permit will be periodically reviewed by the County to assure compliance with Carlton County Zoning Ordinance #27, the permit and permit conditions.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinance.
3. The permit may be modified if the permittee violates one or more of the conditions in the permit.
4. Must comply with the standards listed in Article 4, Section 5, Subdivision H, 10, b of Carlton County Zoning Ordinance #27 for grading and filling permit standards which include conducting the alteration in a manner that ensures only the smallest areas of soil are exposed for the shortest time possible.
5. An erosion control blanket shall be placed over all disturbed areas. Two rows of silt fence shall be maintained until all disturbed areas have been adequately vegetated.
6. The retaining wall itself must meet the 100 feet setback of the OWHL of Chub Lake.
7. Deep-rooted plants used in the terraced area shall be native to Minnesota.

(B) Conditional/Interim Use Permit #420002

Motion by Depre, seconded by Lundin, and supported by yea votes to recommend approval of Interim Use Permit #420002 to the County Board in accordance with the findings of fact and approved by the Planning Commission with the conditions, as follows:

IS THE USE REQUESTED TEMPORARY?

Yes. The application indicates that the request is temporary. Conditional Use Permit #408006 indicates that the use was permitted as an interim use and expired on November 30, 2011. As interim uses had not been adopted in state statute for counties and not adopted in ordinance, there is some doubt that this use has expired. The applicants indicated that use has not ceased to exist for more than a year and pipe has continued to be stored on the property since 2008. This was verified via aerial photography. The applicant/authorized representative of Conditional Use Permit #414008 indicated that this use expired at the termination of the lease. Again, this may not have expired. Clarification is needed on the term of this request as well as the ability to operate 24 hours a day, seven days a week.

IS THE USE OWNER SPECIFIC?

No. The use should not be considered owner specific as indicated on the application.

DOES THE USE LACK SPECIFIC EXISTING OR NEW INFRASTRUCTURE?

No. According to the application, the use includes existing or new infrastructure.

IF YOU ANSWER ANY OF THE ABOVE QUESTIONS YES, CONSIDER PROCESSING AS IUP. PLEASE DESCRIBE WHY THE USE SHOULD BE CONSIDERED AN IUP OR CUP: This office recommends that the use is processed as an interim use. The use as a pipe storage yard and contractor yard for equipment staging, material staging and parking for vehicles, equipment and office trailers can continue as long as the use has not ceased, has not been discontinued, or has been abandoned for a period of one year and all conditions have been abided by. The use to operate 24 hours a day/seven days a week shall be limited to the construction of Enbridge Energy's Line 3. A date should be set by the applicant for this to sunset. At such established time, the use shall revert to the previously agreed Monday through Sunday, 7:00 AM to 8:00 PM.

FINDINGS OF FACT:

1. IS THE CONDITIONAL OR INTERIM USE SPECIFICALLY LISTED IN THE ZONING DISTRICT IN WHICH THE PROPERTY LIES? No. Article 4, Section 5, Subdivision A, B and F of Carlton County Ordinance #27 do not specifically list pipe and contractor yard for equipment staging, material staging and parking (including vehicles, equipment and office trailers).

If the answer is no, you must make the following findings:

- A.) THE USE IS SIMILAR IN NATURE TO OTHER USES LISTED IN THE SAME ZONING DISTRICT. WHY OR WHY NOT? Yes. Permanent forest processing activities, including sawmills, debarking and chipping facilities and yarding areas are listed as conditional/interim uses in Zoning Districts A-1 and A-2. Road maintenance shops and equipment storage areas, vehicle testing grounds and repair facilities are listed in Zoning District M-1. These activities would be similar in nature as they could potentially create nuisance noise, dust, vibration and traffic concerns. Also listed as a conditional/interim use is a regional pipeline.
- B.) THE PROPOSED USE DOES NOT CREATE A GREATER POTENTIAL FOR IMPACTS THAN OTHER USES LISTED THAT CANNOT BE MITIGATED WITH APPROPRIATE CONDITIONS. WHY OR WHY NOT? Yes. The proposed use and any potential impacts could be mitigated with appropriate conditions, as demonstrated in the past, and as detailed below. The request to operate 24 hours per day, seven days a week could be mitigated with lighting and noise restrictions.
- C.) IS THE PROPOSED USE COMPATIBLE WITH ADJACENT LAND USES? WHY OR WHY NOT? Yes. The existing land use as a gravel pit pre-dates official controls. The existing use and the proposed use are similar. This office is not aware of any complaints related to this use. The adjacent land uses appear to be agriculturally related. In addition, across Highway 61 is a property with a Conditional Use Permit for the storage and sale of semi-trailers.
- D.) THE PROPOSED USE IS CONSISTENT WITH THE CARLTON COUNTY COMPREHENSIVE PLAN OR THE INTENT OF THE ORDINANCE. WHY OR WHY NOT? Yes. The request does not appear to be in conflict with the intent of the Carlton County Comprehensive Plan or Carlton County Zoning Ordinance #27. This corridor has a historical use for light industrial.

If the answer to 1 is yes or if A – D are all yes, proceed to question 2. If not, the request should not be approved.

2. THE USE WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF PROPERTY IN THE IMMEDIATE VICINITY FOR THE PURPOSE ALREADY PERMITTED NOR SUBSTANTIALLY DIMINISH AND IMPAIR PROPERTY VALUES. Yes. It is unlikely that the

use of the property for a material storage yard and staging area would be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within immediate vicinity. This use has been established since 2008. This request adds office trailers, which shouldn't add additional impact to the immediate vicinity. However, this request includes operating 24 hours a day, seven days a week which could impact the immediate vicinity. If extended operating hours are allowed, additional lighting and noise conditions should be added as well as a sunset date.

3. THE ESTABLISHMENT OF THIS USE WILL NOT IMPEDE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING VACANT PROPERTY FOR USES PREDOMINANT IN THE AREA. Yes. The establishment of the interim use should not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area as long as appropriate conditions are placed on this use as described. The use has been in effect since 2008 and development has occurred in the immediate vicinity with the construction of new dwellings. This request adds office trailers, which shouldn't impede development in the immediate vicinity. However, this request includes operating 24 hours a day, seven days a week which could impair development in the immediate vicinity. If extended operating hours are allowed, additional lighting and noise conditions should be added as well as a sunset date.
4. ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED. Yes. It appears that adequate utilities, access roads and drainage have been or are being provided. The access road into the property already has signage indicating trucks are hauling. This office recommends the applicants consult with the Carlton County Transportation Department about any additional requirements. This office requests additional information on the use of portable bathroom facilities.
5. ADEQUATE OFF STREET PARKING IS OR WILL BE PROVIDED. Yes. No parking will be allowed on Highway 61.
6. ADEQUATE MEASURES HAVE BEEN OR WILL BE TAKEN TO PREVENT OR CONTROL OFFENSIVE ODOR, FUMES, DUST, NOISE AND VIBRATION SO THAT NONE OF THESE CONSTITUTE A NUISANCE. Yes. The applicant shall comply with any requirements of the Carlton County Transportation Department regarding traffic and dust control. A condition has been developed for noise compliance monitoring with audits to measure and take corrective action.
7. ADEQUATE CONTROL OF LIGHTED SIGNS AND OTHER LIGHTS IS PROVIDED SO THAT A DISTURBANCE TO NEIGHBORING PROPERTIES WILL NOT RESULT. Yes. A condition has been developed to control lights so that a disturbance to the neighboring properties will not result.

CONDITIONS:

1. The application is processed as an Interim Use Permit. The use as a pipe storage yard and contractor yard for equipment staging, material staging and parking for vehicles, equipment and office trailers can continue as long as the use has not ceased, has not been discontinued, or has been abandoned for a period of one year and all conditions have been abided by. The use to operate 24 hours a day/seven days a week shall be limited to the construction of Line 3 and shall terminate 18 months from the authorized order to construct or mechanical completion of the pipeline, whichever comes first. At such time, the use shall revert to the previously agreed Monday through Sunday, 7:00 AM to 8:00 PM.
2. The applicant must undertake the project according to the plans and specifications submitted to the County with the application or as modified by Carlton County.

3. The permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions. The permit may be modified or revoked if the permittee violates one or more of the conditions of the permit.
4. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinance.
5. Lighting shall be directed away from neighboring properties so as not to be a nuisance. Lighting shall be restricted to the same hours as in Condition #1.
6. The applicant shall comply with any requirements of the Carlton County Transportation Department regarding traffic, dust control and signage. This includes any road repairs required above and beyond typical road maintenance completed by the County.
7. The noise generated from the use shall not exceed the standards set forth by the Minnesota Pollution Control Agency (MPCA) in Minnesota Rules Chapter 7030. The applicant shall be responsible for the hiring of a qualified consultant to test for compliance of the aforementioned Rule during the first month of operation and if and when a signed, written complaint has been received by the Zoning and Environmental Services Office from a property owner within 0.25 mile of the subject property. The test results shall be filed with the Zoning and Environmental Services Office.
8. The applicant shall be compliant with Conditional Use Permits #408006 and #414008, except as modified by Interim Use Permit #420002 or the County shall pursue revocation of Conditional Use Permits #408006 and #414008 and Interim Use Permit #420002.

(C) Conditional/Interim Use Permit #420003

Motion by Abrahamson, seconded by Gottschald, and supported by yea votes to recommend approval of Interim Use Permit #420003 to the County Board in accordance with the findings of fact and approved by the Planning Commission with the conditions, as follows:

IS THE USE REQUESTED TEMPORARY?

Yes. The application indicates that the request is temporary.

IS THE USE OWNER SPECIFIC?

Yes. The application indicates that the request is owner specific.

DOES THE USE LACK SPECIFIC EXISTING OR NEW INFRASTRUCTURE?

No. The application indicates that the use lacks infrastructure, but the use requires construction of a substation and transmission lines. Therefore the answer should be no.

IF YOU ANSWER ANY OF THE ABOVE QUESTIONS YES, CONSIDER PROCESSING AS IUP.

PLEASE DESCRIBE WHY THE USE SHOULD BE CONSIDERED AN IUP OR CUP: This office recommends that the use is processed as an interim use and shall terminate at the expiration of the lease.

FINDINGS OF FACT:

1. IS THE CONDITIONAL OR INTERIM USE SPECIFICALLY LISTED IN THE ZONING DISTRICT IN WHICH THE PROPERTY LIES? No. Article 4, Section 5, Subdivision C of Carlton County Ordinance #27 does not specifically list substations or electrical transmission lines as permitted or conditional/interim uses in the R-1 Zoning District. Electrical transmission lines greater than 69 kV are listed as a conditional/interim uses in Zoning Districts A-1 and A-2.

If the answer is no, you must make the following findings:

- A.) THE USE IS SIMILAR IN NATURE TO OTHER USES LISTED IN THE SAME ZONING DISTRICT. WHY OR WHY NOT? Yes. Electrical transmission lines greater than 69 kV are listed as a conditional/interim use in Zoning Districts A-1 and A-2. Substations and electric transmission lines are defined as essential services as described above.
- B.) THE PROPOSED USE DOES NOT CREATE A GREATER POTENTIAL FOR IMPACTS THAN OTHER USES LISTED THAT CANNOT BE MITIGATED WITH APPROPRIATE CONDITIONS. WHY OR WHY NOT? Yes. The proposed use should not have any long-term impacts. Short-term impacts would only occur during construction. The area is surrounded by railroad property with no housing in the viewshed of the substation.
- C.) IS THE PROPOSED USE COMPATIBLE WITH ADJACENT LAND USES? WHY OR WHY NOT? Yes. The existing land use is railroad with no housing in the viewshed of the substation.
- D.) THE PROPOSED USE IS CONSISTENT WITH THE CARLTON COUNTY COMPREHENSIVE PLAN OR THE INTENT OF THE ORDINANCE. WHY OR WHY NOT? Yes. The request does not appear to be in conflict with the intent of the Carlton County Comprehensive Plan or Carlton County Zoning Ordinance #27. This is an essential service with a benefit to the surrounding community. It is a utility required for future development.

If the answer to 1 is yes or if A – D are all yes, proceed to question 2. If not, the request should not be approved.

2. THE USE WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF PROPERTY IN THE IMMEDIATE VICINITY FOR THE PURPOSE ALREADY PERMITTED NOR SUBSTANTIALLY DIMINISH AND IMPAIR PROPERTY VALUES. Yes. It is unlikely that the use of the property for a substation would be injurious to the use and enjoyment of property in the immediate vicinity. It is a utility required for future development. The existing land use is railroad with no housing in the viewshed of the substation.
3. THE ESTABLISHMENT OF THIS USE WILL NOT IMPEDE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING VACANT PROPERTY FOR USES PREDOMINANT IN THE AREA. Yes. The establishment of the interim use should not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. It is a utility required for future development. The existing land use is railroad with no housing in the viewshed of the substation.
4. ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED. Yes. Access will need to be resolved by Fond du Lac Band of Lake Superior Chippewa.
5. ADEQUATE OFF STREET PARKING IS OR WILL BE PROVIDED. Yes. The application indicates parking is not necessary.
6. ADEQUATE MEASURES HAVE BEEN OR WILL BE TAKEN TO PREVENT OR CONTROL OFFENSIVE ODOR, FUMES, DUST, NOISE AND VIBRATION SO THAT NONE OF THESE CONSTITUTE A NUISANCE. Yes. Fond du Lac Band of Lake Superior Chippewa shall comply with any requirements of the Carlton County Transportation Department regarding traffic and dust control if using an access off a county road.
7. ADEQUATE CONTROL OF LIGHTED SIGNS AND OTHER LIGHTS IS PROVIDED SO THAT A DISTURBANCE TO NEIGHBORING PROPERTIES WILL NOT RESULT. Yes. No lighting will be necessary for the use.

CONDITIONS:

1. The application is processed as an Interim Use Permit and will terminate with the lease.
 2. Fond du Lac Band of Lake Superior Chippewa must undertake the project according to the plans and specifications submitted to the County with the application or as modified by Carlton County.
 3. The permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions. The permit may be modified or revoked if the permittee violates one or more of the conditions of the permit.
 4. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinance.
 5. Fond du Lac Band of Lake Superior Chippewa shall comply with any requirements of the Carlton County Transportation Department regarding traffic, dust control and signage. This includes any road repairs required above and beyond typical road maintenance completed by the County.
 6. Fond du Lac Band of Lake Superior Chippewa shall comply with applicable state or federal permitting rules.
- (8) Old Business: None
- (9) Other Business: None
- (10) Motion by Kuster, seconded by Lundin, and supported by yea votes to adjourn the meeting.

Respectfully submitted,

Heather Cunningham
Zoning and Environmental Services Administrator
Recording Secretary

Attachment: Exhibit A (IUP #420003)



AN ALLETE COMPANY

30 West Superior Street
Duluth, MN 55802-2093
www.mnpower.com



August 5, 2020

Jack Ezell
Planning Commission Chairman
Carlton County Zoning and Environmental Services
301 Walnut Ave, Room 103
P.O. Box 220
Carlton, MN 55718-0220

Re: The Fond du Lac Band of Lake Superior Chippewa's Conditional/Interim Use Permit Application #420003

Dear Mr. Ezell,

On Monday, July 27, 2020 Minnesota Power was notified by Carlton County of the Fond du Lac Band of Lake Superior Chippewa's application for a Conditional/Interim Use Permit to construct and operate a new 230/23 kV electrical substation and associated transmission line within Minnesota Power's transmission control area. We are in the process of meeting with representatives of the Fond du Lac Band to better understand their objectives and technical needs related to this project, and we submit this letter to the Planning Commission to acknowledge receipt of the County's planning notice and communicate our intention to work collaboratively with the Fond du Lac Band.

Minnesota Power currently serves customers within the Fond du Lac Reservation, and we are dedicated to providing safe, reliable and affordable energy to all our customers. We hope to better understand how the proposed 230/23 kV interconnection would interface with and impact Minnesota Power's current service territory obligations and transmission and distribution system reliability, and we will work with the Band to address those questions. We intend to continue to collaborate with the Fond du Lac Band and build upon the work we have done together to increase energy efficiency, build new renewable energy projects, and deliver customer energy affordability programs.

Technical and Interconnection Process Considerations

As stated above, we look forward to learning more about this project and its corresponding technical considerations. For background, customers located within the Fond du Lac Reservation are currently served by both Lake Country Power and Minnesota Power. Both utilities have different service voltage configurations, and variations in service voltage configuration also exist within Minnesota Power's system. As an example, we currently serve customers located within the Fond du Lac Reservation from five separate feeders operating at three different service voltages. A 23 kV feeder from the proposed new 230/23 kV substation could presumably tie into Minnesota Power's existing 23 kV feeder, which currently serves the Black Bear Casino and surrounding area.

Mr. Ezell
August 5, 2020
Page 2

Based on our technical knowledge of the existing system, not all of the customers located within the Fond du Lac Reservation can be easily served by a single-voltage 23 kV system without significant infrastructure upgrades and reconfigurations. All five of the Minnesota Power feeders that serve customers located within the Fond du Lac Reservation also serve additional Minnesota Power customers outside of the reservation boundaries, which makes it difficult to separate service between customers. Any future separation in service could require technical upgrades, new distribution system infrastructure, and possibly voltage conversions.

In addition to providing this initial input to Carlton County and working with the Fond du Lac Band, Minnesota Power anticipates involvement in this project at various state and federal levels as it moves forward, including reviewing the transmission interconnection application and the Midcontinent Independent System Operator (MISO) transmission planning processes. As is normal industry practice, Minnesota Power would plan to enter into a transmission interconnection agreement with a party that is building infrastructure within our system. That agreement may need to gain approval from both MISO and the Federal Energy Regulatory Commission (FERC).

As stated above, Minnesota Power is grateful for the responsibility and privilege to provide electric service to parts of the Fond du Lac Reservation and we look forward to working collaboratively with both the County and the Fond du Lac Band on this permit application.

If you have any questions regarding this letter, please contact me at jjpeterson@mnpower.com or 218.355.3202.

Sincerely,



Jennifer J. Peterson
Manager – Regulatory
Strategy and Policy
30 W. Superior Street
Duluth, MN 55802