

CONSENT AGENDA

FOR THE MEETING OF ST. LOUIS COUNTY BOARD OF COMMISSIONERS

July 24, 2012

Floodwood City Hall, 111 West 8th Avenue, Floodwood, Minnesota

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a commissioner requests or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

RESOLUTIONS FOR APPROVAL:

Minutes of the July 3, 2012, meeting.

Minutes of the July 10, 2012, meeting.

Environment & Natural Resources Committee – Commissioner Dahlberg, Chair

1. Special sale of state tax forfeited land described as Lots 35, 36, and 37, Block 111, West Duluth Fifth Division, to the State of Minnesota, Department of Transportation, for improvement of Trunk Highway 35, for the total amount of \$1,168.13, and reclassify Lots 35 and 36 as non-conservation.
2. Authorize a non-exclusive easement over state tax forfeited land located in the SE ¼ of SE ¼, Section 7, Township 50 North, Range 19 West (Arrowhead Township), to Enbridge Energy Limited Partnership, upon total payment of \$211.
3. Repurchase of state tax forfeited land located in Section 21, Township 51 North, Range 14 West (Town of Rice Lake) by Jeffrey Rose of Duluth, MN, for the total cost of \$13,857.74, contingent upon correction of all Town of Rice Lake Ordinance 22 code violations by no later than September 28, 2012.
4. Cancellation of contract for purchase of state tax forfeited land by Evelina Bennett.
5. Appraisal reports for the sale of timber to be offered at a Sealed Bid Timber Auction on August 16, 2012, as submitted by the Land and Minerals Commissioner.
6. Appraisal report for the sale of timber as submitted by the Land and Minerals Commissioner.

Public Works & Transportation Committee – Commissioner Forsman, Chair

7. Authorize an agreement for design services from LHB Corp., Duluth, MN, for the reconstruction of County Bridge 24 located over the Lester River on County State Aid Highway (CSAH) 37 (Jean Duluth Road) in Lakewood Township, County Project 161399, for the total cost of \$41,000.

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8. Authorize an agreement for design services from LHB Corp., Duluth, MN, for the reconstruction of County Bridge 17 located over the Big Sucker River on County Road 290 (Old North Shore Road) in Duluth Township, County Project 161400, for the total cost of \$36,500.

Finance & Budget Committee – Commissioner Raukar, Chair

9. Abatement list for Board approval.
10. Application for temporary on-sale 3.2 percent malt liquor license for Babbitt Lions Club, Town of Embarrass, for August 25 and 26, 2012.
11. Application for temporary on-sale 3.2 percent malt liquor license for Buyck Volunteer Fire Department, Town of Portage, for August 4, 2012.
12. Application to sell/serve outside the designated serving area of the county liquor license for Oveson Kab-Con, Inc., d/b/a Kettle Falls Hotel, Unorganized Township 70-18, for August 18 and 25, 2012.
13. Workers' compensation report dated July 13, 2012.

Public Safety & Corrections Committee – Commissioner Sweeney, Chair

14. Authorize a ten-year lease agreement with the State of Minnesota for the county's use of tower and shelter space at the Sax Communications Facility at no cost to the county, beginning September 1, 2012, through August 31, 2022.

**Official Proceedings of the County Board
of Commissioners**

BY COMMISSIONER _____

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of July 3, 2012, are hereby approved.

**Official Proceedings of the County Board
of Commissioners**

BY COMMISSIONER _____

RESOLVED, that the official proceedings of the St. Louis County Board of Commissioners for the meeting of July 10, 2012, are hereby approved.

Special Sale to the State of Minnesota

BY COMMISSIONER _____

WHEREAS, the State of Minnesota has requested to purchase the following described state tax forfeited land for the improvement of Trunk Highway 35:

That part of Tract A described below:

Tract A. Lots 35, 36, and 37, Block 111, West Duluth Fifth Division, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota; together with that part of the vacated avenue accruing to said Lots 36 and 37 by reason of the vacation thereof; which lies southeasterly of Line 1 described below and northerly of Line 2 described below:

Line 1. Beginning at the point of intersection of a line run parallel with and distant 15 feet southeasterly of the northwesterly line of said Block 111 and the northeasterly line of said Lot 35; thence southwesterly on said 15 foot parallel line to its intersection with the westerly line of said Block 111; thence southwesterly to the intersection of the easterly line of Block 8, West End Addition to Duluth and the southwesterly extension of the northwesterly line of said Block 111, and there terminating;

Line 2. Beginning at the point of intersection of a line run parallel with and distant 65 feet southeasterly of the northwesterly line of said Block 111 and its southwesterly extension and the northeasterly line of said Lot 35; thence southwesterly along said 65 foot parallel line to an intersection with the southwesterly line of said Lot 37; thence northwesterly along said southwesterly line and its northwesterly extension to an intersection with Line 1 described above and there terminating;

together with all right of access, being the right of ingress to and egress from all that portion of the above described tract, not acquired herein, to the above described strip; and

WHEREAS, Minn. Stat. § 282.01, Subd. 1(a), authorizes the sale of state tax forfeited land to an organized governmental subdivision for any public purpose for which the subdivision is authorized to acquire property; and

WHEREAS, these lands have not been withdrawn from sale pursuant to Minn. Stat. §§ 85.012, 92.461, 282.01, Subd. 8, and 282.018, and other statutes that require the withholding of state tax forfeited lands from sale; and

WHEREAS, Lots 35 and 36, Block 111, West Duluth Fifth Division, have been classified as conservation land pursuant to Minnesota Statutes Section 282.01; and

WHEREAS, these parcels are located inside the boundaries of a municipality or town and Minn. Stat. § 282.01 provides that classification or reclassification and sale of lands situated within a municipality or town must be approved by the governing body of the municipality or town; and

WHEREAS, the reclassification and sale of these parcels will be deemed approved if the County Board does not receive notice of the municipality's or town's disapproval of the reclassification and sale within 60 days of the date on which this resolution is delivered to the clerk; and

WHEREAS, the Land Commissioner recommends that these parcels be reclassified as non-conservation and offered for sale having considered, among other things, the present use of adjacent land; the productivity of the soil; the character of forest or other growth; the accessibility of lands to established roads, schools, and other public services; and the peculiar suitability or desirability of lands for particular uses.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the reclassification and sale of state tax forfeited land to the State of Minnesota for the appraised value of \$965 plus the following fees: administration fee of \$100, 3% assurance fee of \$28.95, deed fee of \$25, deed tax of \$3.18, recording fee of \$46; for a total of \$1,168.13, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the request for approval of the reclassification of Lots 35 and 36, Block 111, West Duluth Fifth Division, shall be transmitted by the Land and Minerals Department to the clerk of the City of Duluth.

Easement Request for Enbridge Energy Limited Partnership

BY COMMISSIONER _____

WHEREAS, Enbridge Energy Limited Partnership has requested a non-exclusive easement to use tax forfeited parcels for construction of a cathodic protection system ground bed and wiring for petroleum pipeline corrosion protection; and

WHEREAS, exercising this easement will not conflict with public use of the land; and

WHEREAS, Minn. Stat. § 282.04, Subd. 4, authorizes the County Auditor to grant easements for such purchases.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the County Auditor, pursuant to Minn. Stat. § 282.04, Subd. 4, to grant a non-exclusive easement to Enbridge Energy Limited Partnership described as follows:

AN EASEMENT OVER, UNDER AND ACROSS ALL THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 OF SE1/4) OF SECTION SEVEN (7), TOWNSHIP FIFTY (50) NORTH, RANGE NINETEEN (19) WEST OF THE FOURTH PRINCIPAL MERIDIAN LYING BETWEEN TWO LINES ZERO (0) AND TWENTY-FIVE (25) FEET SOUTHEASTERLY OF AND PARALLEL WITH THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 7, THENCE NORTH 02 DEGREES 29 MINUTES 10 SECONDS EAST ALONG THE EAST LINE OF SAID SE 1/4 OF SE 1/4; THENCE NORTH 87 DEGREES 30 MINUTES 50 SECONDS WEST TO THE POINT OF BEGINNING OF THE LINE TO BE DESCRIBED; THENCE SOUTH 25 DEGREES 44 MINUTES 49 SECONDS WEST, A DISTANCE OF 77.44 FEET; THENCE SOUTH 28 DEGREES 19 MINUTES 06 SECONDS WEST, A DISTANCE OF 85.86 FEET; THENCE SOUTH 36 DEGREES 14 MINUTES 56 SECONDS WEST, A DISTANCE OF 26.75 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A" AND SAID LINE THERE TERMINATING.

TOGETHER WITH:

AN EASEMENT OVER, UNDER AND ACROSS ALL THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE 1/4 OF SE 1/4) OF SECTION SEVEN (7), TOWNSHIP FIFTY (50) NORTH, RANGE NINETEEN (19) WEST OF THE FOURTH PRINCIPAL MERIDIAN LYING BETWEEN TWO LINES ZERO (0) AND FIFTY (50) FEET SOUTHEASTERLY OF AND PARALLEL WITH THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE AFOREMENTIONED POINT "A", THENCE SOUTH 36 DEGREES 14 MINUTES 56 SECONDS WEST, A DISTANCE OF 50.00 FEET, SAID LINE THERE TERMINATING.

RESOLVED FURTHER, that the granting of this easement is conditioned upon payment of \$115 land use fee, \$50 administrative fee and \$46 recording fee; for a total of \$211, to be deposited into Fund 240 (Forfeited Tax Fund).

Repurchase of State Tax Forfeited Land - Rose

BY COMMISSIONER: _____

WHEREAS, Minn. Stat. § 282.241 provides that state tax forfeited land may be repurchased by the previous owner subject to payment of delinquent taxes and assessments, with penalties, costs, and interest; and

WHEREAS, Jeffrey Rose of Duluth, MN, has applied to repurchase state tax forfeited land legally described as:

TOWN OF RICE LAKE
W 1/2 OF SW 1/4 OF SE 1/4 OF SE 1/4 EX WLY 132 FT
SEC 21 TWP 51 RGE 14
Parcel Code: 520-0015-00660

WHEREAS, the applicant was the owner of record at the time of forfeiture and is eligible to repurchase the property; and

WHEREAS, approving the repurchase will correct undue hardship and promote the use of lands that will best serve the public interest; and

WHEREAS, the County Board has the ability to impose conditions on the repurchase agreement under Minn. Stat. § 282.261, Subd. 5; and

WHEREAS, the repurchase agreement will be contingent upon correction of all Rice Lake Town Ordinance 22 code violations by no later than September 28, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the St Louis County Board approves the repurchase application by Jeffrey Rose of Duluth, MN, on file in County Board File No. 59398, subject to payments including total taxes and assessments of \$13,628.10, service fee of \$114, deed tax of \$44.64, deed fee of \$25, and recording fee of \$46; for a total of \$13,857.74, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the repurchase is contingent upon the correction of all Town of Rice Lake Ordinance 22 code violations prior to granting repurchase, according to the authority granted under Minn. Stat. § 282.261, Subdivision 5.

Cancellation of Contract for Purchase of State Tax Forfeited Land - Bennett

BY COMMISSIONER _____

WHEREAS, Evelina Bennett, the mother of James Bennett (deceased), has agreed that the contract for the purchase of state tax forfeited lands should be cancelled and agreed to admission of service and waiver of time to cure default to the State of Minnesota; and

WHEREAS, the purchaser was properly served with Notice of Cancellation of Contract by publication for lands legally described as:

CITY OF MT. IRON
N 1/2 OF LOT 22 & ALL OF LOT 23
BLOCK 5, SOUTH GROVE ADDITION TO MT IRON
Parcel Code: 175-0055-01035

WHEREAS, Minn. Stat. §§ 282.04, Subd. 2(d), and 504B.271 authorizes the County Auditor to dispose of abandoned personal property; and

WHEREAS, the previous owner(s) of the property will be notified by posting of property or by mail.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the cancellation of contract for the purchase of state tax forfeited land described above, according to the provisions of Minn. Stat. § 282.01, Subd. 5, and Minn. Stat. § 282.40, and according to the procedures of Minn. Stat. § 559.21.

RESOLVED FURTHER, that the St. Louis County Board authorizes the County Auditor to dispose of abandoned personal property from the above described state tax forfeited property.

Appraisal Reports for Sealed Bid Timber Auction

BY COMMISSIONER _____

RESOLVED, that the appraisal reports for the sale of timber to be offered at SEALED BID TIMBER AUCTION, Tracts 1 through 37 (totaling \$936,200.19), as submitted by the Land and Minerals Commissioner, on file in the office of the County Auditor, identified as County Board File No. 59391, are approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.

Appraisal Report for the Sale of Timber

BY COMMISSIONER _____

RESOLVED, that the appraisal report for sale of timber, numbered Tract 1, as submitted by the Land Commissioner, on file in the Office of the County Auditor, identified as County Board File No. 59391, is approved and the County Auditor is authorized to carry out the recommendation as listed in said appraisal report.

LAND COMMISSIONER'S TRANSMITTAL OF
APPRAISAL REPORTS TO BOARD OF COUNTY COMMISSIONERS

TO: BOARD OF COUNTY COMMISSIONERS, ST. LOUIS COUNTY, MINNESOTA

Listed below is one tract of timber to be offered for sale from State Tax Forfeited lands.
Appraisal reports are on file in the Land Commissioner's Office upon request.

<hr/>						<u>July 18, 2012</u>
LAND COMMISSIONER'S REPRESENTATIVE						Date
<u>TRACT NUMBER</u>	<u>DESCRIPTION</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>TIMBER VALUE</u>	<u>APPLICANT</u>
1	NW ¼ - SE ¼	8	62	20	\$351.40	
TOTAL VALUE OF PRECEDING TRACTS					\$351.40	

The Land Commissioner's appraisal and recommendation as listed above was approved except as noted by the Board of County Commissioners, and the County Auditor is hereby authorized and directed to carry out the recommendation of said report as approved by the Board of County Commissioners.

County Board File No. 59391

By: _____
CLERK OF COUNTY BOARD

Date: July 24, 2012

**Agreement with LHB Corp. for Design Services – Bridge 24 on
CSAH 37/Jean Duluth Road (Lakewood Township)**

BY COMMISSIONER _____

RESOLVED, that the St. Louis County Board authorizes an agreement, and any amendments authorized by the County Attorney, for the purchase of design services from LHB Corp., Duluth, MN, for the reconstruction of County Bridge 24 along County State Aid Highway 37 (Jean Duluth Road) over the Lester River in Lakewood Township, MN, C.P. 161399. The total cost of these services is \$41,000, payable from Fund 225, Agency 161399, Object 626600.

**Agreement with LHB Corp. for Design Services – Bridge 17
on County Road 290/Old North Shore Road (Duluth Township)**

BY COMMISSIONER _____

RESOLVED, that the St. Louis County Board authorizes an agreement, and any amendments authorized by the County Attorney, for the purchase of design services from LHB Corp., Duluth, MN, for the reconstruction of County Bridge 17 along County Road 290 over the Big Sucker River in Duluth Township, MN, C.P. 161400. The total cost of these services is \$36,500, payable from Fund 225, Agency 161400, Object 626600.

Abatement List for Board Approval

BY COMMISSIONER _____

RESOLVED, that the St. Louis County Board approves the applications for abatements, correction of assessed valuations and taxes plus penalty and interest, and any additional accrual, identified in County Board File No. 59401.

**Temporary On-Sale 3.2 Percent Malt Liquor License
(Town of Embarrass)**

BY COMMISSIONER _____

RESOLVED, that the application for a temporary on-sale 3.2 percent malt liquor license, on file in the office of the County Auditor, identified as County Board File No. 59425, is hereby approved and the County Auditor is authorized to issue the license to the applicant:

Babbitt Lions Club, Town of Embarrass, Temporary On-Sale 3.2 Percent Malt Liquor License No. TB1245, for August 25 and 26, 2012.

**Temporary On-Sale 3.2 Percent Malt Liquor License
(Town of Portage)**

BY COMMISSIONER _____

RESOLVED, that the application for a Temporary On-Sale 3.2 Percent Malt Liquor License, on file in the office of the County Auditor, identified as County Board File No. 59452, is hereby approved and the County Auditor is authorized to issue the license to the applicant:

Buyck Volunteer Fire Department, Town of Portage, Temporary On-Sale 3.2 Percent Malt Liquor License No. TB1246, for August 4, 2012.

**Applications to Sell/Serve Outside the Designated Serving Area
of the County Liquor License (Unorganized Township 70-18)**

BY COMMISSIONER _____

RESOLVED, that pursuant to Ordinance No. 28, Section 11, Subdivision 11.06, authorization is hereby approved for the following applications to sell/serve outside the designated serving area of the county liquor license, as per applications on file in the office of the County Auditor, identified as County Board File No. 59385:

Oveson Kab-Con, Inc., d/b/a Kettle Falls Hotel, Unorganized Township 70-18,
August 18, 2012;

Oveson Kab-Con, Inc., d/b/a Kettle Falls Hotel, Unorganized Township 70-18,
August 25, 2012.

Workers' Compensation Report

BY COMMISSIONER _____

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated July 13, 2012, on file in the office of the County Auditor, identified as County Board File No. 59383, is hereby received and ratified as payable from Fund 730, Agency 730001.

Radio Communications Facility Lease Agreement

BY COMMISSIONER _____

WHEREAS, the State of Minnesota has available tower space at its Sax Communications Facility near the City of Zim; and

WHEREAS, the St. Louis County Sheriff's Office is in need of communications space on the tower for the Allied Radio Matrix for Emergency Response (ARMER) systems.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into a ten-year agreement with the State of Minnesota for the county's use of tower and shelter space at the Sax Communications Facility at no cost, beginning September 1, 2012, through August 31, 2022.