



COMMITTEE OF THE WHOLE AGENDA
Board of Commissioners, St. Louis County, Minnesota

September 6, 2016

Immediately following the Board Meeting, which begins at 9:30 A.M.
Commissioners' Conference Room, St. Louis County Courthouse, Duluth, MN

CONSENT AGENDA:

All matters listed under the consent agenda are considered routine and/or non-controversial 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.

Minutes of August 9, 2016

Health & Human Services Committee, Commissioner Boyle, Chair

1. Contract with Vendor for PHHS Closed File Scanning in Virginia, Hibbing and Ely [16-372]
2. Application and Acceptance of Planning Grant Funding for the Local St. Louis County Continuum of Care [16-373]

Environment & Natural Resources Committee, Commissioner Rukavina, Chair

3. Approval of Registered Land Survey No. 130 (Unorganized Township 63-17) [16-374]
4. Adoption of Proposed Ordinance 60 Amendments, Subdivision Ordinance [16-375]
5. Amend Zoning Ordinance No. 62, to Incorporate and Establish Zoning Map for Greenwood Township [16-376]
6. Adoption of Proposed Ordinance 62 Amendments, Zoning Ordinance [16-377]
7. Repurchase of State Tax Forfeited Land – Abrahamson (Homestead) [16-378]
8. Adjoining Owner Sale (Duluth Township) [16-379]
9. Special Sale to the City of Chisholm [16-380]
10. Request for Free Conveyance of State Tax Forfeited Land to the City of McKinley [16-381]
11. Demolition of Structures on State Tax Forfeited Lands [16-382]
12. Right of Way and Utility Easement Across State Tax Forfeited Land to the City of Chisholm (Garden Lands) [16-383]
13. Right of Way and Utility Easement Across State Tax-Forfeited Land to the City of Chisholm (Lakeview Addition) [16-384]
14. Access Easement across State Tax-Forfeited Land to Judith Ann and Eric M. Mattson (Culver Township) [16-385]
15. Access Easement across State Tax Forfeited Land to Judith Ann Mattson (Culver Township) [16-386]
16. Access and Utility Easement across State Tax-Forfeited Land to Cellular Inc. Network Corp. d/b/a Verizon Wireless (Gnesen Township) [16-387]

Public Works & Transportation Committee, Commissioner Stauber, Chair

17. Award of Bid: Fuel Deliveries of Gasohol, Fuel Oil and Diesel Fuel [16-388]

Finance & Budget Committee, Commissioner Nelson, Chair

18. Acceptance of County Veterans Service Office Operational Enhancement Grant [16-389]
19. Abatement List for Board Approval [16-390]
20. LANDesk Client Asset Management Software [16-391]
21. Lawful Gambling Application (Gnesen Township) [16-392]

ESTABLISHMENT OF PUBLIC MEETINGS:**Finance & Budget Committee, Commissioner Nelson, Chair**

1. Establish Public Meetings on 2017 Property Tax and Operating Budget (Thursday, December 1, 2016, 7:00 p.m., St. Louis County Courthouse, Virginia, MN, and Thursday, December 8, 2016, 7:00 p.m., St. Louis County Courthouse, Duluth, MN) *[16-393]*

TIME SPECIFIC PRESENTATIONS:**11:00 A.M. Minnesota Inter-County Association End of Session Report and 2017 Outlook - Keith Carlson, Nancy Silesky, Ryan Erdmann and Steve Novak, MICA**

REGULAR AGENDA:

For items on the Regular Agenda, citizens will be allowed to address the Board at the time a motion is on the floor.

Environment & Natural Resources Committee, Commissioner Rukavina, Chair

1. **Repurchase of State Tax Forfeited Land – Prosperity House, LLC, and Hull (Non-Homestead) [16-394]**
Resolution authorizing a joint repurchase of state tax forfeited land.
2. **Timber Contract Price Adjustments in Response to 2016 Storm and Fire Events [16-395]**
Resolution authorizing the Land Commissioner to adjust timber contract pricing.

Public Works & Transportation Committee, Commissioner Stauber, Chair

1. **Award of Bids: Mesabi Trail (Eagles Nest Township) [16-396]**
Resolution awarding the construction of a portion of the Mesabi Trail in Eagles Nest Township to low bidder Mesabi Bituminous, Inc., of Gilbert, MN.
2. **Agency Agreement between the Minnesota Department of Transportation and St. Louis County for County Road Safety Plan Updates [16-397]**
Resolution authorizing a cooperative agreement with the Minnesota Department of Transportation for updates to the St. Louis County Road Safety Plan.
3. **Implementation of the St. Louis County Road Safety Plan and Other Highway Safety Strategies on County Roads [16-398]**
Resolution authorizing the continued implementation of the County Roads Safety Plan and other highway safety strategies.

Finance & Budget Committee, Commissioner Nelson, Chair

1. **Resolution of LGU for James Metzen Mighty Ducks Ice Arena Grant Application [16-399]**
Commissioners Stauber and Nelson have requested that the County Board consider a request to serve as the Local Government Unit on behalf of the Mars Lakeview Arena for a Mighty Ducks Grant Application.
2. **Unorganized Township Road Levy – FY 2017 [16-400]**
Resolution certifying the levy for Unorganized Township Road Maintenance for tax year 2017.
3. **HRA 2017 Proposed Levy [16-401]**
Resolution certifying the HRA maximum property tax levy for tax year 2017.
4. **Fire Protection/First Responder Services Contract for Unorganized Territories – 2017 [16-402]**
Resolution authorizing the County Auditor to spread local levies for fire protection and/or first responder services to identified unorganized territories within the county.
5. **Certification of 2017 Maximum Property Tax Levy [16-403]**
Certification of the 2017 tax levy to be moved to the September 13 County Board agenda without recommendation.

Central Management & Intergovernmental Committee, Commissioner Jewell, Chair

1. Establishment of a “True County” Assessor System [16-404]

Resolution to establish a “True County” property assessment system.

2. Citizen Appointments to the Community Development Block Grant Citizen Advisory Committee [16-405]

Resolution to appoint five people to the CDBG Citizens Advisory Committee and to authorize advertisement for seven vacant positions on the committee and to increase the stipend for this committee effective January 1, 2017.

COMMISSIONER DISCUSSION ITEMS AND REPORTS:

Commissioners may introduce items for future discussion, or report on past and upcoming activities.

ADJOURNED:

NEXT COMMITTEE OF THE WHOLE MEETING DATES:

September 13, 2016 **St. Louis County Courthouse, Duluth, MN**

September 27, 2016 **City Hall, 209 East Chapman, Ely, MN**

October 4, 2016 **St. Louis County Courthouse, Duluth, MN**

BARRIER FREE: *All St. Louis County Board meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual needs for special services. Please contact St. Louis County Property Management (218-725-5085) early so necessary arrangements can be made.*

COMMITTEE OF THE WHOLE ST. LOUIS COUNTY BOARD OF COMMISSIONERS

August 9, 2016

Location: City Council Chambers, Hibbing, Minnesota

Present: Commissioners Boyle, Dahlberg, Rukavina, Stauber, Nelson, and Chair Raukar

Absent: Commissioner Jewell

Convened: Chair Raukar called the meeting to order at 1:33 p.m.

CONSENT AGENDA

Stauber/Boyle moved to approve the consent agenda. The motion passed. (6-0, Jewell absent)

- Minutes of August 2, 2016
- Award of Bid: 2016 Bud Capping Application [16-361]
- Public Sale of Shoreland Lease Lots [16-362]
- Public Sale of State Tax Forfeited Properties on October 13, 2016 [16-363]
- Abatement List for Board Approval [16-364]
- Microsoft Project Online [16-365]
- Application and Acceptance of 2016 Emergency Management Performance Grant [16-366]

Health & Human Services Committee

Boyle/Nelson moved to increase the Public Health and Human Services Department staffing complement by 16.0 FTE Social Workers for Initial Intervention and Ongoing Child Protection and 4.0 FTE Social Service Supervisors for Child Protection (Fund 230, Agency 232024). Funding is available through the remainder of 2016 for these positions from unearned revenue from the initial Child Protection Task Force payment in Fund 230, Agency 232024, Object 530554. The proposed 2017 budget will be updated to reflect the remaining Task Force Aid payment as well as standard revenue assumptions for Child Protection and county levy support in the amount of \$783,760. The Public Health and Human Service Department will track and report to the County Board on revenue recapture of Child Welfare – Targeted Case Management funds on a quarterly basis. Interim Public Health and Human Services Director Linnea Mirsch discussed the need for the increase in staffing. Holly Church, of Public Health and Human Services, said multiple factors have contributed to the spike in child protection cases. [16-369]. After further discussion, the motion passed. (6-0, Jewell absent)

Boyle/Raukar moved to authorize the addition of 5.0 FTE Financial Worker positions to the Public Health and Human Services Department – Financial Division for staff transition purposes. These positions will be paid out of Fund 230, Agency 231014, Object 610201, a new object to track these training expenditures and ensure that existing personnel resources are sufficient to cover these additional positions. No additional personnel budget is authorized. [16-368]. The motion passed. (5-1, Dahlberg nay, Jewell absent)

Rukavina/Nelson moved to appoint Lynette Zupetz to the Heading Home St. Louis County Leadership Council, education category, for a term ending December 31, 2017. [16-367]. The motion passed. (6-0, Jewell absent)

Public Safety & Corrections Committee

Stauber/Nelson moved to authorize 5.0 FTE Deputy Sheriff-Correction Officers be added to the Sheriff's Office-Jail Division for staff transition purposes. No additional personnel budget is authorized as part of this increase in FTEs, as the additional hires will be absorbed by the normal and reoccurring attrition at the county jail facilities. [16-370]. The motion passed. (6-0, Jewell absent)

Nelson/Stauber moved to authorize the addition of two (2.0) FTE Deputy Sheriff positions to backfill Deputies assigned to ISD 2142 as School Resource Officers for the next three school years, to be accounted for in Fund 100, Object 311426 Public Safety Innovation Fund. The two positions shall become effective immediately and end June 10, 2020, and will be absorbed into the authorized staffing complement through existing vacancies at that time. [16-371]. Sheriff Litman spoke to the resolution. Melissa Roach, of Cook, Lean Rogne, of Gheen, and Kathleen McQuillon, of Cook, spoke in opposition of the resolution. The motion passed without recommendation. (4-2, Dahlberg, Rukavina- nay, Jewell absent)

Finance & Budget Committee

Commissioners held a discussion regarding the 2017 budget. Commissioner Nelson said he would like to propose an increase to the Sheriff's staff to investigate issues relating to various rental issues. Commissioner Raukar stepped out of the meeting from 4:08 p.m. to 4:12 p.m. St. Louis County Administrator Kevin Gray provided a 2017 budget update handout to the Committee. Administrator Gray reviewed the information and said the County is still looking for ways to reduce the levy.

COMMISSIONER DISCUSSION ITEMS AND REPORTS

None

At 4:24 p.m., Nelson/Boyle moved to adjourn the Committee of the Whole meeting. The motion passed. (6-0, Jewell absent)

Steve Raukar, Chair of the County Board

Phil Chapman, Clerk of the County Board

BOARD LETTER NO. 16 - 372

HEALTH & HUMAN SERVICES COMMITTEE CONSENT NO. 1

BOARD AGENDA NO.

DATE: September 6, 2016

RE: Contract with Vendor for PHHS
Closed File Scanning in
Virginia, Hibbing and Ely

FROM: Kevin Z. Gray
County Administrator

Linnea Mirsch, Interim Director
Public Health & Human Services

RELATED DEPARTMENT GOAL:

To protect, promote, and improve the health and quality of life in St. Louis County.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize a contract with National Business Systems, Inc. to electronically scan closed files for the Public Health and Human Services Department in Virginia, Hibbing, and Ely.

BACKGROUND:

The Public Health and Human Services Department (PHHS) has been in the process of developing an Internal Document Management System in order to conserve building space by the elimination of paper storage and to streamline the business process. Because PHHS lacked the staffing and resources to complete the scanning of paper files internally, the Purchasing Division issued a Request for Proposals to scan all closed Duluth files stored in leased office space in the Arvig Building, resulting in a contract with National Business Systems, Inc. of Eagan, MN.

PHHS would now like to convert all remaining closed files into the same system in a final phase which includes the Virginia, Hibbing, and Ely offices. With this final phase, all closed paper files will be converted to electronic files. The result will be no waste of office space or leased storage space, and a consistent electronic system both north and south for retrieval of old records.

The Purchasing Division has prepared a Sole Source Procurement Justification document to most effectively and completely advance this project, which includes the affirmation that no other vendor can provide the same or similar service. National Business Systems, Inc., Eagan, MN, has provided a quote of \$189,879.82.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize a contract with National Business Systems, Inc. of Eagan, MN, in an amount not to exceed \$189, 879.82. All

expenses are payable from the PHS Technology Improvements fund balance, Fund 230, Object 311401, transferred into Fund 230, Agency 230011, Object 629900, to be placed into CY 2016 budget with all unexpended funds to be carried over into 2017 budget.

**Contract with Vendor for PHHS Closed File Scanning
In Virginia, Hibbing and Ely**

BY COMMISSIONER _____

WHEREAS, The Public Health and Human Services Department (PHHS) has been in the process of developing an Internal Document Management System in order to conserve building space by the elimination of paper storage and to streamline the business process; and

WHEREAS, Because PHHS lacked the staffing and resources to complete the scanning of paper files internally, the Purchasing Division issued a Request for Proposals to scan all closed Duluth files stored in leased office space in the Arvig Building, resulting in a contract with National Business Systems, Inc. of Eagan, MN; and

WHEREAS, PHHS would now like to convert all remaining closed files into the same system in a final phase which includes the Virginia, Hibbing, and Ely offices; and

WHEREAS, National Business Systems, Inc., has provided a quote of \$189,879.82 to perform this service;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes a contract with National Business Systems, Inc., Eagan, MN, in an amount not to exceed \$189,879.82 for the scanning of PHHS closed files in Virginia, Hibbing and Ely, payable from the PHHS Technology Improvements fund balance, Fund 230, Object 311401, to be transferred into Fund 230, Agency 230011, Object 629900.

APPENDIX C

St. Louis County "Sole Source" Procurement Justification

Competitive bidding is not required when by reason of a copyright, patent, or exclusive franchise, purchases can be only made at a standard, fixed, or uniform price and no advantage can be secured by advertisement and competitive bidding because of the noncompetitive nature of the item(s) to be purchased.

This form must be approved by the Purchasing Division Procurement Manager for any "sole source" procurement estimated to exceed \$25,000. The purpose of this justification is to demonstrate why it is impractical or impossible to seek competitive bids for this purchase.

Estimated amount of this purchase \$ 189,879.82 Contract Period 2016-2017

Please answer the following questions on a separate sheet in detail (referencing each question by number):

- 1. What vendor or business will be providing the item(s) requested to be purchased? Include address and other contact information. Please attach the quote received from the vendor.**

NBS
2919 West Service Road
Eagan, MN 55121

Maureen Bergland
Office 651-994-4427
MBergland@nbsusa.com

- 2. What is it about this purchase that makes it unique? (i.e., patents/copyrights, need compatibility with existing - why?, space constraints, must match equipment with another public jurisdiction, consequences if this were put out for bid, etc.)** PHHS would now like to convert all closed files in the rest of the County into the same system in a final phase which includes the Virginia, Hibbing, and Ely office. With this purchase, all closed paper files will have been converted to electronic and storage of banker boxes eliminated. The result will be no waste of office space, no leased storage space, and a consistent electronic system both North and South for retrieval of old records. This is particularly timely as the plan to build a new facility in Virginia is underway.
- 3. What steps have you taken to determine this is the only product/service that will meet your particular needs? (i.e., professional opinions/correspondence, trade publications, trade shows, personal visits or correspondence with vendor, other institutions that have installed the same product, other site visitations, etc.)** PHHS lacked the staffing and resources to complete the scanning of paper files internally. The Purchasing Division issued a Request for Proposals to scan all closed Duluth files stored in leased office space in the Arvig Building; this resulted in a contract with National Business Systems, Inc. of Eagan, MN. (NBS) followed by Board Resolution 15-535. An Addendum was added to the original contract, per Board Resolution 16-422, to cover the cost of unexpected additional expenses in the amount of \$15,272.76. PHHS would now like to convert all closed files in the rest of the County into the same system in a final phase which includes the Virginia, Hibbing, and Ely offices. All closed paper files will have been converted to electronic and storage of banker boxes eliminated. The result will be no waste of office space, no leased storage space, and a consistent electronic system both North and South for retrieval of old records.
- 4. Will this purchase tie St. Louis County to this particular vendor for future purchases? (Either in terms of maintenance that only this vendor will be able to perform and/or if we purchase this item, will we then need more "like" items in the future to match this one?)** This purchase will not tie St. Louis County to this particular vendor for future purchases. No maintenance is required for the end

product; no like items will be needed in the future to match this one. The end product is finite in that once the service is completed the scanned files will be stored for retrieval within PHHS. No paper files are being created so no future mass scanning will be needed.

5. On your attachment, please affirmatively state, "No other vendor can provide the same or a similar product/service," and enclose any other information which will help make the determination that this is a sole source procurement. No other vendor can provide the same or a similar product/service.

I am aware that Minnesota statutes require procurements to be competitively bid whenever practicable. The preceding statements are complete and accurate based on my professional judgment and investigations. I also certify that no personal advantage will accrue to me or any member of my immediate family as a result of this procurement.

Procurement Manager: Domina M Viskoe
Signature of Procurement Manager: Domina M Viskoe
Department contact person and phone: Shelley Danko 726-2210
Purchasing representative assigned to project: Domina M Viskoe
Date: 08/16/2016

BOARD LETTER NO. 16 - 373

HEALTH & HUMAN SERVICES COMMITTEE CONSENT NO. 2

BOARD AGENDA NO.

DATE: September 6, 2016

RE: Application and Acceptance of
Planning Grant Funding for the
Local St. Louis County
Continuum of Care

FROM: Kevin Z. Gray
County Administrator

Linnea Mirsch, Interim Director
Public Health & Human Services

RELATED DEPARTMENT GOAL:

Children will be born healthy, live a life free from abuse and neglect, and will have a permanent living arrangement. Adults will live in the least restrictive living arrangement that meets their health and safety needs.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize the application and acceptance of a grant allocation from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$93,780.

BACKGROUND:

HUD provides funding to St. Louis County grant recipients through the St. Louis County Continuum of Care (CoC) for permanent and rapid re-housing as well as support services for homeless persons. In addition, CoC grants ensure important supportive services including job training, health care, mental health counseling, substance abuse treatment and child care. Grants are awarded annually on a competitive basis to local communities across the United States to meet the needs of homeless clients. The Public Health and Human Services Department (PHHS) serves as the collaborative applicant for this process on behalf of the larger St. Louis County and Duluth community. One FTE county staff is assigned to facilitate, plan, write, and submit the final application. The St. Louis County Leadership Council, along with a number of advisory groups, provides direct input into the CoC application, identifying currently successful programs as well as priorities as determined by the community, gaps in service, and potential new programs. Funding goes directly to the projects and contracts are written by HUD. For the current HUD FY2016 funding cycle, 33 projects in St. Louis County are projected to receive a total of \$3,271,748.

In addition to these project grants, HUD planning funds were made available to expand PHHS's capacity to become more data driven and performance based. In compliance with federal 24CFR 578.7, only collaborative applicants, including St. Louis County, are eligible for CoC planning funds. The St. Louis County Leadership Council has identified

four specific areas as the focus of the funding for next year, to be accomplished through contractors who specialize in those areas:

1. Regularly track and monitor project performance targets that were established by the Leadership Council, working with the Performance Outcome/Data Committee, as well as city and county staff, to ensure progress that is in alignment with HUD priorities;
2. Work closely with individual providers receiving funding from HUD to ensure correct data reporting, quality, accountability, and data that is supportive of outcomes;
3. Assist in advanced planning of the Coordinated Assessment Project to focus on Range providers, working directly with the City of Duluth and the Duluth HRA Coordinated Entry Manager for improved communication and responsiveness to the Range;
4. Contract for a COC Systems Planner to identify high level needs and gaps, working with housing development organization on a systems level to ensure the specific needs of the county are being met. HUD has allocated \$93,780 to St. Louis County for these services. St. Louis County would serve as fiscal agent for these pass-through dollars.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the Public Health and Human Services Department to apply for and accept a grant allocation from HUD in the amount of \$93,780 for the purpose of purchasing the services, professionals, and/or other resources needed to assist the local Continuum of Care and its Leadership Council for the period September 1, 2016 through August 31, 2017. Funds are to be deposited and expended from Fund 230, Agency 232001, Grant 23217, Grant Year 2016.

**Application and Acceptance of Planning Grant Funding
for the Local St. Louis County Continuum of Care**

BY COMMISSIONER _____

WHEREAS, The U.S. Department of Housing and Urban Development (HUD) provides funding to St. Louis County through local Continuum of Care (CoC) grant awards for permanent and rapid re-housing to homeless persons; and

WHEREAS, For the current HUD FY2016 funding cycle, 33 projects in St. Louis County are projected to receive a total of \$3,271,748; and

WHEREAS, In addition to these project grants, HUD planning funds are available to expand the Public Health and Human Services Department's capacity to become more data driven and performance based; and

WHEREAS, The St. Louis County Leadership Council has identified four specific areas as the focus of the funding for next year, to be accomplished through contractors and purchased services;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Public Health and Human Services Department to apply for accept a grant allocation from HUD in the amount of \$93,780 for the purpose of purchasing the services, professionals, and/or other resources needed to assist the local Continuum of Care and its Leadership Council for the period September 1, 2016 through August 31, 2017, to be accounted for in Fund 230, Agency 232001, Grant 23217, Grant Year 2016.

GRANT APPROVAL FORM

GRANT NAME: COC Planning Grant GRANT AMOUNT: \$93,780
 GRANTOR: HUD MATCH AMOUNT: \$23,652 (% of sale)
 FUND: 230 AGENCY: 232001 GRANT: 23214 GRANT YEAR: 2016
 AGENCY NAME: PHHS
 CONTACT PERSON: Shelley Saukko PHONE: 2210
 GRANT PERIOD: BEGIN DATE: Sept. 1, 2016 END DATE: August 31, 2017
 STATE GRANT AWARD NUMBER OR FEDERAL CFDA # MN0341L5K091400

FILL IN THE ABOVE INFORMATION ON THIS FORM AND IDENTIFY THE CATEGORY OF THE GRANT FROM THE CHOICES BELOW. ATTACH THIS FORM TO THE GRANT APPLICATION AND ANY OTHER PERTINENT OTHER DOCUMENTATION AND ROUTE THE PACKET TO THE INDIVIDUALS LISTED FOR THE TYPE OF GRANT.

IT IS ESSENTIAL THAT DEPARTMENTS SUBMIT THE COMPLETED APPROVAL FORM ON THOSE GRANTS THAT DO NOT REQUIRE BOARD RESOLUTION TO THE AUDITOR'S OFFICE ACCOUNTING DEPARTMENT FOR BUDGETING PURPOSES. NO GRANT ACTIVITY WILL BE RECORDED WITHOUT AN ESTABLISHED BUDGET.

GRANTS OF \$25,000 OR LESS

A grant of \$25,000 or less may be applied for and/or accepted by the department without a separate County Board Resolution if it meets the following:

1. The grant fits within the department's functions, and
2. If the grant requires a County match (not to exceed in money or value an amount equal to the actual grant), and if that match is "in kind", that "in-kind" match is part of the ongoing operations, or if the match is monetary, that the department can find the necessary amount within its existing budget.

DOES THIS GRANT QUALIFY UNDER "GRANTS OF \$25,000 OR LESS"?

YES NO

If so, this type of grant requires the following review approval:

County Auditor _____ Date: _____
 County Administrator _____ Date: _____
 County Attorney _____ Date: _____

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this signed approval form and any other pertinent information to the Auditor's Office-Accounting, so the budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

NEW GRANTS GREATER THAN \$25,000

All new grants that exceed \$25,000 and all recurring grants that exceed \$25,000 that contain changes in the grant's requirements which may affect either County resources or the scope of the grant need two (2) board resolutions. One board resolution is required to apply for the grant and a second resolution is required to accept the grant.

DOES THIS GRANT QUALIFY UNDER "GRANTS GREATER THAN \$25,000"?

YES NO

If this is a new grant greater than \$25,000, it requires the following review approval:

County Auditor _____ Date: _____
County Administrator _____ Date: _____

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this completed approval form and the Board Resolution to the Auditor's Office-Accounting, so a budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

RECURRING GRANTS GREATER THAN \$25,000

A recurring grant greater than \$25,000 that is a repeat of a grant which has been received by the County in past year(s) and that has no changes in the use of County resources or in the scope of the grant, requires one Board Resolution to both apply for and/or accept the grant.

DOES THIS GRANT QUALIFY AS "RECURRING GRANTS GREATER THAN \$25,000"?

YES NO

If yes, this recurring grant greater than \$25,000 requires the following review approval:

County Auditor Don Dicklich Date: 8-29-16
County Administrator Greg Schenk Date: 9-1-16

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this completed approval form and the Board Resolution to the Auditor's Office-Accounting, so a budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

BOARD LETTER NO. 16 - 374

ENVIRONMENT & NATURAL RESOURCES COMMITTEE CONSENT NO. 3

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Approval of Registered Land
Survey No. 130 (Unorganized
Township 63-17)

FROM: Kevin Z. Gray
County Administrator

Mark Monacelli, Director
Public Records & Property Valuation

RELATED DEPARTMENT GOAL:

Promptly record real estate documents in accordance with Minnesota Statutes and county policies.

ACTION REQUESTED:

The St. Louis County Board is requested to grant final approval to Registered Land Survey No. 130.

BACKGROUND:

Pursuant to Minn. Stat. 508.47, the Registrar of Titles is authorized to require a Registered Land Survey to re-name parcels where legal descriptions have become unmanageable. Bruce R. Chernak, Registered Land Surveyor, has submitted the final prints and they have been approved by the County Surveyor and the Examiner of Titles. Registered Land Survey No. 130 located in Government Lot 1 of Section 21, Unorganized Township 63N Range 17W, St. Louis County, Minnesota.

RECOMMENDATION:

It is recommended that the St. Louis County Board grant final approval to Registered Land Survey No. 130.

Approval of Registered Land Survey No. 130 (Unorganized Township 63-17)

BY COMMISSIONER _____

WHEREAS, The Registrar of Titles is authorized to require Registered Land Survey No. 130 pursuant to Minn. Stat. 508.47; and

WHEREAS, The County Surveyor and Examiner of Titles have approved Registered Land Survey No. 130; and

WHEREAS, The final prints have been submitted for filing;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board grants final approval to Registered Land Survey No. 130 located in Government Lot 1 of Section 21, Unorganized Township 63N Range 17W, St. Louis County, Minnesota.

GREENWOOD (NW), UNORGANIZED 63-17

T.63N-R.17W



LEGEND

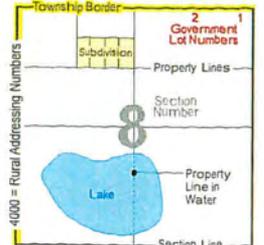
- CITY
- INTERSTATE HIGHWAY
- US HIGHWAY
- MINNESOTA HIGHWAY
- COUNTY ROADS
- LOCAL ROADS
- RAILROADS
- STATE TRAILS
- CARRY-IN
- BOAT LAUNCH
- USA
- STATE OF MINNESOTA
- STATE OF MN TAX FORFEIT
- ST. LOUIS COUNTY
- PRIVATE
- SUBDIVISION
- TOWNSHIP
- SECTION
- COUNTY
- MUNICIPALITY
- LAKE
- PIT LAKE
- DRY LAKE BED
- RIVER/STREAM
- VOYAGEURS NATIONAL PARK
- RESERVATION
- NATIONAL FOREST
- STATE FOREST
- STATE PARK
- BOUNDARY WATERS CANOE AREA WILDERNESS



0 0.5 1 MILES
ONE SECTION = ONE MILE (APPROXIMATE)

OWNERSHIP ABBREVIATIONS
 ETAL= AND OTHERS
 ETUX= AND WIFE
 ETVIR= AND HUSBAND
 PRTN= PARTNERSHIP
 TRS= TRUSTEES
 TR= TRUST
 REV TR= REVOCABLE TRUST
 IRREV TR= IRREVOCABLE TRUST

ROAD NAME ABBREVIATIONS
 AVE= AVENUE
 BLVD= BOULEVARD
 CL= CIRCLE
 CT= COURT
 DR= DRIVE
 LP= LOOP
 EXP= EXPRESSWAY
 HWY= HIGHWAY
 LN= LANE
 PKWY= PARKWAY
 ST= STREET
 TER= TERRACE
 TR= TRAIL
 WY= WAY



The Planning Commission, on June 9, 2016, initiated the proposed amendments and made them available to all cities, towns and for public comment. On August 11, 2016 the Planning Commission held a public hearing on the proposed amendment. Following the hearing, the Planning Commission voted to recommend the St. Louis County Board adopt the proposed amendment. The minutes of the August 11, 2016 Planning Commission are attached.

As part of the Department's ongoing efforts to keep land use ordinances current and provide consistent interpretations, the Planning Commission will review the ordinance in one year and recommend any necessary changes.

RECOMMENDATION:

It is recommended that the St. Louis County Board adopt the proposed amendments to Ordinance 60, Subdivision Ordinance. It is further recommended that the effective date be October 1, 2016.

Adoption of Proposed Ordinance 60 Amendments, Subdivision Ordinance

BY COMMISSIONER _____

WHEREAS, The St. Louis County Planning Commission, on June 9, 2016, initiated the proposed amendments to Ordinance 60, Subdivision Ordinance and made them available for public comments; and

WHEREAS, The Planning Commission held public hearings regarding the amendments to Ordinance 60 on August 11, 2016; and

WHEREAS, The Planning Commission voted to recommend that the St. Louis County Board adopt the proposed amendment to Ordinance 60;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board adopts the amendments to Ordinance 60, Subdivision Ordinance contained in County Board File _____; and

RESOLVED FURTHER, That the effective date for these actions will be October 1, 2016.

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION THURSDAY, AUGUST 11, 2016, 3rd FLOOR LIZ PREBICH CONFERENCE ROOM, VIRGINIA, MN

9:31 A.M. – 2:03 P.M.

Planning Commission members in attendance: Tom Coombe
Steve Filipovich
Sonya Pineo (until 1 PM)
Dave Pollock
Roger Skraba, Chair
Ray Svatos

Planning Commission members absent: Diana Werschay

Decision/Minutes for the following public hearing matters are attached:

NEW BUSINESS:

- A. Propane Depot LLC, a conditional use permit for a propane bulk storage facility as an Industrial Use Class II. Part of NW 1/4 of SW 1/4, S27, T57N, R18W (Clinton)
- B. DeCaigny Excavating, a conditional use permit for a general purpose borrow pit as an Extractive Use Class II. NE 1/4 of NW 1/4 ex hwy easement and SE 1/4 of NW 1/4 ex hwy easement and ex part lying SWLY of a line parallel to and 400 ft SWLY from the SWLY R/W of Hwy 53, S22, T51N, R16W (Grand Lake)
- C. Town of Greenwood, zoning map. To incorporate and establish the official zoning map for the Town of Greenwood as a part of St. Louis County Zoning Ordinance 62
- D. St. Louis County Subdivision Ordinance 60, a public hearing to consider comments on the proposed amendments
- E. St. Louis County Zoning Ordinance 62, a public hearing to consider comments on the proposed amendments

OTHER BUSINESS:

Motion by Coombe/Svatos to approve the minutes of the July 14, 2016 meeting.

In Favor: Coombe, Filipovich, Pineo, Pollock, Svatos – 5

Opposed: None – 0

Abstained: Skraba - 1

Motion carried 5-0-1

Propane Depot LLC

The first hearing item was for Propane Depot LLC, a conditional use permit for a propane bulk storage facility as an Industrial Use Class II. *Tyler Lampella*, St. Louis County Planner, reviewed the staff report as follows:

- A. The proposal is a bulk propane business including tank deliveries to be distributed for wholesale purposes. There will be six 45,000 gallon propane tanks.

- B. This business would be located in a Multiple Use (MU)-4 zone district.
- C. The project is located on property currently owned by the rail company.
- D. There are no residences located within one-quarter mile of the site.
- E. There has been a wetland delineation done. The wetland impact will be along the railroad tracks. There are upland areas where they can locate the garage and storage tanks.

Tyler Lampella reviewed staff conclusions as follows:

- 1. The use conforms with the land use plan. The plan is silent on this matter.
- 2. The use is compatible with the existing neighborhood. There are no residences within one-quarter mile and it is compatible with the existing DM&IR Railroad rural industry use.
- 3. The use will not impede the normal and orderly development and improvement of the surrounding area. The site location is within railroad property, which will have no effect on development of the surrounding area.
- 4. The location and character of the proposed use is considered consistent with a desirable pattern of development. The desirable pattern of development of this site is a railroad yard. The bulk propane is well suited within this type of development.

Tyler Lampella noted three items of correspondence from Mary Jagunich Keto, Stephanie Vanderhus and Muriel Mayry in opposition.

STAFF RECOMMENDATION:

Staff recommends that the bulk propane business be approved. The following conditions shall apply:

- 1. The local fire department shall be made aware of the location of the new tanks.
- 2. All state and federal regulations for installation and operation of LP/Propane bulk storage tanks shall be followed.
- 3. State and federal wetland regulations shall be followed.

Ray Svatos spoke on behalf of Clinton Township. The township met with the fire department and first responders. The main concern was that there could be no trucks going north onto Highway 37 because of a steep hill over a railroad grade and could cause a danger to oncoming traffic. The town board agrees with this. He added the fire department is familiar with propane, and has had training for dealing with propane tanks.

Andy Burgess, Propane Depot LLC, stated he had nothing to add, but would address some of the concerns in the letters and would answer any questions from the Commission. There will be no odors from the tank. If there is a smell of propane, that means there is a leak. This is a sealed system; vapor is piped back into the tanks. They have one plant in Barron, WI and have not noticed if the storage yard has devalued the properties around it or caused insurance rates to increase. There are two residences closer to the Barron business than with this proposed business.

They estimate there will be 10 to 17 trucks per day in the months December through February, 7 and 10 trucks per day in March through April, and 5 to 7 trucks throughout the summer. It is dependent on the demand. He is aware that there are road restrictions for a one-mile stretch of the highway.

The business is considered an administrative retailer. They sell propane to distributors. The current wholesale businesses are located in Superior and Proctor. They have identified a propane shortage in this area. They currently have no contracts. This is a good location for this project and can help answer the demand for the area.

He addressed a concern from one of the letters about propane leaking into the water. When propane leaks, it evaporates. Water contamination is not a concern. There are multiple safety devices on the tanks. In the event of an emergency, the tanks can be closed off.

There was no one to speak in favor. Eight members of the audience spoke in opposition.

Pete Jagunich, 8795 Keenan Road, stated he lives just outside a quarter mile from the proposed business site. His issue is that the company can come in and get a variance on a road for over five tons. Keenan Road is a narrow road, with not much of a shoulder; two semis could not pass on the road.

Mary Keto, 8813 Keenan Road, stated she does not live in Clinton Township, but she owns property here. She has an issue with the eminent domain that the DM&IR used to acquire the land back in the 1970s.

She also questioned: Who has local control over this company? Who will inspect the six 45,000 gallon tanks? Will the tanks be monitored and who is responsible for monitoring? How will the site be secured? Is there an alarm system? Will area residents be notified if there is a problem in the area? Will there be any contaminants allowed into Elbow Creek? How often will the railroad inspect the tracks for safety to help prevent derailment of trains carrying propane to the site? Will carbon monoxide impact the area and how far do the toxic gases travel in a lethal state?

She is concerned the local fire department would not be able to handle a fire or explosion at this site. She is concerned about this business being located in a neighborhood.

Heather Lindula, 3820 Admiral Road, stated she owns property on Keenan Road between the railroad tracks. She is concerned about her cattle and what would happen in the event of an emergency. She stated she would not be able to evacuate cattle.

Audrey Wiita, 4506 Spirit Lake Road, stated she is concerned about access onto Highway 37 and who will take care of the railroad crossings on Keenan Road.

Gary Kuoppala, 8808 Keenan Road, stated he is concerned about the safety on Keenan Road.

Larry Warwas, 8858 Keenan Road, stated his concern is propane safety. He is worried about the procedure for putting out propane fires.

Mary Carlson, 8542 Keenan Road, stated she is concerned about the location of this business being located on a rail yard.

Marvin Isaacson, no address given, stated he is concerned about derailments near the propane tanks and secondary explosions.

Andy Burgess responded to the concerns addressed during testimony. The site will be fenced in with electronic entry. There will be cameras. The tanks will be monitored 24 hours per day, 7 days per week. The tracks are inspected every six months. There is a state agency that regulates this. This agency will be approving their material and inspecting throughout the construction process. They will put together an evacuation plan as part of the permitting process. They do have an evacuation plan for their business in Barron.

Mary Anderson, Land Use Manager, stated that the state agency responsible for this type of regulation is the Department of Labor and Industry.

The site where they are locating the tanks is an upland. They will bring in fill for the railroad spur in where propane tanks will be brought in. Train switching times would be between 9 PM and 12 AM when propane is brought in to the site.

The *Planning Commission* discussed the following:

1. Inquired about Missabe Road. Tyler Lampella stated the road is private and owned by the railroad company. It is unknown if anyone else uses the road.
2. Ingress/egress. What is the best and safest way to get in and out? *Andy Burgess* stated they would have to look at the road base to see if it can support the additional weight from 5 to 9 tons. He would not be able to use the road without approval by the road authority. *Tyler Lampella* stated Public Works would determine if this can or cannot be done.

DECISION

Motion by Coombe/Pollock to approve a bulk propane business based on staff conclusions and recommendations. The following conditions shall apply:

1. The local fire department shall be made aware of the location of the new tanks.
2. All state and federal regulations for installation and operation of LP/Propane bulk storage tanks shall be followed.
3. State and federal wetland regulations shall be followed.
4. Ingress/egress shall be addressed by the appropriate authority.
5. Signage shall be put up prohibiting ingress/egress directly onto Highway 37 from the site.

In Favor: Coombe, Filipovich, Pineo, Pollock, Skraba - 5

Opposed: Svatos - 1

Motion carried 5-1

DeCaigny Excavating

The second hearing item was for DeCaigny Excavating, a conditional use permit for a general purpose borrow pit as an Extractive Use Class II. *Mark Lindhorst*, St. Louis County Planner, reviewed the staff report as follows:

- A. The proposal is to operate a general purpose borrow pit that will include crushing, washing, screening and recycling of asphalt and concrete.
- B. There is an estimate of 25 to 30 trucks hauling her day.

- C. A total of 20 acres will be excavated during the life of the pit.
- D. The amended hours of operation are 7 AM to 7 PM Monday through Friday and 7 AM to 1 PM on Saturday. There will be no operations on Sunday.
- E. DNR stated a snowmobile trail runs along the edge of the property. The pit will not be near the trail.
- F. There has been a wetland delineation done to avoid wetland impacts. The one area that may be impacted will fall under an exemption.

Mark Lindhorst reviewed staff conclusions as follows:

1. The use does conform to the Town of Grand Lake adopted land use plan. The Plan specifically addresses resource extraction in their plan. There are three goals provided in the plan:
 - a. Conform to all local, state and federal environmental standards. General purpose borrow pit are required to follow standard conditions which include environmental requirements. The applicant is not requesting any waivers from the conditions.
 - b. Minimize the impact to the local environment.
 - c. Minimize impact on existing development.

The applicant has completed a wetland delineation to avoid potential impacts. The applicant will meet the minimum setback requirements per St. Louis County Ordinance 62, Article VI, Section 6.22 G. However, the land use plan requires a 200 foot setback from roads and property lines. The applicant is proposing to be 100 feet from the east property line and 50 feet from the right-of-way of Industrial Road to the north. The applicant is proposing access onto County Road 984. Access approval from the appropriate road authority is required prior to issuance of a permit. There are no residential developments along County Road 984 limiting any potential noise, traffic or dust related impacts.

2. The proposed use is compatible with the existing neighborhood. The property is zoned Multiple Use which allows borrow pits with Conditional Use approval. The proposed location of the pit is away from the commercial node identified in the comprehensive plan and will limit impacts to the residential areas to the north by locating the access to the south. There are two borrow pits within a mile of the proposed use.
3. The use will not impede the normal and orderly development or improvement to the surrounding area. The applicant has completed a survey showing location of all property lines. All buffers will be left vegetated and berms will be installed to limit visual impacts to surrounding area. The adjoining property to the southeast contains a large wetland complex with limited development potential.
4. The location and character of the proposal is consistent with a desirable pattern of development. The proposed use is located along State Highway 53 corridor that is zoned Multiple Use which allows for commercial use. Requiring the 200 foot setback established in the Grand Lake Plan along Industrial Road will limit potential impacts on residential properties providing consistency with the pattern of development in the area.

Mark Lindhorst noted six items of correspondence from the Town of Grand Lake with concerns, Daniel Leseman, Ann Fairbanks, Daniel Blace, Ken and Judy Anderson, and Glen and Delila Solem in opposition.

STAFF RECOMMENDATION

Staff recommends that a conditional use permit for a general purpose borrow pit be approved.

The following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. The required 200 foot setback shall be maintained along Industrial Road.

Conditions Concurrent:

3. All minimum extractive use standards shall be followed.
4. State and federal wetland requirements shall be followed.
5. Avoid any potential impacts to snowmobile trail.

Matt DeCaigny, the applicant, stated there is a good buffer between the subject property and the town hall. They lease two other borrow pits in Carlton County. He is aware of the extractive use standards for St. Louis County. They intend to access the borrow pit using the local road and not Industrial Road. They will access Highway 53 from County Road 984. They will speak with the MN Department of Transportation (MNDOT) for access approval to cross onto Highway 53.

They will extract to a depth of 60 feet which is above the water table. They dug a test site at the lowest part of the property and were only able to dig 25 feet deep and did not reach the water table.

One member of the audience spoke in favor.

John Klaers, 218 North 12th Avenue West, stated he has been in the environmental field for 30 years. The applicant has done a good job in laying out the site to buffer noise. There will be no digging beyond the water table. He has done a good job in maintaining the wetland buffer. There are going to be dust control measures. They will go to MNDOT and get an access permit to use the existing road.

If they need water for dust control, they can bring in a water truck. If they are crushing, they can bring in a tank. They can also collect runoff and pump it out when needed.

The area for excavation is the only place where they will remove trees and vegetation. Everything else will remain the same. The wetlands will stay. There are ramifications for filling wetlands without a permit. They had the wetlands delineated so they would know where they are.

Eleven members of the audience spoke in opposition.

Terry Anderson, 5366 Nelson Road, stated his issue is with the 200 foot east property line setback. There should be a requirement for the wetlands to be monitored. He is concerned that the wetlands could be drained and there would only be a 50 foot property line setback. He asked that if the applicant does not get MNDOT approval, they cannot use the road.

Charles Jones, 6435 Tresdan Drive, stated his concerns are accidents and traffic issues on Highway 53. He is also worried about the increased noise of a borrow pit, impacts to the water table, dust and the wildlife impact.

Rosie Royer, 6445 Industrial Road, stated she is concerned about her well and safety along the road.

Nicolle Alvarez, 5250 Highway 53, stated she uses the proposed crossing as a turnaround to access their property. She is also concerned about black ice in this area through the fall and winter.

Phillip Lockett, Reservoir Riders, stated he is neither for nor against this request. He is concerned about the snowmobile trail. Currently the proposal does not affect their trail at all.

Orwoll Edeen, 6427 Industrial Road, stated he agrees with the concerns already mentioned.

Rodger Harstad, 6397 Industrial Road, stated he agrees with the concerns already mentioned.

Brad Wallgren, 7769 Highway 8, stated his father-in-law has a trailer house at the northeast corner. He is concerned about the 50 foot deep well. He is also concerned about safety.

Glen Solem, 6475 Industrial Road, stated he is the Assistant Fire Chief of Grand Lake. He is concerned about the access on the hill. There have been multiple accidents in this area.

Delila Solem, 6475 Industrial Road, stated there will be more accidents with the increased number of trucks.

Dan Leseman, 6421 Industrial Road, stated he is concerned about his property values.

The *Planning Commission* discussed the following:

- A. Inquired about the residential area. *Mark Lindhorst* stated that while this is a residential area, it is a Multiple Use (MU)-4 zone district for highway commercial areas.
- B. Inquired about the old road. *Mark Lindhorst* stated that he spoke with a right-of-way agent at St. Louis County Public Works Department who stated that because the road is no longer maintained, they have no jurisdiction on it. The road would belong to the property owner. The Grand Lake Comprehensive Plan requires a 200 foot setback.
- C. Inquired about the east property line setback. *Mark Lindhorst* stated there is a large wetland complex on the land east of the subject property. The borrow pit will be located about 800 feet away from that property line. Ordinance 62 states that if there is a dwelling within 300 feet of the property, there is a 100 foot property line setback requirement. If there is no dwelling, the pit is allowed a 50 foot property line setback. Grand Lake Comprehensive Plan requires a 200 foot setback. There does not need to be a 200 foot setback on this property line because the applicant will be more than 700 feet. Staff wanted to be sure that the Grand Lake Comprehensive Plan was addressed in this request. *Mary Anderson*, Land Use Manager, added that the setback distance is up to the Planning Commission. Staff based the recommendation on the fact that the wetlands are protected. The applicant may

not be opposed to a 200 foot setback since they did not intend to excavate in that area anyway.

- D. Inquired about access to the pit. Board member Skraba stated that MNDOT is the road authority that will determine where access to the pit will be from. The Planning Commission cannot determine this. *Mark Lindhorst* added that MNDOT will not look at the request until after the use is granted by St. Louis County. Once the use is approved, access approval becomes a condition precedent. Without the approval, the applicant will not be able to get the permit. MNDOT will issue a permit for the access. MNDOT may require a new turn lane, which the applicant is responsible for the expense. If the applicants want access onto Industrial Road, that access is not part of the current proposal and the applicant would need to return to the Planning Commission for a rehearing in order to approve Industrial Road as an access point.
- E. Regarding depth of excavation, *Mark Lindhorst* stated that if the applicant wants to excavate below the water table, they would need a permit from the Department of Natural Resources (DNR).

DECISION

Motion by Coombe/Pollock to approve a conditional use permit for a general purpose borrow pit, based on staff conclusions and recommendations.

The following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. The required 200 foot setback shall be maintained along Industrial Road.

Conditions Concurrent:

3. All minimum extractive use standards shall be followed.
4. State and federal wetland requirements shall be followed.
5. Avoid any potential impacts to snowmobile trail.
6. The permit shall be reviewed for compliance with conditions one year after issuance of the permit.

In Favor: Coombe, Pineo, Pollock, Skraba, Svatos - 5

Opposed: Filipovich – 1

Motion carried 5-1

Town of Greenwood Zoning Map

The third hearing item is to incorporate and establish the official zoning map for the Town of Greenwood as a part of St. Louis County Zoning Ordinance 62. *Jenny Bourbonais*, St. Louis County Planner, updated the Planning Commission as follows:

- A. With information obtained from the Town of Greenwood, there were a few changes made to the map after it was originally sent in the packets.
- B. The Vermilion Club, the flea market and Shamrock Marina are now under the Lakeshore Commercial Overlay (LCO) zone district. These were not under the LCO but should have been as it was approved by the township.

- C. The Closed Landfill Overlay Districts (CL) are also included in the map. This was new to Ordinance 62 that had yet to be brought into Greenwood Township.
- D. This is the first step in taking over zoning for the Town of Greenwood.

The *Planning Commission* discussed the following:

- A. Inquired if there will be any rezoning or, for example, changing the zoning for an island with two different zone districts. *Jenny Bourbonais* stated that this could be done through comprehensive planning. *Mary Anderson* stated they plan to do this for the entire county.
- B. Inquired what date the map was created, *Ryan Logan*, St. Louis County Planner, stated the map was created August 1. *Mary Anderson* stated that staff started with the base map from the Vermilion Plan. The minutes from the meetings where zoning changes were made were adopted into the map. *Ryan Logan* stated there were two sets of minutes that documented changes made to the zoning map. These minutes were from January 8, 2013 and February 23, 2015. *Jenny Bourbonais* added that documentation for both meetings was received after the packets were mailed.
- C. Inquired what the next step is. *Mary Anderson*, Land Use Manager, added that the next step is the map will go to the County Board for their approval. After, the Town of Greenwood will need to formally rescind their zoning and their Ordinance. The County Board will have a hearing and accept Greenwood as part of the County’s jurisdiction.

DECISION

Motion by Pineo/Svatos to adopt the Town of Greenwood zoning map.

In Favor: Coombe, Filipovich, Pineo, Pollock, Skraba, Svatos – 6

Opposed: None – 0

Motion carried 6-0

Ordinance 60

The fourth hearing item is St. Louis County Subdivision Ordinance 60, a public hearing to consider comments on the proposed amendments. *Jenny Bourbonais*, St. Louis County Planner, reviewed the one proposed clarification change and proposed general clean-up of language.

No comments were received. No audience members spoke.

DECISION

Motion by Svatos/Filipovich to approve the changes to Ordinance 60 and move the Ordinance forward to the County Board for approval.

In Favor: Coombe, Filipovich, Pineo, Pollock, Skraba, Svatos – 6

Opposed: None – 0

Motion carried 6-0

Ordinance 62

The fifth hearing item is St. Louis County Zoning Ordinance 62, a public hearing to consider comments on the proposed amendments. *Jenny Bourbonais* reviewed the clarifications, general clean-up, road standards that were reviewed and an update made to Article V – Use Definitions.

Board member *Coombe* suggested the definition for Addition to be: “an extension or increase in floor area or no more than two feet in height of a building or structure.” This would take care of roof height increase or leveling off a building. He suggested the definition for Repair to be: “To restore to former condition or operational/structural soundness. (E.g. to repair a foundation by replacement of beams, blocks, piers or posts, where no expansion or increase in square footage or no more than 3 foot height is required).” Board members discussed the definitions in order to add enough height to fix supports underneath a structure and include a crawl space. It was determined that a crawl space is 3 feet in height.

Motion by Coombe/Skraba to strike the definition of "Addition."

In Favor: Coombe, Filipovich, Pollock, Skraba, Svatos - 5

Opposed: None - 0

Motion carried 5-0

Motion by Coombe/Svatos to amend the definition "Repair" as: "To restore to former condition or operational/structural soundness. (E.g. to repair a foundation by replacement of beams, blocks, piers or posts, where no expansion or increase in square footage is required or where no increase of more than 3 feet in height is required)."

In Favor: Coombe, Filipovich, Pollock, Skraba, Svatos - 5

Opposed: None - 0

Motion carried 5-0

Board member *Coombe* suggested to strike: "... including for the addition and/or replacement of a new permanent foundation." and replace with: "excluding work done under ‘repair’ definition." Board members had approved the motion to strike the definition of “addition.”

DECISION

Motion by Svatos/Coombe to approve the changes to Ordinance 62 and move onto the County Board for approval.

In Favor: Coombe, Filipovich, Pollock, Skraba, Svatos - 5

Opposed: None - 0

Motion carried 5-0

Motion to adjourn by Svatos. The meeting was adjourned at 2:03 p.m.

Ordinance 60 Amendment

Article VI (Performance Standard Subdivision), Section 6.3 Submittals B. 12 (Page 15) Clarity on what a standard SSTS is as per Environmental Services Director and Ordinance 61.

and

Article VII,(Minor Subdivision), Section 7.3 B. 8 (Page 16) Clarity on what a standard SSTS is as per Environmental Services Director and Ordinance 61.

ARTICLE VI PERFORMANCE STANDARD SUBDIVISION

Section 6.3 Submittals

- A. A Certificate of Survey and corresponding Electronic Sketch shall be submitted for any Performance Standard Subdivision and shall include the following:
1. Boundary lines with lengths and bearings taken from a boundary survey drawn by a licensed land surveyor.
 2. Legal description of the property.
 3. Total acreage.
 4. Name of the fee owner, developer and surveyor.
 5. North arrow.
 6. Graphic bar scale.
 7. Date of preparation.
 8. Layout of proposed parcels and parent parcel.
 9. Existing buildings, drawn to the same scale as existing data.
 10. Dimensions scaled to nearest foot of all parcel lines, easement widths and lakeshore lengths.
 11. Total acreage for each parcel created, as well as the parent parcel.
 12. Areas suitable for a ~~standard~~ SSTS and replacement area meeting the requirements of applicable state and county laws and Ordinance 61, or its successor or replacement..

ARTICLE VI MINOR SUBDIVISION

- B. **Concept Plan Review.** Concept plan submittals shall include an electronic sketch and supporting documentation as follows:

Electronic Sketch:

1. All submittals listed in Section 4.6.
2. Boundary lines with lengths and bearings taken from a boundary survey drawn by a licensed land surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor, north arrow, graphic bar scale, and date of preparation.

3. Topography consisting of 10-foot contour intervals taken from United States Geological Survey (USGS) mapping, or equivalent or more accurate source, if available.
 4. Location of 100 year floodplains and the ordinary high water level, as taken from USGS mapping, or the equivalent or a more accurate source, if available.
 5. The existing zoning classification and the zoning classification of adjacent parcels.
 6. Layout of proposed lots, and buildings if known, drawn to same scale as existing data.
 7. Dimensions scaled to nearest foot of all lot lines, easement widths and lakeshore lengths and total acreage for each lot created, as well as the remnant parcel.
 13. Areas suitable for a **standard** SSTS and replacement area meeting the requirements of applicable state and county laws and **Ordinance 61, or its successor or replacement..**
 8. Other information as deemed necessary by the Director.
-

General change throughout: replace Ordinance 55 with Ordinance **61, or its successor or replacement.** (Pages 15, 20, 21, 22, and 26.)

The Township will be required to rescind its zoning ordinance and transfer all records to St. Louis County. There may be additional issues that need to be resolved with the County Attorney and the Planning & Economic Development Director.

RECOMMENDATION:

It is recommended that the St. Louis County Board establish and incorporate the map of Greenwood Township as part of Zoning Ordinance 62 as recommended by the Planning Commission. It is also recommended that the Planning & Economic Development Director and a representative of the County Attorney work with Greenwood Township to resolve all issues related to the transfer of zoning to St. Louis County. It is further recommended that the effective date of this zoning transition be October 1, 2016.

**Amend Zoning Ordinance
No. 62, to Incorporate and Establish a Zoning Map for Greenwood Township**

BY COMMISSIONER _____

WHEREAS, Greenwood Township residents voted on June 14, 2016 to transition zoning authority from the Township to St. Louis County; and

WHEREAS, The St. Louis County Planning Commission held a public hearing on August 11, 2016 to incorporate and establish the Township map as part of Ordinance 62; and

WHEREAS, The Planning Commission recommends approval of the proposed Zoning Ordinance map; and

WHEREAS, The Planning & Economic Development Director and a representative of the County Attorney are working with Greenwood Township to complete all necessary steps to transition zoning authority to St. Louis County;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board amends Ordinance 62, to incorporate and establish a zoning map for Greenwood Township.

RESOLVED FURTHER, That the Planning & Economic Development Director and a representative of the County Attorney's office will work with Greenwood Township officials to resolve all issues related to the transfer of zoning to St. Louis County.

RESOLVED FURTHER, That the effective date of zoning transition authority from Greenwood Township to St. Louis County will be October 1, 2016.

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION THURSDAY, AUGUST 11, 2016, 3rd FLOOR LIZ PREBICH CONFERENCE ROOM, VIRGINIA, MN

9:31 A.M. – 2:03 P.M.

Planning Commission members in attendance: Tom Coombe
Steve Filipovich
Sonya Pineo (until 1 PM)
Dave Pollock
Roger Skraba, Chair
Ray Svatos

Planning Commission members absent: Diana Werschay

Decision/Minutes for the following public hearing matters are attached:

NEW BUSINESS:

- A. Propane Depot LLC, a conditional use permit for a propane bulk storage facility as an Industrial Use Class II. Part of NW 1/4 of SW 1/4, S27, T57N, R18W (Clinton)
- B. DeCaigny Excavating, a conditional use permit for a general purpose borrow pit as an Extractive Use Class II. NE 1/4 of NW 1/4 ex hwy easement and SE 1/4 of NW 1/4 ex hwy easement and ex part lying SWLY of a line parallel to and 400 ft SWLY from the SWLY R/W of Hwy 53, S22, T51N, R16W (Grand Lake)
- C. Town of Greenwood, zoning map. To incorporate and establish the official zoning map for the Town of Greenwood as a part of St. Louis County Zoning Ordinance 62
- D. St. Louis County Subdivision Ordinance 60, a public hearing to consider comments on the proposed amendments
- E. St. Louis County Zoning Ordinance 62, a public hearing to consider comments on the proposed amendments

OTHER BUSINESS:

Motion by Coombe/Svatos to approve the minutes of the July 14, 2016 meeting.

In Favor: Coombe, Filipovich, Pineo, Pollock, Svatos – 5

Opposed: None – 0

Abstained: Skraba - 1

Motion carried 5-0-1

Propane Depot LLC

The first hearing item was for Propane Depot LLC, a conditional use permit for a propane bulk storage facility as an Industrial Use Class II. *Tyler Lampella*, St. Louis County Planner, reviewed the staff report as follows:

- A. The proposal is a bulk propane business including tank deliveries to be distributed for wholesale purposes. There will be six 45,000 gallon propane tanks.

- B. This business would be located in a Multiple Use (MU)-4 zone district.
- C. The project is located on property currently owned by the rail company.
- D. There are no residences located within one-quarter mile of the site.
- E. There has been a wetland delineation done. The wetland impact will be along the railroad tracks. There are upland areas where they can locate the garage and storage tanks.

Tyler Lampella reviewed staff conclusions as follows:

- 1. The use conforms with the land use plan. The plan is silent on this matter.
- 2. The use is compatible with the existing neighborhood. There are no residences within one-quarter mile and it is compatible with the existing DM&IR Railroad rural industry use.
- 3. The use will not impede the normal and orderly development and improvement of the surrounding area. The site location is within railroad property, which will have no effect on development of the surrounding area.
- 4. The location and character of the proposed use is considered consistent with a desirable pattern of development. The desirable pattern of development of this site is a railroad yard. The bulk propane is well suited within this type of development.

Tyler Lampella noted three items of correspondence from Mary Jagunich Keto, Stephanie Vanderhus and Muriel Mayry in opposition.

STAFF RECOMMENDATION:

Staff recommends that the bulk propane business be approved. The following conditions shall apply:

- 1. The local fire department shall be made aware of the location of the new tanks.
- 2. All state and federal regulations for installation and operation of LP/Propane bulk storage tanks shall be followed.
- 3. State and federal wetland regulations shall be followed.

Ray Svatos spoke on behalf of Clinton Township. The township met with the fire department and first responders. The main concern was that there could be no trucks going north onto Highway 37 because of a steep hill over a railroad grade and could cause a danger to oncoming traffic. The town board agrees with this. He added the fire department is familiar with propane, and has had training for dealing with propane tanks.

Andy Burgess, Propane Depot LLC, stated he had nothing to add, but would address some of the concerns in the letters and would answer any questions from the Commission. There will be no odors from the tank. If there is a smell of propane, that means there is a leak. This is a sealed system; vapor is piped back into the tanks. They have one plant in Barron, WI and have not noticed if the storage yard has devalued the properties around it or caused insurance rates to increase. There are two residences closer to the Barron business than with this proposed business.

They estimate there will be 10 to 17 trucks per day in the months December through February, 7 and 10 trucks per day in March through April, and 5 to 7 trucks throughout the summer. It is dependent on the demand. He is aware that there are road restrictions for a one-mile stretch of the highway.

The business is considered an administrative retailer. They sell propane to distributors. The current wholesale businesses are located in Superior and Proctor. They have identified a propane shortage in this area. They currently have no contracts. This is a good location for this project and can help answer the demand for the area.

He addressed a concern from one of the letters about propane leaking into the water. When propane leaks, it evaporates. Water contamination is not a concern. There are multiple safety devices on the tanks. In the event of an emergency, the tanks can be closed off.

There was no one to speak in favor. Eight members of the audience spoke in opposition.

Pete Jagunich, 8795 Keenan Road, stated he lives just outside a quarter mile from the proposed business site. His issue is that the company can come in and get a variance on a road for over five tons. Keenan Road is a narrow road, with not much of a shoulder; two semis could not pass on the road.

Mary Keto, 8813 Keenan Road, stated she does not live in Clinton Township, but she owns property here. She has an issue with the eminent domain that the DM&IR used to acquire the land back in the 1970s.

She also questioned: Who has local control over this company? Who will inspect the six 45,000 gallon tanks? Will the tanks be monitored and who is responsible for monitoring? How will the site be secured? Is there an alarm system? Will area residents be notified if there is a problem in the area? Will there be any contaminants allowed into Elbow Creek? How often will the railroad inspect the tracks for safety to help prevent derailment of trains carrying propane to the site? Will carbon monoxide impact the area and how far do the toxic gases travel in a lethal state?

She is concerned the local fire department would not be able to handle a fire or explosion at this site. She is concerned about this business being located in a neighborhood.

Heather Lindula, 3820 Admiral Road, stated she owns property on Keenan Road between the railroad tracks. She is concerned about her cattle and what would happen in the event of an emergency. She stated she would not be able to evacuate cattle.

Audrey Wiita, 4506 Spirit Lake Road, stated she is concerned about access onto Highway 37 and who will take care of the railroad crossings on Keenan Road.

Gary Kuoppala, 8808 Keenan Road, stated he is concerned about the safety on Keenan Road.

Larry Warwas, 8858 Keenan Road, stated his concern is propane safety. He is worried about the procedure for putting out propane fires.

Mary Carlson, 8542 Keenan Road, stated she is concerned about the location of this business being located on a rail yard.

Marvin Isaacson, no address given, stated he is concerned about derailments near the propane tanks and secondary explosions.

Andy Burgess responded to the concerns addressed during testimony. The site will be fenced in with electronic entry. There will be cameras. The tanks will be monitored 24 hours per day, 7 days per week. The tracks are inspected every six months. There is a state agency that regulates this. This agency will be approving their material and inspecting throughout the construction process. They will put together an evacuation plan as part of the permitting process. They do have an evacuation plan for their business in Barron.

Mary Anderson, Land Use Manager, stated that the state agency responsible for this type of regulation is the Department of Labor and Industry.

The site where they are locating the tanks is an upland. They will bring in fill for the railroad spur in where propane tanks will be brought in. Train switching times would be between 9 PM and 12 AM when propane is brought in to the site.

The *Planning Commission* discussed the following:

1. Inquired about Missabe Road. Tyler Lampella stated the road is private and owned by the railroad company. It is unknown if anyone else uses the road.
2. Ingress/egress. What is the best and safest way to get in and out? *Andy Burgess* stated they would have to look at the road base to see if it can support the additional weight from 5 to 9 tons. He would not be able to use the road without approval by the road authority. *Tyler Lampella* stated Public Works would determine if this can or cannot be done.

DECISION

Motion by Coombe/Pollock to approve a bulk propane business based on staff conclusions and recommendations. The following conditions shall apply:

1. The local fire department shall be made aware of the location of the new tanks.
2. All state and federal regulations for installation and operation of LP/Propane bulk storage tanks shall be followed.
3. State and federal wetland regulations shall be followed.
4. Ingress/egress shall be addressed by the appropriate authority.
5. Signage shall be put up prohibiting ingress/egress directly onto Highway 37 from the site.

In Favor: Coombe, Filipovich, Pineo, Pollock, Skraba - 5

Opposed: Svatos - 1

Motion carried 5-1

DeCaigny Excavating

The second hearing item was for DeCaigny Excavating, a conditional use permit for a general purpose borrow pit as an Extractive Use Class II. *Mark Lindhorst*, St. Louis County Planner, reviewed the staff report as follows:

- A. The proposal is to operate a general purpose borrow pit that will include crushing, washing, screening and recycling of asphalt and concrete.
- B. There is an estimate of 25 to 30 trucks hauling her day.

- C. A total of 20 acres will be excavated during the life of the pit.
- D. The amended hours of operation are 7 AM to 7 PM Monday through Friday and 7 AM to 1 PM on Saturday. There will be no operations on Sunday.
- E. DNR stated a snowmobile trail runs along the edge of the property. The pit will not be near the trail.
- F. There has been a wetland delineation done to avoid wetland impacts. The one area that may be impacted will fall under an exemption.

Mark Lindhorst reviewed staff conclusions as follows:

1. The use does conform to the Town of Grand Lake adopted land use plan. The Plan specifically addresses resource extraction in their plan. There are three goals provided in the plan:
 - a. Conform to all local, state and federal environmental standards. General purpose borrow pit are required to follow standard conditions which include environmental requirements. The applicant is not requesting any waivers from the conditions.
 - b. Minimize the impact to the local environment.
 - c. Minimize impact on existing development.

The applicant has completed a wetland delineation to avoid potential impacts. The applicant will meet the minimum setback requirements per St. Louis County Ordinance 62, Article VI, Section 6.22 G. However, the land use plan requires a 200 foot setback from roads and property lines. The applicant is proposing to be 100 feet from the east property line and 50 feet from the right-of-way of Industrial Road to the north. The applicant is proposing access onto County Road 984. Access approval from the appropriate road authority is required prior to issuance of a permit. There are no residential developments along County Road 984 limiting any potential noise, traffic or dust related impacts.

2. The proposed use is compatible with the existing neighborhood. The property is zoned Multiple Use which allows borrow pits with Conditional Use approval. The proposed location of the pit is away from the commercial node identified in the comprehensive plan and will limit impacts to the residential areas to the north by locating the access to the south. There are two borrow pits within a mile of the proposed use.
3. The use will not impede the normal and orderly development or improvement to the surrounding area. The applicant has completed a survey showing location of all property lines. All buffers will be left vegetated and berms will be installed to limit visual impacts to surrounding area. The adjoining property to the southeast contains a large wetland complex with limited development potential.
4. The location and character of the proposal is consistent with a desirable pattern of development. The proposed use is located along State Highway 53 corridor that is zoned Multiple Use which allows for commercial use. Requiring the 200 foot setback established in the Grand Lake Plan along Industrial Road will limit potential impacts on residential properties providing consistency with the pattern of development in the area.

Mark Lindhorst noted six items of correspondence from the Town of Grand Lake with concerns, Daniel Leseman, Ann Fairbanks, Daniel Blace, Ken and Judy Anderson, and Glen and Delila Solem in opposition.

STAFF RECOMMENDATION

Staff recommends that a conditional use permit for a general purpose borrow pit be approved.

The following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. The required 200 foot setback shall be maintained along Industrial Road.

Conditions Concurrent:

3. All minimum extractive use standards shall be followed.
4. State and federal wetland requirements shall be followed.
5. Avoid any potential impacts to snowmobile trail.

Matt DeCaigny, the applicant, stated there is a good buffer between the subject property and the town hall. They lease two other borrow pits in Carlton County. He is aware of the extractive use standards for St. Louis County. They intend to access the borrow pit using the local road and not Industrial Road. They will access Highway 53 from County Road 984. They will speak with the MN Department of Transportation (MNDOT) for access approval to cross onto Highway 53.

They will extract to a depth of 60 feet which is above the water table. They dug a test site at the lowest part of the property and were only able to dig 25 feet deep and did not reach the water table.

One member of the audience spoke in favor.

John Klaers, 218 North 12th Avenue West, stated he has been in the environmental field for 30 years. The applicant has done a good job in laying out the site to buffer noise. There will be no digging beyond the water table. He has done a good job in maintaining the wetland buffer. There are going to be dust control measures. They will go to MNDOT and get an access permit to use the existing road.

If they need water for dust control, they can bring in a water truck. If they are crushing, they can bring in a tank. They can also collect runoff and pump it out when needed.

The area for excavation is the only place where they will remove trees and vegetation. Everything else will remain the same. The wetlands will stay. There are ramifications for filling wetlands without a permit. They had the wetlands delineated so they would know where they are.

Eleven members of the audience spoke in opposition.

Terry Anderson, 5366 Nelson Road, stated his issue is with the 200 foot east property line setback. There should be a requirement for the wetlands to be monitored. He is concerned that the wetlands could be drained and there would only be a 50 foot property line setback. He asked that if the applicant does not get MNDOT approval, they cannot use the road.

Charles Jones, 6435 Tresdan Drive, stated his concerns are accidents and traffic issues on Highway 53. He is also worried about the increased noise of a borrow pit, impacts to the water table, dust and the wildlife impact.

Rosie Royer, 6445 Industrial Road, stated she is concerned about her well and safety along the road.

Nicolle Alvarez, 5250 Highway 53, stated she uses the proposed crossing as a turnaround to access their property. She is also concerned about black ice in this area through the fall and winter.

Phillip Lockett, Reservoir Riders, stated he is neither for nor against this request. He is concerned about the snowmobile trail. Currently the proposal does not affect their trail at all.

Orwoll Edeen, 6427 Industrial Road, stated he agrees with the concerns already mentioned.

Rodger Harstad, 6397 Industrial Road, stated he agrees with the concerns already mentioned.

Brad Wallgren, 7769 Highway 8, stated his father-in-law has a trailer house at the northeast corner. He is concerned about the 50 foot deep well. He is also concerned about safety.

Glen Solem, 6475 Industrial Road, stated he is the Assistant Fire Chief of Grand Lake. He is concerned about the access on the hill. There have been multiple accidents in this area.

Delila Solem, 6475 Industrial Road, stated there will be more accidents with the increased number of trucks.

Dan Leseman, 6421 Industrial Road, stated he is concerned about his property values.

The *Planning Commission* discussed the following:

- A. Inquired about the residential area. *Mark Lindhorst* stated that while this is a residential area, it is a Multiple Use (MU)-4 zone district for highway commercial areas.
- B. Inquired about the old road. *Mark Lindhorst* stated that he spoke with a right-of-way agent at St. Louis County Public Works Department who stated that because the road is no longer maintained, they have no jurisdiction on it. The road would belong to the property owner. The Grand Lake Comprehensive Plan requires a 200 foot setback.
- C. Inquired about the east property line setback. *Mark Lindhorst* stated there is a large wetland complex on the land east of the subject property. The borrow pit will be located about 800 feet away from that property line. Ordinance 62 states that if there is a dwelling within 300 feet of the property, there is a 100 foot property line setback requirement. If there is no dwelling, the pit is allowed a 50 foot property line setback. Grand Lake Comprehensive Plan requires a 200 foot setback. There does not need to be a 200 foot setback on this property line because the applicant will be more than 700 feet. Staff wanted to be sure that the Grand Lake Comprehensive Plan was addressed in this request. *Mary Anderson*, Land Use Manager, added that the setback distance is up to the Planning Commission. Staff based the recommendation on the fact that the wetlands are protected. The applicant may

not be opposed to a 200 foot setback since they did not intend to excavate in that area anyway.

- D. Inquired about access to the pit. Board member Skraba stated that MNDOT is the road authority that will determine where access to the pit will be from. The Planning Commission cannot determine this. *Mark Lindhorst* added that MNDOT will not look at the request until after the use is granted by St. Louis County. Once the use is approved, access approval becomes a condition precedent. Without the approval, the applicant will not be able to get the permit. MNDOT will issue a permit for the access. MNDOT may require a new turn lane, which the applicant is responsible for the expense. If the applicants want access onto Industrial Road, that access is not part of the current proposal and the applicant would need to return to the Planning Commission for a rehearing in order to approve Industrial Road as an access point.
- E. Regarding depth of excavation, *Mark Lindhorst* stated that if the applicant wants to excavate below the water table, they would need a permit from the Department of Natural Resources (DNR).

DECISION

Motion by Coombe/Pollock to approve a conditional use permit for a general purpose borrow pit, based on staff conclusions and recommendations.

The following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. The required 200 foot setback shall be maintained along Industrial Road.

Conditions Concurrent:

3. All minimum extractive use standards shall be followed.
4. State and federal wetland requirements shall be followed.
5. Avoid any potential impacts to snowmobile trail.
6. The permit shall be reviewed for compliance with conditions one year after issuance of the permit.

In Favor: Coombe, Pineo, Pollock, Skraba, Svatos - 5

Opposed: Filipovich – 1

Motion carried 5-1

Town of Greenwood Zoning Map

The third hearing item is to incorporate and establish the official zoning map for the Town of Greenwood as a part of St. Louis County Zoning Ordinance 62. *Jenny Bourbonais*, St. Louis County Planner, updated the Planning Commission as follows:

- A. With information obtained from the Town of Greenwood, there were a few changes made to the map after it was originally sent in the packets.
- B. The Vermilion Club, the flea market and Shamrock Marina are now under the Lakeshore Commercial Overlay (LCO) zone district. These were not under the LCO but should have been as it was approved by the township.

- C. The Closed Landfill Overlay Districts (CL) are also included in the map. This was new to Ordinance 62 that had yet to be brought into Greenwood Township.
- D. This is the first step in taking over zoning for the Town of Greenwood.

The *Planning Commission* discussed the following:

- A. Inquired if there will be any rezoning or, for example, changing the zoning for an island with two different zone districts. *Jenny Bourbonais* stated that this could be done through comprehensive planning. *Mary Anderson* stated they plan to do this for the entire county.
- B. Inquired what date the map was created, *Ryan Logan*, St. Louis County Planner, stated the map was created August 1. *Mary Anderson* stated that staff started with the base map from the Vermilion Plan. The minutes from the meetings where zoning changes were made were adopted into the map. *Ryan Logan* stated there were two sets of minutes that documented changes made to the zoning map. These minutes were from January 8, 2013 and February 23, 2015. *Jenny Bourbonais* added that documentation for both meetings was received after the packets were mailed.
- C. Inquired what the next step is. *Mary Anderson*, Land Use Manager, added that the next step is the map will go to the County Board for their approval. After, the Town of Greenwood will need to formally rescind their zoning and their Ordinance. The County Board will have a hearing and accept Greenwood as part of the County’s jurisdiction.

DECISION

Motion by Pineo/Svatos to adopt the Town of Greenwood zoning map.

In Favor: Coombe, Filipovich, Pineo, Pollock, Skraba, Svatos – 6

Opposed: None – 0

Motion carried 6-0

Ordinance 60

The fourth hearing item is St. Louis County Subdivision Ordinance 60, a public hearing to consider comments on the proposed amendments. *Jenny Bourbonais*, St. Louis County Planner, reviewed the one proposed clarification change and proposed general clean-up of language.

No comments were received. No audience members spoke.

DECISION

Motion by Svatos/Filipovich to approve the changes to Ordinance 60 and move the Ordinance forward to the County Board for approval.

In Favor: Coombe, Filipovich, Pineo, Pollock, Skraba, Svatos – 6

Opposed: None – 0

Motion carried 6-0

Ordinance 62

The fifth hearing item is St. Louis County Zoning Ordinance 62, a public hearing to consider comments on the proposed amendments. *Jenny Bourbonais* reviewed the clarifications, general clean-up, road standards that were reviewed and an update made to Article V – Use Definitions.

Board member *Coombe* suggested the definition for Addition to be: “an extension or increase in floor area or no more than two feet in height of a building or structure.” This would take care of roof height increase or leveling off a building. He suggested the definition for Repair to be: “To restore to former condition or operational/structural soundness. (E.g. to repair a foundation by replacement of beams, blocks, piers or posts, where no expansion or increase in square footage or no more than 3 foot height is required).” Board members discussed the definitions in order to add enough height to fix supports underneath a structure and include a crawl space. It was determined that a crawl space is 3 feet in height.

Motion by Coombe/Skraba to strike the definition of "Addition."

In Favor: Coombe, Filipovich, Pollock, Skraba, Svatos - 5

Opposed: None - 0

Motion carried 5-0

Motion by Coombe/Svatos to amend the definition "Repair" as: "To restore to former condition or operational/structural soundness. (E.g. to repair a foundation by replacement of beams, blocks, piers or posts, where no expansion or increase in square footage is required or where no increase of more than 3 feet in height is required)."

In Favor: Coombe, Filipovich, Pollock, Skraba, Svatos - 5

Opposed: None - 0

Motion carried 5-0

Board member *Coombe* suggested to strike: "... including for the addition and/or replacement of a new permanent foundation." and replace with: "excluding work done under ‘repair’ definition." Board members had approved the motion to strike the definition of “addition.”

DECISION

Motion by Svatos/Coombe to approve the changes to Ordinance 62 and move onto the County Board for approval.

In Favor: Coombe, Filipovich, Pollock, Skraba, Svatos - 5

Opposed: None - 0

Motion carried 5-0

Motion to adjourn by Svatos. The meeting was adjourned at 2:03 p.m.

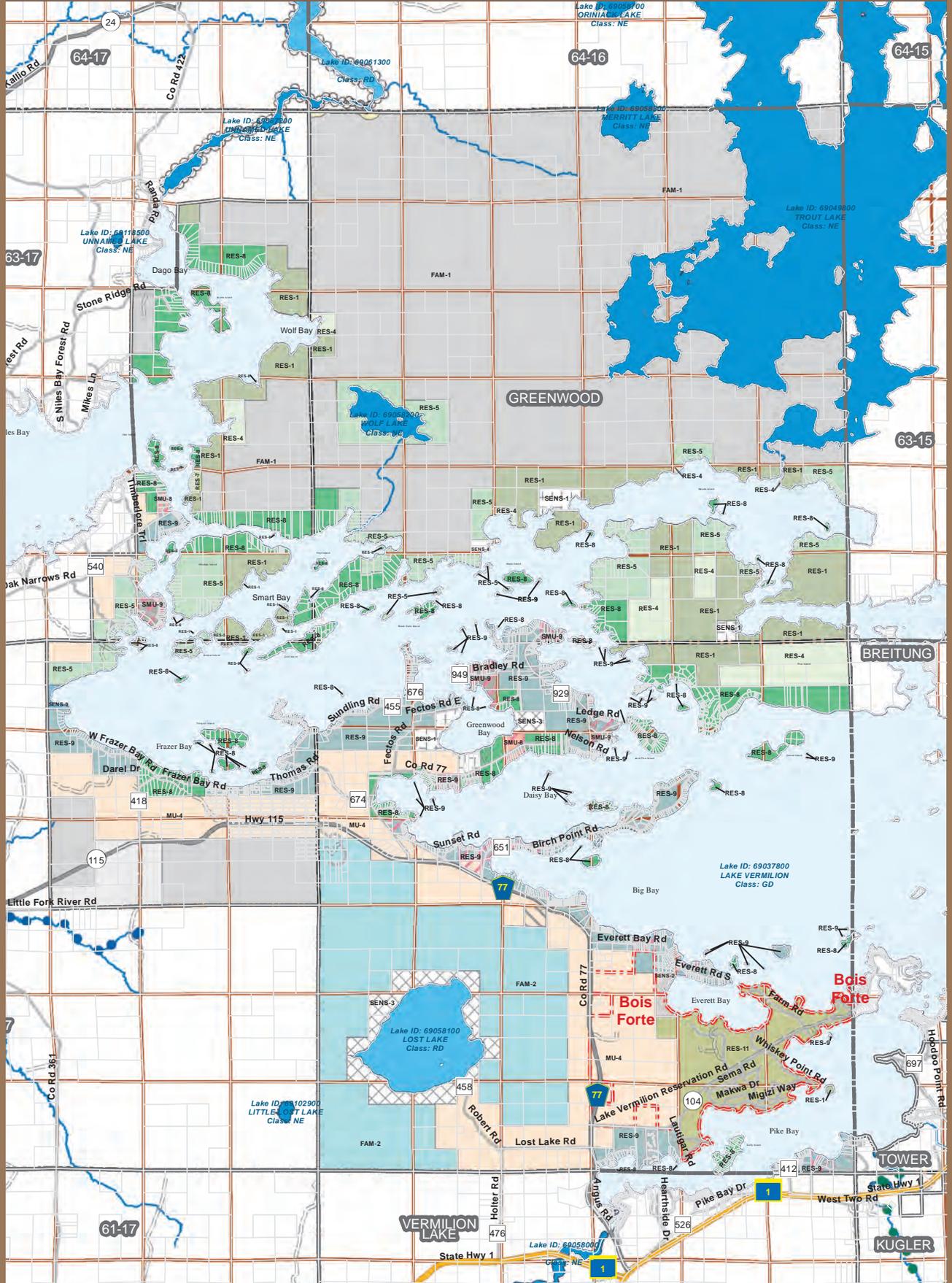


Greenwood Township Zoning



- Parcels
- Community Boundaries
- Ancrals 110 ft.
- Collectors 85 ft.
- Local Roads 48 ft.
- Other Roads 48 ft.
- Railroads
- Reservations
 - GD - General Development, 75'
 - RD - Recreational Development, 100'
 - NE - Natural Environment, 150'
- Primitive 300'
- S.L.C. Remote 200'
- Recreational 150'
- Rural / Agricultural 200'
- Urban 100'
- Trout Streams 150'
- CNR Remote 200'
- CNR Forested 150'
- Tributaries
- Wide Rivers
- Townships
- Sections
- Lakeshore Commercial Overlay
- Lakeshore Commercial Overlay
- Closed Landfill Restriction
- Closed Landfill Restriction
- Zoning Cadastral

- Use**
- FAM-1
 - FAM-2
 - FAM-3
 - FAM-4
 - RES-1
 - RES-1a
 - RES-2
 - RES-3
 - RES-4
 - RES-5
 - RES-6
 - RES-7
 - RES-8
 - RES-9
 - RES-10
 - RES-11
 - RES-12
 - SMU-1
 - SMU-2
 - SMU-3a
 - SMU-4
 - SMU-5
 - SMU-6
 - SMU-7
 - SMU-8
 - SMU-9
 - SMU-10
 - SMU-11
 - MU-2
 - MU-3
 - MU-4
 - MU-5
 - MU-6
 - MU-7
 - SENS-1
 - SENS-2
 - SENS-3
 - SENS-4
 - SENS-5
 - SENS-6
 - IND-4
 - LI-1
 - LI-4
 - LI-5
 - LI-10
 - LI-11
 - COM-4
 - COM-5
 - COM-6
 - COM-7
 - COM-11
 - LSD-10



Re-zones by Greenwood Town Board from Tuesday, January 8, 2013 included in the map:
 A. This area would be added to the Lakeshore Commercial Overlay District.
 Legend: Part of Co Rd 3 and Cover Point Planning south of County Rd 77 and the east 200 feet of Co rd 3 lying north of County Rd 77 Section 8, Township 62, Range 16.
 B. This area would be added to the Lakeshore Commercial Overlay District.
 Legend: Part of Co Rd 3 and Cover Point Planning south of County Rd 77 and the east 200 feet of Co rd 3 lying north of County Rd 77 would be rezoned to M-2NS.
 C. This section would be added to the Lakeshore Commercial Overlay District.
 Legend: Part of HWY 115 and SE 1/4 lying N/4 of County Road 77 and part of Co rd 3 lying in the Caples Place Section Plat, all in Section 17, Township 62, Range 16 of St. Louis County and the partial contained in the NW1/4 of the SE 1/4 lying N/4 of County Rd 77 would be rezoned to M-2NS.



Prepared by: St. Louis County
 Planning & Community Development
 www.stlouiscounty.gov
 Source: St. Louis County, Minnesota
 Date: 8/24/2016

Disclaimer: This is a compilation of records as they appear in the St. Louis County Office showing the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.
 Copyright St. Louis County All Rights Reserved

Re-zones by Greenwood Township Planning & Zoning Commission from Monday, February 23, 2015 included in the map:
 A. Rezone NE 1/4 of the NW1/4 of Section 27, Township 62, Range 16 in Greenwood Township in St. Louis County to the Zone "Closed Landfill Restriction (CLR)".
 B. Rezone the following from SENS-1 to M2-4:
 All of that part of Co rd 2 lying N/4 of Hwy 77 as part of the Cover Point and SE1/4 of NW1/4, all in Section 8, Township 62, Range 16 in Greenwood Township, St. Louis County
 Lakeshore Commercial Overlay districts also included in the map



right-of-way and private roads, since these roads have less traffic counts and are typically privately maintained.

- Clarifications of existing ordinance language throughout the ordinance.
- Amendments to Article IV nonconforming structures that allow for a small addition to a less than 400 square foot structure on a nonconforming lot of record.
- Article V clarifications to Public/Semi-Public Use and the addition of Transportation Class I for private airparks and changing the existing transportation class to a Transportation Class II for commercial airports or other commercial transportation uses.
- Changes to Article VI, boathouse standards to allow for construction of a boathouse on a greater than 20% slope if an engineered plan is provided.

The detailed amendments are contained in County Board File No. _____.

As part of the Department's ongoing efforts to keep land use ordinances current and provide consistent interpretations, the Planning Commission will review the ordinance in one year and recommend any necessary changes.

RECOMMENDATION:

It is recommended that the St. Louis County Board adopt the proposed amendments to Ordinance 62, Zoning Regulations. It is further recommended that the effective date be October 1, 2016.

Adoption of Proposed Ordinance 62 Amendments, Zoning Ordinance

BY COMMISSIONER _____

WHEREAS, The St. Louis County Planning Commission, on June 9, 2016, initiated proposed amendments to Ordinance 62, Zoning Regulations; and

WHEREAS, The Planning Commission held public hearings regarding the amendments to Ordinance 62 on August 11, 2016; and

WHEREAS, The Planning Commission voted to recommend that the St. Louis County Board adopt the proposed amendment to ordinance;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board of Commissioners adopts amendments to Ordinance 62, Zoning Regulations contained in County Board File No. _____; and

RESOLVED FURTHER, That the effective date for these actions will be October 1, 2016.

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION THURSDAY, AUGUST 11, 2016, 3rd FLOOR LIZ PREBICH CONFERENCE ROOM, VIRGINIA, MN

9:31 A.M. – 2:03 P.M.

Planning Commission members in attendance: Tom Coombe
Steve Filipovich
Sonya Pineo (until 1 PM)
Dave Pollock
Roger Skraba, Chair
Ray Svatos

Planning Commission members absent: Diana Werschay

Decision/Minutes for the following public hearing matters are attached:

NEW BUSINESS:

- A. Propane Depot LLC, a conditional use permit for a propane bulk storage facility as an Industrial Use Class II. Part of NW 1/4 of SW 1/4, S27, T57N, R18W (Clinton)
- B. DeCaigny Excavating, a conditional use permit for a general purpose borrow pit as an Extractive Use Class II. NE 1/4 of NW 1/4 ex hwy easement and SE 1/4 of NW 1/4 ex hwy easement and ex part lying SWLY of a line parallel to and 400 ft SWLY from the SWLY R/W of Hwy 53, S22, T51N, R16W (Grand Lake)
- C. Town of Greenwood, zoning map. To incorporate and establish the official zoning map for the Town of Greenwood as a part of St. Louis County Zoning Ordinance 62
- D. St. Louis County Subdivision Ordinance 60, a public hearing to consider comments on the proposed amendments
- E. St. Louis County Zoning Ordinance 62, a public hearing to consider comments on the proposed amendments

OTHER BUSINESS:

Motion by Coombe/Svatos to approve the minutes of the July 14, 2016 meeting.

In Favor: Coombe, Filipovich, Pineo, Pollock, Svatos – 5

Opposed: None – 0

Abstained: Skraba - 1

Motion carried 5-0-1

Propane Depot LLC

The first hearing item was for Propane Depot LLC, a conditional use permit for a propane bulk storage facility as an Industrial Use Class II. *Tyler Lampella*, St. Louis County Planner, reviewed the staff report as follows:

- A. The proposal is a bulk propane business including tank deliveries to be distributed for wholesale purposes. There will be six 45,000 gallon propane tanks.

- B. This business would be located in a Multiple Use (MU)-4 zone district.
- C. The project is located on property currently owned by the rail company.
- D. There are no residences located within one-quarter mile of the site.
- E. There has been a wetland delineation done. The wetland impact will be along the railroad tracks. There are upland areas where they can locate the garage and storage tanks.

Tyler Lampella reviewed staff conclusions as follows:

- 1. The use conforms with the land use plan. The plan is silent on this matter.
- 2. The use is compatible with the existing neighborhood. There are no residences within one-quarter mile and it is compatible with the existing DM&IR Railroad rural industry use.
- 3. The use will not impede the normal and orderly development and improvement of the surrounding area. The site location is within railroad property, which will have no effect on development of the surrounding area.
- 4. The location and character of the proposed use is considered consistent with a desirable pattern of development. The desirable pattern of development of this site is a railroad yard. The bulk propane is well suited within this type of development.

Tyler Lampella noted three items of correspondence from Mary Jagunich Keto, Stephanie Vanderhus and Muriel Mayry in opposition.

STAFF RECOMMENDATION:

Staff recommends that the bulk propane business be approved. The following conditions shall apply:

- 1. The local fire department shall be made aware of the location of the new tanks.
- 2. All state and federal regulations for installation and operation of LP/Propane bulk storage tanks shall be followed.
- 3. State and federal wetland regulations shall be followed.

Ray Svatos spoke on behalf of Clinton Township. The township met with the fire department and first responders. The main concern was that there could be no trucks going north onto Highway 37 because of a steep hill over a railroad grade and could cause a danger to oncoming traffic. The town board agrees with this. He added the fire department is familiar with propane, and has had training for dealing with propane tanks.

Andy Burgess, Propane Depot LLC, stated he had nothing to add, but would address some of the concerns in the letters and would answer any questions from the Commission. There will be no odors from the tank. If there is a smell of propane, that means there is a leak. This is a sealed system; vapor is piped back into the tanks. They have one plant in Barron, WI and have not noticed if the storage yard has devalued the properties around it or caused insurance rates to increase. There are two residences closer to the Barron business than with this proposed business.

They estimate there will be 10 to 17 trucks per day in the months December through February, 7 and 10 trucks per day in March through April, and 5 to 7 trucks throughout the summer. It is dependent on the demand. He is aware that there are road restrictions for a one-mile stretch of the highway.

The business is considered an administrative retailer. They sell propane to distributors. The current wholesale businesses are located in Superior and Proctor. They have identified a propane shortage in this area. They currently have no contracts. This is a good location for this project and can help answer the demand for the area.

He addressed a concern from one of the letters about propane leaking into the water. When propane leaks, it evaporates. Water contamination is not a concern. There are multiple safety devices on the tanks. In the event of an emergency, the tanks can be closed off.

There was no one to speak in favor. Eight members of the audience spoke in opposition.

Pete Jagunich, 8795 Keenan Road, stated he lives just outside a quarter mile from the proposed business site. His issue is that the company can come in and get a variance on a road for over five tons. Keenan Road is a narrow road, with not much of a shoulder; two semis could not pass on the road.

Mary Keto, 8813 Keenan Road, stated she does not live in Clinton Township, but she owns property here. She has an issue with the eminent domain that the DM&IR used to acquire the land back in the 1970s.

She also questioned: Who has local control over this company? Who will inspect the six 45,000 gallon tanks? Will the tanks be monitored and who is responsible for monitoring? How will the site be secured? Is there an alarm system? Will area residents be notified if there is a problem in the area? Will there be any contaminants allowed into Elbow Creek? How often will the railroad inspect the tracks for safety to help prevent derailment of trains carrying propane to the site? Will carbon monoxide impact the area and how far do the toxic gases travel in a lethal state?

She is concerned the local fire department would not be able to handle a fire or explosion at this site. She is concerned about this business being located in a neighborhood.

Heather Lindula, 3820 Admiral Road, stated she owns property on Keenan Road between the railroad tracks. She is concerned about her cattle and what would happen in the event of an emergency. She stated she would not be able to evacuate cattle.

Audrey Wiita, 4506 Spirit Lake Road, stated she is concerned about access onto Highway 37 and who will take care of the railroad crossings on Keenan Road.

Gary Kuoppala, 8808 Keenan Road, stated he is concerned about the safety on Keenan Road.

Larry Warwas, 8858 Keenan Road, stated his concern is propane safety. He is worried about the procedure for putting out propane fires.

Mary Carlson, 8542 Keenan Road, stated she is concerned about the location of this business being located on a rail yard.

Marvin Isaacson, no address given, stated he is concerned about derailments near the propane tanks and secondary explosions.

Andy Burgess responded to the concerns addressed during testimony. The site will be fenced in with electronic entry. There will be cameras. The tanks will be monitored 24 hours per day, 7 days per week. The tracks are inspected every six months. There is a state agency that regulates this. This agency will be approving their material and inspecting throughout the construction process. They will put together an evacuation plan as part of the permitting process. They do have an evacuation plan for their business in Barron.

Mary Anderson, Land Use Manager, stated that the state agency responsible for this type of regulation is the Department of Labor and Industry.

The site where they are locating the tanks is an upland. They will bring in fill for the railroad spur in where propane tanks will be brought in. Train switching times would be between 9 PM and 12 AM when propane is brought in to the site.

The *Planning Commission* discussed the following:

1. Inquired about Missabe Road. *Tyler Lampella* stated the road is private and owned by the railroad company. It is unknown if anyone else uses the road.
2. Ingress/egress. What is the best and safest way to get in and out? *Andy Burgess* stated they would have to look at the road base to see if it can support the additional weight from 5 to 9 tons. He would not be able to use the road without approval by the road authority. *Tyler Lampella* stated Public Works would determine if this can or cannot be done.

DECISION

Motion by Coombe/Pollock to approve a bulk propane business based on staff conclusions and recommendations. The following conditions shall apply:

1. The local fire department shall be made aware of the location of the new tanks.
2. All state and federal regulations for installation and operation of LP/Propane bulk storage tanks shall be followed.
3. State and federal wetland regulations shall be followed.
4. Ingress/egress shall be addressed by the appropriate authority.
5. Signage shall be put up prohibiting ingress/egress directly onto Highway 37 from the site.

In Favor: Coombe, Filipovich, Pineo, Pollock, Skraba - 5

Opposed: Svatos - 1

Motion carried 5-1

DeCaigny Excavating

The second hearing item was for DeCaigny Excavating, a conditional use permit for a general purpose borrow pit as an Extractive Use Class II. *Mark Lindhorst*, St. Louis County Planner, reviewed the staff report as follows:

- A. The proposal is to operate a general purpose borrow pit that will include crushing, washing, screening and recycling of asphalt and concrete.
- B. There is an estimate of 25 to 30 trucks hauling her day.

- C. A total of 20 acres will be excavated during the life of the pit.
- D. The amended hours of operation are 7 AM to 7 PM Monday through Friday and 7 AM to 1 PM on Saturday. There will be no operations on Sunday.
- E. DNR stated a snowmobile trail runs along the edge of the property. The pit will not be near the trail.
- F. There has been a wetland delineation done to avoid wetland impacts. The one area that may be impacted will fall under an exemption.

Mark Lindhorst reviewed staff conclusions as follows:

1. The use does conform to the Town of Grand Lake adopted land use plan. The Plan specifically addresses resource extraction in their plan. There are three goals provided in the plan:
 - a. Conform to all local, state and federal environmental standards. General purpose borrow pit are required to follow standard conditions which include environmental requirements. The applicant is not requesting any waivers from the conditions.
 - b. Minimize the impact to the local environment.
 - c. Minimize impact on existing development.

The applicant has completed a wetland delineation to avoid potential impacts. The applicant will meet the minimum setback requirements per St. Louis County Ordinance 62, Article VI, Section 6.22 G. However, the land use plan requires a 200 foot setback from roads and property lines. The applicant is proposing to be 100 feet from the east property line and 50 feet from the right-of-way of Industrial Road to the north. The applicant is proposing access onto County Road 984. Access approval from the appropriate road authority is required prior to issuance of a permit. There are no residential developments along County Road 984 limiting any potential noise, traffic or dust related impacts.

2. The proposed use is compatible with the existing neighborhood. The property is zoned Multiple Use which allows borrow pits with Conditional Use approval. The proposed location of the pit is away from the commercial node identified in the comprehensive plan and will limit impacts to the residential areas to the north by locating the access to the south. There are two borrow pits within a mile of the proposed use.
3. The use will not impede the normal and orderly development or improvement to the surrounding area. The applicant has completed a survey showing location of all property lines. All buffers will be left vegetated and berms will be installed to limit visual impacts to surrounding area. The adjoining property to the southeast contains a large wetland complex with limited development potential.
4. The location and character of the proposal is consistent with a desirable pattern of development. The proposed use is located along State Highway 53 corridor that is zoned Multiple Use which allows for commercial use. Requiring the 200 foot setback established in the Grand Lake Plan along Industrial Road will limit potential impacts on residential properties providing consistency with the pattern of development in the area.

Mark Lindhorst noted six items of correspondence from the Town of Grand Lake with concerns, Daniel Leseman, Ann Fairbanks, Daniel Blace, Ken and Judy Anderson, and Glen and Delila Solem in opposition.

STAFF RECOMMENDATION

Staff recommends that a conditional use permit for a general purpose borrow pit be approved.

The following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. The required 200 foot setback shall be maintained along Industrial Road.

Conditions Concurrent:

3. All minimum extractive use standards shall be followed.
4. State and federal wetland requirements shall be followed.
5. Avoid any potential impacts to snowmobile trail.

Matt DeCaigny, the applicant, stated there is a good buffer between the subject property and the town hall. They lease two other borrow pits in Carlton County. He is aware of the extractive use standards for St. Louis County. They intend to access the borrow pit using the local road and not Industrial Road. They will access Highway 53 from County Road 984. They will speak with the MN Department of Transportation (MNDOT) for access approval to cross onto Highway 53.

They will extract to a depth of 60 feet which is above the water table. They dug a test site at the lowest part of the property and were only able to dig 25 feet deep and did not reach the water table.

One member of the audience spoke in favor.

John Klaers, 218 North 12th Avenue West, stated he has been in the environmental field for 30 years. The applicant has done a good job in laying out the site to buffer noise. There will be no digging beyond the water table. He has done a good job in maintaining the wetland buffer. There are going to be dust control measures. They will go to MNDOT and get an access permit to use the existing road.

If they need water for dust control, they can bring in a water truck. If they are crushing, they can bring in a tank. They can also collect runoff and pump it out when needed.

The area for excavation is the only place where they will remove trees and vegetation. Everything else will remain the same. The wetlands will stay. There are ramifications for filling wetlands without a permit. They had the wetlands delineated so they would know where they are.

Eleven members of the audience spoke in opposition.

Terry Anderson, 5366 Nelson Road, stated his issue is with the 200 foot east property line setback. There should be a requirement for the wetlands to be monitored. He is concerned that the wetlands could be drained and there would only be a 50 foot property line setback. He asked that if the applicant does not get MNDOT approval, they cannot use the road.

Charles Jones, 6435 Tresdan Drive, stated his concerns are accidents and traffic issues on Highway 53. He is also worried about the increased noise of a borrow pit, impacts to the water table, dust and the wildlife impact.

Rosie Royer, 6445 Industrial Road, stated she is concerned about her well and safety along the road.

Nicolle Alvarez, 5250 Highway 53, stated she uses the proposed crossing as a turnaround to access their property. She is also concerned about black ice in this area through the fall and winter.

Phillip Lockett, Reservoir Riders, stated he is neither for nor against this request. He is concerned about the snowmobile trail. Currently the proposal does not affect their trail at all.

Orwoll Edeen, 6427 Industrial Road, stated he agrees with the concerns already mentioned.

Rodger Harstad, 6397 Industrial Road, stated he agrees with the concerns already mentioned.

Brad Wallgren, 7769 Highway 8, stated his father-in-law has a trailer house at the northeast corner. He is concerned about the 50 foot deep well. He is also concerned about safety.

Glen Solem, 6475 Industrial Road, stated he is the Assistant Fire Chief of Grand Lake. He is concerned about the access on the hill. There have been multiple accidents in this area.

Delila Solem, 6475 Industrial Road, stated there will be more accidents with the increased number of trucks.

Dan Leseman, 6421 Industrial Road, stated he is concerned about his property values.

The *Planning Commission* discussed the following:

- A. Inquired about the residential area. *Mark Lindhorst* stated that while this is a residential area, it is a Multiple Use (MU)-4 zone district for highway commercial areas.
- B. Inquired about the old road. *Mark Lindhorst* stated that he spoke with a right-of-way agent at St. Louis County Public Works Department who stated that because the road is no longer maintained, they have no jurisdiction on it. The road would belong to the property owner. The Grand Lake Comprehensive Plan requires a 200 foot setback.
- C. Inquired about the east property line setback. *Mark Lindhorst* stated there is a large wetland complex on the land east of the subject property. The borrow pit will be located about 800 feet away from that property line. Ordinance 62 states that if there is a dwelling within 300 feet of the property, there is a 100 foot property line setback requirement. If there is no dwelling, the pit is allowed a 50 foot property line setback. Grand Lake Comprehensive Plan requires a 200 foot setback. There does not need to be a 200 foot setback on this property line because the applicant will be more than 700 feet. Staff wanted to be sure that the Grand Lake Comprehensive Plan was addressed in this request. *Mary Anderson*, Land Use Manager, added that the setback distance is up to the Planning Commission. Staff based the recommendation on the fact that the wetlands are protected. The applicant may

not be opposed to a 200 foot setback since they did not intend to excavate in that area anyway.

- D. Inquired about access to the pit. Board member Skraba stated that MNDOT is the road authority that will determine where access to the pit will be from. The Planning Commission cannot determine this. *Mark Lindhorst* added that MNDOT will not look at the request until after the use is granted by St. Louis County. Once the use is approved, access approval becomes a condition precedent. Without the approval, the applicant will not be able to get the permit. MNDOT will issue a permit for the access. MNDOT may require a new turn lane, which the applicant is responsible for the expense. If the applicants want access onto Industrial Road, that access is not part of the current proposal and the applicant would need to return to the Planning Commission for a rehearing in order to approve Industrial Road as an access point.
- E. Regarding depth of excavation, *Mark Lindhorst* stated that if the applicant wants to excavate below the water table, they would need a permit from the Department of Natural Resources (DNR).

DECISION

Motion by Coombe/Pollock to approve a conditional use permit for a general purpose borrow pit, based on staff conclusions and recommendations.

The following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. The required 200 foot setback shall be maintained along Industrial Road.

Conditions Concurrent:

3. All minimum extractive use standards shall be followed.
4. State and federal wetland requirements shall be followed.
5. Avoid any potential impacts to snowmobile trail.
6. The permit shall be reviewed for compliance with conditions one year after issuance of the permit.

In Favor: Coombe, Pineo, Pollock, Skraba, Svatos - 5

Opposed: Filipovich – 1

Motion carried 5-1

Town of Greenwood Zoning Map

The third hearing item is to incorporate and establish the official zoning map for the Town of Greenwood as a part of St. Louis County Zoning Ordinance 62. *Jenny Bourbonais*, St. Louis County Planner, updated the Planning Commission as follows:

- A. With information obtained from the Town of Greenwood, there were a few changes made to the map after it was originally sent in the packets.
- B. The Vermilion Club, the flea market and Shamrock Marina are now under the Lakeshore Commercial Overlay (LCO) zone district. These were not under the LCO but should have been as it was approved by the township.

- C. The Closed Landfill Overlay Districts (CL) are also included in the map. This was new to Ordinance 62 that had yet to be brought into Greenwood Township.
- D. This is the first step in taking over zoning for the Town of Greenwood.

The *Planning Commission* discussed the following:

- A. Inquired if there will be any rezoning or, for example, changing the zoning for an island with two different zone districts. *Jenny Bourbonais* stated that this could be done through comprehensive planning. *Mary Anderson* stated they plan to do this for the entire county.
- B. Inquired what date the map was created, *Ryan Logan*, St. Louis County Planner, stated the map was created August 1. *Mary Anderson* stated that staff started with the base map from the Vermilion Plan. The minutes from the meetings where zoning changes were made were adopted into the map. *Ryan Logan* stated there were two sets of minutes that documented changes made to the zoning map. These minutes were from January 8, 2013 and February 23, 2015. *Jenny Bourbonais* added that documentation for both meetings was received after the packets were mailed.
- C. Inquired what the next step is. *Mary Anderson*, Land Use Manager, added that the next step is the map will go to the County Board for their approval. After, the Town of Greenwood will need to formally rescind their zoning and their Ordinance. The County Board will have a hearing and accept Greenwood as part of the County’s jurisdiction.

DECISION

Motion by Pineo/Svatos to adopt the Town of Greenwood zoning map.

In Favor: Coombe, Filipovich, Pineo, Pollock, Skraba, Svatos – 6

Opposed: None – 0

Motion carried 6-0

Ordinance 60

The fourth hearing item is St. Louis County Subdivision Ordinance 60, a public hearing to consider comments on the proposed amendments. *Jenny Bourbonais*, St. Louis County Planner, reviewed the one proposed clarification change and proposed general clean-up of language.

No comments were received. No audience members spoke.

DECISION

Motion by Svatos/Filipovich to approve the changes to Ordinance 60 and move the Ordinance forward to the County Board for approval.

In Favor: Coombe, Filipovich, Pineo, Pollock, Skraba, Svatos – 6

Opposed: None – 0

Motion carried 6-0

Ordinance 62

The fifth hearing item is St. Louis County Zoning Ordinance 62, a public hearing to consider comments on the proposed amendments. *Jenny Bourbonais* reviewed the clarifications, general clean-up, road standards that were reviewed and an update made to Article V – Use Definitions.

Board member *Coombe* suggested the definition for Addition to be: “an extension or increase in floor area or no more than two feet in height of a building or structure.” This would take care of roof height increase or leveling off a building. He suggested the definition for Repair to be: “To restore to former condition or operational/structural soundness. (E.g. to repair a foundation by replacement of beams, blocks, piers or posts, where no expansion or increase in square footage or no more than 3 foot height is required).” Board members discussed the definitions in order to add enough height to fix supports underneath a structure and include a crawl space. It was determined that a crawl space is 3 feet in height.

Motion by Coombe/Skraba to strike the definition of "Addition."

In Favor: Coombe, Filipovich, Pollock, Skraba, Svatos - 5

Opposed: None - 0

Motion carried 5-0

Motion by Coombe/Svatos to amend the definition "Repair" as: "To restore to former condition or operational/structural soundness. (E.g. to repair a foundation by replacement of beams, blocks, piers or posts, where no expansion or increase in square footage is required or where no increase of more than 3 feet in height is required)."

In Favor: Coombe, Filipovich, Pollock, Skraba, Svatos - 5

Opposed: None - 0

Motion carried 5-0

Board member *Coombe* suggested to strike: "... including for the addition and/or replacement of a new permanent foundation." and replace with: "excluding work done under ‘repair’ definition." Board members had approved the motion to strike the definition of “addition.”

DECISION

Motion by Svatos/Coombe to approve the changes to Ordinance 62 and move onto the County Board for approval.

In Favor: Coombe, Filipovich, Pollock, Skraba, Svatos - 5

Opposed: None - 0

Motion carried 5-0

Motion to adjourn by Svatos. The meeting was adjourned at 2:03 p.m.

Ordinance 62 Amendments

Article II, Section 2.7 (page 5) Add definition of an addition.

Section 2.7 Definitions

The following words shall be defined as follows for the purpose of this Ordinance:

Addition - An extension or increase in floor area or height of a building or structure.

Article II, Section 2.7 (Page 11) definition of Public/Semi-public use needs to be updated to reflect adding “Event Center” to list of allowed uses by CUP.

Public/Semi-Public Use - The use of land by a public ~~organization~~ or private ~~nonprofit~~ organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Article III, Section 3.2 (Page 15) Remove Dimensional District 13. After review of zoning information, this dimensional district does not exist.

Section 3.2 Lot Dimension Tables

St. Louis County hereby establishes the following set of minimal dimensional standards that will be used in all county zone districts.

District Number	Lot Area (Acres)	Lot Width (Feet)	Max Lot Coverage (Percent)	Property Line Setback-Principal Structure (Feet)	Property Line Setback-Accessory Structure (Feet)
1	35	600	2	50	25
1a	35	1,200	2	50	25
2	17	600	2	50	25
3	9	300	10	50	25
3a	9	600	2	50	25
4	4.5	300	10	50	25
4a	4.5	400	10	50	25
5	2.5	200	25	20	10
6	2.0	200	25	20	10
7	1.0	150	25	20	10
8	1.0	200	25	20	10
9	1.0	150	25	15	10
10	2.0	200	25	15	10
11	0.5	100	25	15	10
*12	0.33	100	35	10	5
*12	0.25	75	35	10	5
13	2.0	200	30	25	25

*See special standards for the Plat of Soundan, Town of Breitung.

Article III, Section 3.7 (Page 18) Rework road and ROW setback chart.

Section 3.7 Road Right-of-Way and Road Centerline Setbacks - Road Classifications shall be determined by the appropriate road authority.

Road right-of-way setbacks shall be as listed below, or the following road centerline setbacks, whichever is greater:

Road Classification	Centerline Setback (Feet)	Right-of-Way Setback (Feet)
Arterials	110	35
Collectors	85	35
Local Public Roads*	48	15
All Other Roads not listed below*	48	15
Platted Roads with 66' ROW	48	15
Platted Roads with < 66' ROW	n/a	15 (measured from edge of road)
Private Roads	n/a	15 (measured from edge of road)

*Local and other roads shall exclude easements or driveways that serve fewer than three dwellings or other principal uses.

Article IV, Section 4.3 C. 2. a. (Page 24) Reword to include that the intent of this provision is if moving the structure to accommodate a new permanent foundation, that it needs to be moved to required setback or a variance is required.

Section 4.3 Riparian Nonconforming Structures

An existing nonconforming principal structure may be expanded once with a performance standard permit, without variance, if no additions (not including a deck) have been added to the principal structure since the implementation date of the appropriate setback standard, and the original structure existed before setback requirements were established. The appropriate dates for the standards are found in the appendix.

- A. A variance must be approved by the Board of Adjustment to expand a nonconforming structure where the structure does not conform to the dimensional standards of this ordinance unless the expansion falls within the standards found in this section.
- B. Mitigation measures shall be required in areas where they are part of an adopted land use plan.
- C. The general standards are as follows:
 - 1. Additions to structures:
 - a. Existing nonconforming principal structures may be allowed one addition in accordance with the standards found in this Article, provided the addition does not increase the nonconformity. Remodeling as defined in this ordinance is exempt from these provisions.
 - b. No additions shall be allowed to nonconforming accessory structures except as permitted in *Section 4.3 E. and Section 4.3 F.* of this Article.

2. Moving Structures:

- c. If a nonconforming principal structure is moved any distance whatsoever, **including for the addition and/or replacement of a new permanent foundation**, it shall be done in such a manner as to conform to the regulations of the district where it is relocated. However, if physical features such as wetlands or bedrock prevent full conformance, the structure shall be placed to minimize the nonconformity to the greatest extent and must meet all St. Louis County sewage treatment systems separation distances. A land use permit is required, but no variance is required.
- d. Nonconforming accessory structures in shoreland districts may be moved away from the shoreline, provided the structure is moved outside the bluff and shore impact zones, and provided that no replacement or additions to the structure are made. A land use permit is required, but no variance is required.

3. Remodeling Structures:

- a. A property owner may remodel a nonconforming structure in accordance with this ordinance and with state statutes.
- b. Any grandfathered nonconforming structure or deck that is altered, replaced or partially replaced beyond what is allowed for remodeling shall no longer be considered grandfathered, and shall meet all standards of this ordinance except as otherwise allowed per state statute.

4. Replacement of Structures:

- a. If any nonconforming structure is destroyed by fire or other peril to the extent of 50% or more of its market value, any subsequent rebuilding or replacing of the structure shall conform to the terms of this ordinance except as otherwise allowed per state statute.

Article IV, Section 4.3, D. 2. (Page 24) Remove 400 square foot limitation for additions to nonconforming structures. Follow allowable size formulas for additions in 4.3. D. 7.

and

Article IV, Section 4.3 D. 5. (Page 24) Remove roof height increase and reword if all or part and if the entire structure language.

D. Nonconforming Principal Structures: A nonconforming principal structure may be expanded once with a performance standard permit, without a variance, if all the following standards are met:

- 1. The existing principal structure (including deck) is setback from the shoreline a minimum of 25 feet or 25% of required shoreline setback, whichever is greater.
- ~~2. The existing principal structure meets or exceeds a ground floor area of 400 square feet and has never had an addition that caused the floor area to meet or exceed 400 square feet.~~

3. The existing principal structure does not encroach upon a property line or local road setback, if within the shore impact zone.
4. Structure width facing the water shall not exceed 40% of the lot width, if located within the shoreline setback.
5. The height of the proposed addition, ~~roof height increase~~ or completed principal structure, shall not exceed a total of:
 - a. 20 feet in height maximum if ~~all or part any part~~ of the structure is within the shore impact zone.
 - b. 25 feet in height if ~~the entire all or part of the~~ structure is between the shore impact zone and the required setback.
6. The addition will not encroach upon the septic treatment system or expansion area.
7. The maximum allowable addition shall be determined by the following:
 - a. If a structure is located between zero and 25 feet from the shoreline, no additions are allowed.
 - b. If a structure is located between 25 feet and the shore impact zone, an addition total of 200 square feet is allowed.
 - c. If a structure is located outside the shore impact zone, an addition total of 400 square feet is allowed.
8. The addition does not decrease the existing shoreline setback.
9. The color of the structure shall be unobtrusive earth toned colors.
10. The property owner shall develop a stormwater runoff plan so runoff does not discharge directly into lakes, rivers, streams, wetlands, or adjacent properties.
11. The structure shall be screened from public waters by natural means.

Article IV, Section 4.3 E. (Page 25) Additions to nonconforming structures may be expanded ~~once~~ by land use permit without variance. This is for structures that meet a conforming lake setback and should not be limited to one.

E. Additions or Alterations to Nonconforming Structures: A nonconforming structure that meets the shoreline setback, but does not meet property line, right-of-way and/or road centerline setbacks may be expanded ~~once~~ by land use permit without variance, and shall be restricted in the following manner:

1. If the structure is sited to equal or greater than 50% of the required setback, additions may be in any direction except toward the nonconforming setback.
2. Where the structure is sited less than 50% of the required setback, the addition shall only be in the opposite direction of the nonconforming setback.
3. Structures that become nonconforming as a result of a change in functional road class may enlarge in a manner that does not exceed the road setback standards of the original classification.

Article IV, Section 4.4 E. (Page 26) Add language regarding allowing existing principal structures on non-conforming lots of record that are less than ½ acre in size to be replaced without variance if all other ordinance requirements can be met.

D. A single lot of record may be permitted as a buildable lot if all of the following criteria can be met:

1. The lot is a minimum of one-half acre in size with no public sewer or water.
2. The lot is a minimum of 0.33 acre in size with public sewer only.
3. The lot is a minimum of 0.16 acre in size with public sewer and water.
4. The lot shall meet the definition of a lot of record.
5. The impervious surface coverage does not exceed that which is allowed under this ordinance.
6. The lot, when created, complied with official controls in effect at the time.
7. All structure and septic system setback requirements are met.
8. St. Louis county sewage treatment standards are met.

E. A principal structure located on a lot less than one-half acre in size with no public sewer or water may be replaced, without variance, if the following criteria can be met:

1. The principal structure was located on the lot prior to the enactment of this ordinance.
2. The impervious surface coverage does not exceed that which is allowed under this ordinance.
3. The lot, when created, complied with official controls in effect at the time.
4. All structure and septic system setback requirements are met.
5. St. Louis county sewage treatment standards are met.

Article V. Use Definitions (Page 33) Add “Event Center” to Public/Semi-Public use definition. In addition, definition of Public/Semi-public use will need to be updated in Article II, Section 2.7 (Page 11) see above.

O. **Public/Semi-Public Use** – A category of uses that includes, but is not limited to: licensed assisted living facilities, cemeteries, licensed treatment centers, churches, community centers, **event centers**, fire departments, hospitals, libraries, museums, licensed nursing homes, parks, police stations, postal facilities, public parking facilities, public works facilities, recreation facilities (e.g. ball fields, tennis courts), rest areas, scenic overlooks, schools, town halls, trails (e.g. biking, hiking, skiing, snowmobiling, ATV, multi-purpose), and wild animal centers (e.g. wolf, bear).

Article V Use Definitions (Page 33) Add a Transportation Class I for private airports, airparks, or other private transportation related uses. Change/update current Public Transportation Terminals to a Class II. E.g. Transportation – Class II (Public Transportation Terminals) This will change letter formatting of Use Classification Definitions also and “use chart”.

P. **Transportation – Class I** – A category of uses that includes, but is not limited to: private airports, or other private transportation related uses for personal use.

Q. ~~Public Transportation Terminals~~ Transportation – Class II (Public Transportation Terminals) – A category of uses that includes, but is not limited to: **commercial** airports, buses, subways, commuter trains **and other commercial transportation related uses.**

Article V. Use Definitions (Page 34) Utility Facilities-Class III- add commercial **solar** utilities to list.

V. Utility Facilities – Class III – A category of uses that includes, but is not limited to: commercial power plants, commercial steam plants, commercial wind turbine and generation plants **and commercial solar utility facilities.**

Article VI, Section 6.10 A. (Page 48) Clarify language to the effect that a water oriented accessory structure may be placed on a parcel that is a lot of record and meets all other ordinance requirements.

A. Permit Required: General Minimum Standards: Water Oriented Accessory structures may be allowed with a land use permit at a reduced shoreline setback with standards listed below, depending on the type of structure. Only one water oriented structure is allowed by permit per minimum lot area and width requirement for the dimensional district and on a lot of record **as defined in Article IV, Section 4.4D, ~~as defined.~~** There shall be no water oriented accessory structures within the Voyageur’s National Park, on trout streams or on Natural Environment Lakes.

Article VI, Section 6.10 B. 2 (Page 48) Remove restriction of boathouse depth of 26 feet. Keep other requirement regarding square footage allowed and height allowed. Provision to read: Shall be limited to 20 feet in width parallel to the shoreline.
and

Article VI, Section 6.10 B. 4 (Page 48) Modify 25 foot setback requirement for boathouses so that the setback may be increased if within a floodzone, bluff or wetland. Provision to read: Shoreline setback shall be no closer than 10 feet. Shoreline setback shall be no more than 25 feet, however, if physical features such as floodplain, bluff or wetlands prevent full conformance, the structure may be placed further than 25 feet from the shoreline, and shall meet all other boathouse standards.
and

Article VI, Section 6.10 B. 8 (Page 48) Modify 20% slope provision, to allow boathouses on slopes greater than 20% if there is an engineered erosion control plan. Provision to read: Boathouses shall not be allowed on slopes greater than 20%, unless an engineered erosion control plan is submitted, approved and implemented.

A. Boathouse Standards: A boathouse may be allowed on General Development and Recreational Development classified lakes with the following standards:

1. Maximum size shall be limited to 400 square feet in floor area on lakes less than 5,000 acres and 520 square feet in floor area on lakes greater than 5,000 acres.
- ~~2. Shall be limited to 20 feet in width parallel to the shoreline and 26 feet in depth perpendicular to the shoreline.~~
3. Maximum height shall be 14 feet.
4. Shoreline setback shall be no closer than 10 feet. ~~or more than 25 feet. Shoreline setback shall be no more than 25 feet unless physical features such as floodplain, bluff or wetlands prevent full conformance the structure may be placed farther than 25 feet from the shoreline, and shall meet all other boathouse standards.~~
5. A garage type door at least 8 feet wide is required facing the shoreline.
6. Shall not be used for human habitation.
7. Attached decks shall not be allowed.
8. The color of the structure shall be unobtrusive earth toned colors.
9. Boathouses shall not be constructed on slopes greater than 20%, ~~unless an engineered erosion control plan is submitted, approved and implemented.~~

Article VI, Section 6.12 B. 1. (Page 50) Each use shall be allowed two signs. Should say two ~~on-site~~ signs.
and

Article VI, Section 6.12 Outdoor Sign Administrative Standards (Page 50) Make square footage allowed for a sign consistent for all signs. Change the total square footage allowed for any sign to 64 square feet.

Section 6.12 Outdoor Signs Administrative Standards “C”

A. No Permit Required: No permit shall be required for the following outdoor signs:

1. Signs not exceeding six square feet in area and bearing only property numbers, post box numbers, names of occupants, or other identification of premises, not having commercial connotations.
2. Flags and insignias of any government except when displayed in connection with commercial promotion.
3. Legal notices, identification, information, or directional signs erected or required by governmental bodies, as defined in Minnesota State Statutes, section 173.02, Subd. 6.
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
5. Signs not exceeding 16 square feet in area directing and guiding traffic and parking on private property but bearing no advertising matter.
6. A temporary sign indicating real estate for rent or for sale, related to the premises only on which it is located, and not exceeding six square feet in area.
7. Signs used on a temporary basis in conjunction with garage, estate, rummage and produce sales, and not exceeding six square feet in area.

B. Permit Required Nonshoreland: A land use permit shall be required for outdoor signs with the following standards:

1. Size and number: Each use shall be allowed two **on-site** signs. Each sign shall not exceed ~~128~~ 64 square feet in surface area and shall not exceed 35 feet in height. The size or advertising area of a sign shall mean that portion of the advertising face of a sign that includes the border and trim thereof, but excludes the base and apron supports and other structural members.
 2. Location: All free-standing signs shall be set back a minimum distance of ten feet from any right-of-way, and shall be the same as the required property line setback for accessory structures of the zone district in which it is located.
 3. Illumination:
 - a. Signs shall not be erected or maintained that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of any roadway, or such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle.
 - b. No sign shall be erected or maintained which will be so placed or illuminated that it obscures or interferes with the effectiveness of any official traffic sign, device, or signal, or any official sign.
 - c. Downward, back lighted, internally lighted or otherwise dark sky compliant standards shall be utilized to the greatest extent possible unless there is a site-specific reason prohibiting or limiting such lighting.
- C. Permit Required Shoreland:** A land use permit shall be required for outdoor signs located on riparian parcels with the following standards:
1. Size and number: Each use shall be allowed one **on-site** sign that can be viewed from the public waterway and one **on-site** sign that can be viewed from the roadway.
 - a. The sign facing the water body shall not exceed 32 square feet in surface area and shall not exceed 10 feet in height.
 - b. The sign facing the roadway may not exceed 64 square feet and shall not exceed 15 feet in height.
 2. Location:
 - a. Freestanding signs shall meet the required shoreline setback for principal structures of the lake classification on which it is located.
 - b. Signs may be located at a reduced setback from the shoreline provided the sign is attached to a permanent structure.
 - c. Setbacks shall be a minimum of 10 feet from the right-of-way, and shall be the same as the required property line setback for accessory structures of the zone district in which it is located.
 3. Construction Materials:
 - a. Signs shall be painted or stained in an unobtrusive earth toned color and shall be rustic in appearance.
 - b. The signs must only convey the location, name of establishment, and the general types of goods or services available.
 - c. The signs shall not contain other detailed information such as product brands and prices.
 4. Illumination:
 - a. Signs shall not be erected or maintained that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of any roadway

or public waters, or such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle. Self-illuminated lettering on signage is allowed.

- b. No sign shall be erected or maintained which will be so placed or illuminated that it obscures or interferes with the effectiveness of any official traffic sign, device, or signal, or any official sign.
- c. Downward, back lighted, internally lighted or otherwise dark sky compliant standards shall be utilized to the greatest extent possible unless there is a site-specific reason prohibiting or limiting such lighting.

Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

D. Permit Required: A land use permit shall be required for outdoor signs associated with a home business with following standards:

- 1. Size and number: Shall be limited to one on-site sign not to exceed ~~16~~ 64 square feet.
- 2. Location: All free-standing signs shall be set back a minimum distance of ten feet from any right-of-way, and shall meet the required property line setback for accessory structures of the zone district in which it is located.
- 3. Illumination:
 - a. Signs shall not be erected or maintained that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of any roadway, or such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle.
 - b. No sign shall be erected or maintained which will be so placed or illuminated that it obscures or interferes with the effectiveness of any official traffic sign, device, or signal, or any official sign.
 - c. Downward, back lighted, internally lighted or otherwise dark sky compliant standards shall be utilized to the greatest extent possible unless there is a site-specific reason prohibiting or limiting such lighting.

Article VI, Section 6.24 E. 6 (Page 68) Recommend adding unless the adjacent owner authorizes, in writing, a reduced setback. In no case shall the tower be located closer to the property line than what the zoning requires.

and

Article VI, Section 6.24 E. (Page 68) Add performance standard encouraging co-location of antennas.

C. Permit Required: Commercial Communication Towers: Commercial communication towers may be allowed as a performance standard permit in all zone districts on lots or leased parcels as small as 20,000 square feet. A land use permit shall be required for

accessory structures associated with communication towers. The following performance standards shall apply:

1. Notice shall be sent to adjoining property owners by the Department to determine suitability of the project in the area. Additional standards may be required based on comments received within 14 days, or the Director may require a conditional use permit for the project.
2. Commercial communication towers shall be outside of significant migratory bird flight paths as determined by the Minnesota Department of Natural Resources or the U.S. Fish and Wildlife Service.
3. Night time strobe lights may be permitted only when necessary to meet federal standards or protection of migratory birds.
4. Tower heights are restricted to less than 300 feet when located within 1,000 feet of a public water, public waters wetland or within two miles of Lake Superior. Towers located outside these areas are restricted to a height less than 500 feet.
5. Towers shall not be allowed closer than two times the tower height to the nearest adjacent principal structure, unless the adjacent owner authorizes, in writing, a reduced setback.
6. Property lines setbacks shall equal the height of the tower, ~~unless the adjacent owner authorizes, in writing, a reduced setback.~~
7. ~~This setback shall also apply from the~~ Ordinary high water level setback for properties on a lake or river ~~shall meet the required lake or river setback or equal the height of the tower, whichever is greater. and from~~
8. ~~Public road right-of-ways setback shall meet the required road right-of-way setback or equal the height of the tower, whichever is greater.~~
9. No advertisement shall be placed on the towers except for the name of facility owners.
10. A fencing plan shall be required as part of the application review.
11. Prior to submission of any application, the applicant shall discuss emergency and public information needs with the appropriate government agencies.
12. Access to the site shall be obtained from the appropriate road authority.
13. All appropriate government permits and authorizations shall be adhered to.
14. ~~Co-location of antennas is encouraged and the applicant shall demonstrate that the facility will be constructed in a manner that will accommodate multiple users.~~

Article VIII, Section 8.6 (Page 86) Variances and Other Appeals. Add additional language suggested by the County Attorney's Office to criteria for decisions.

B. Applications, Hearings, Decisions, and Criteria

1. Criteria for Decisions:

- a. The Board of Adjustment shall always act with due consideration to promoting the public health, safety, and welfare, encouraging the most appropriate use of land and conserving property value, and shall permit no structure, building or use detrimental to a neighborhood.
- b. Variances:

- i. The Board of Adjustment may authorize a variance from the terms of this ordinance which will not be contrary to public interest, where owing to special conditions a practical difficulty would be created by carrying out the strict letter of the ordinance, and when the terms of the variance are consistent with the spirit and intent of this ordinance and with the county's land use or comprehensive plan, if any.
- ii. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties" as used in connection with granting a variance means that the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute practical difficulties if a reasonable use for the property exists under the terms of this ordinance. No variance may be granted that would allow any use that is prohibited in the zone district in which the subject property is located.
- iii. When in the opinion of the Board of Adjustment a variance may result in a material adverse effect on the environment, the appellant may be required by the Board of Adjustment to demonstrate the nature and extent of the effect.
- iv. It shall be the burden of the applicant to demonstrate sufficient practical difficulty to sustain the need for a variance. Absent a showing of practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance.
- v. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.
- vi. When an applicant seeks a variance for additions or alterations to a lot or structure that have already commenced, it shall be presumed that the changes to the lot or structure were intentional and the plight of the landowner was self-created, as per Minnesota Statutes, section 394.27, subdivision 7 and all acts amendatory thereof.
- vii. The essential character of the locality where a variance is requested shall be evaluated based on compliance with zoning regulations and variances that existed at the time the locality was developed, as well as on compliance with the purposes of this ordinance.
- viii. Presumptions contained in this section are rebuttable by the applicant.

Carolyn Abrahamson, Duluth, MN

Parcel Code	140-0130-02160
Taxes and Assessments	\$3,859.31
Service Fees	\$114.00
Deed Tax	\$12.74
Deed Fee	\$25.00
Recording Fee	\$46.00
Eviction/Court Costs	\$379.00
Total Consideration	\$4436.05

Repurchase of State Tax Forfeited Land – Abrahamson (Homestead)

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, The applicant, Carolyn Abrahamson of Duluth, MN, has applied to repurchase state tax forfeited land legally described as:

CITY OF HIBBING
LOTS 25 AND 26, BLOCK 9
KOSKIVILLE HIBBING
140-0130-02160

WHEREAS, The applicant is an heir of 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;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the repurchase application by Carolyn Abrahamson of Duluth, MN, on file in County Board File No. _____, subject to payments including total taxes and assessments of \$3,859.31, service fee of \$114, deed tax of \$12.74, deed fee of \$25, recording fee of \$46 and Eviction court costs of \$379.00; for a total of \$4436.05, to be deposited into Fund 240 (Forfeited Tax Fund).

APPLICATION FOR REPURCHASE OF TAX FORFEITED LANDS

Pursuant to Minnesota Statutes 1986, Section 282.241, as amended by Chapter 268, Laws of 1987.

TO THE COUNTY BOARD AND COUNTY AUDITOR OF ST. LOUIS COUNTY, MINNESOTA:

The undersigned, Carolyn Abrahamson, hereby makes application to repurchase from the State of Minnesota the following described land, pursuant to Minnesota Statutes 1987, Section 282.241, as amended; said land is situated in St. Louis County, Minnesota, and more particularly described as follows:

CITY OF HIBBING, LOTS 25 AND 26, BLOCK 9, KOSKIVILLE HIBBING

Applicant states and shows that at the time of the forfeiture to the State, he/she was (please check one):

- the owner
- heir(s) of the owner
- the representative of the owner
- the person to whom the right to pay taxes is given by statute, to wit:
- designating under what claim of right, whether mortgage or otherwise the right is exercised

That such taxes became delinquent in 2007 and remained delinquent and unpaid for the subsequent years of: 2008, 2009, 2010, 2011, 2012, 2014, 2015

That pursuant to Minnesota Statutes, the total cost of repurchase \$4,416.09 which is the greater value of all delinquent taxes and assessments computed under Section 282.241, together with all accrued interest and penalties, including fees. Please contact our office at 218-726-2606 for the current amount due which increases monthly.

That a hardship would result to the petitioner unless said repurchase is allowed, for the reason that: applicant to state reasons why taxes were not paid.

due to health issues owner quit paying taxes

Please check the appropriate box below:

- There are one or more wells on this property (See enclosed well disclosure information sheet)
- No change since last well certificate Well disclosure completed - \$50.00 enclosed
- There are no wells on this property

APPLICANT REQUESTS THAT REPURCHASE BE MADE IN THE NAME OF:

Name (s): Carolyn G. Abrahamson

Are you currently in active military service? No

If you have been discharged within the last 6 months, provide discharge date _____ and documentation. Applicant offers to pay upon such repurchase, by check or money order, as directed by the St. Louis County Board, the full price of repurchase as stated above, the terms of which will be stated by the contract and required by law.

Dated: Aug. 4 2016

By: Carolyn G. Abrahamson (Signature)

Address: 5933 Howard Gnesen Rd
City: Duluth State: MN Zip: 55803
Phone: (218) 921-3361



St. Louis County Land & Minerals Department Tax Forfeited Land Sales

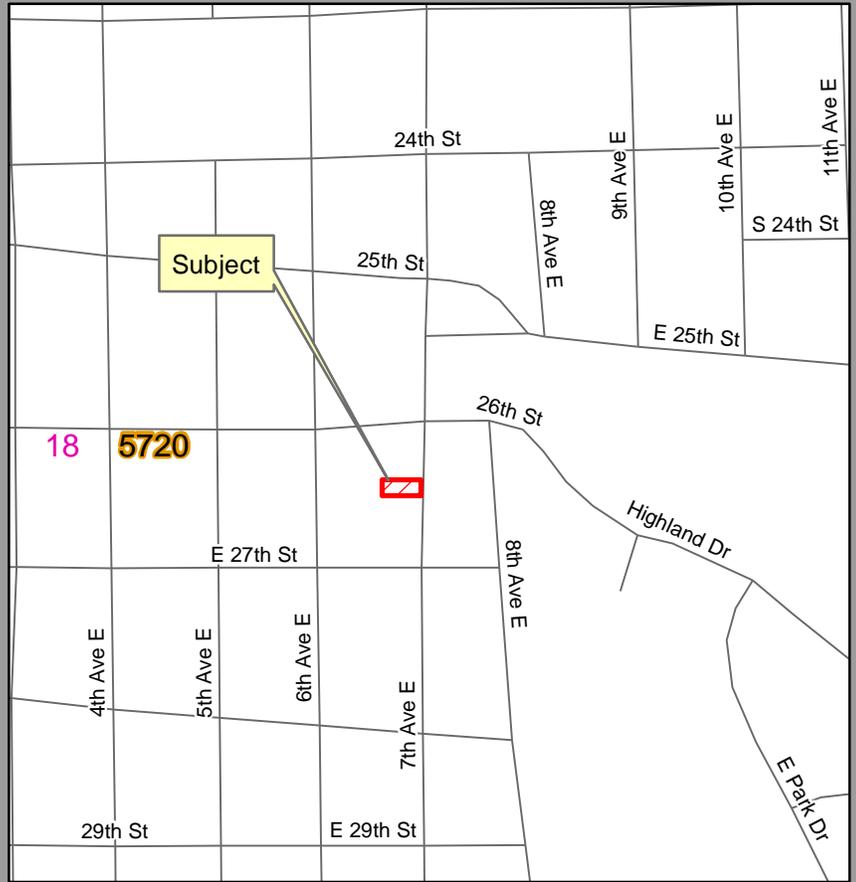
Repurchase of Property

Legal : CITY OF HIBBING
LOTS 25 AND 26, BLOCK 9
KOSKIVILLE HIBBING

Parcel Code : 140-0130-02160

LDKEY : 122041

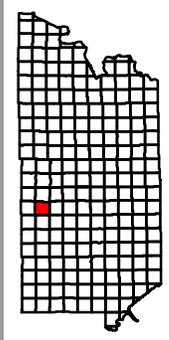
Address: 2615 7TH AVE E
HIBBING 55746



City of Hibbing Sec: 18 Twp: 57 Rng: 20

Commissioner District # 7

- State Tax Forfeited Land
- Water
- Road
- Area of Interest
- Tract



St. Louis County, Minnesota

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. This drawing is a compilation of recorded information and data located in various city, county, state and federal offices. St. Louis County is not responsible for any incorrectness herein.

**St. Louis County
Land & Minerals
Department**



2016



2003 NAIP Photo

Adjoining Owner Sale (Duluth Township)

BY COMMISSIONER _____

WHEREAS, St. Louis County desires to offer for sale a certain parcel of tax forfeited land described as:

Town of Duluth

THAT PART OF NE 1/4 OF NW 1/4 LYING N OF THE NORTH SHORE ROAD
EX 1 30/100 ACRES AT WEST SIDE EX HIGHWAY RT OF WAY 5/100 ACRES
Section 1, T51N, R12W

Deeded Acres: .45

Parcel Code: 315-0010-00040

LDKey: 117692

Zoning: SMU-6

WHEREAS, The parcel is not 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, The parcel cannot be improved because it is less than the minimum size, shape, frontage and/or access required by the applicable zoning ordinance; and

WHEREAS, The County Auditor has determined that a non-public sale will promote the return of the land to the tax rolls; and

WHEREAS, The parcel of land has been classified as non-conservation land pursuant to Minn. Stat. § 282.01;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the sale of the parcel described here, and the County Auditor is authorized to offer the parcel at private sale to adjacent property owners for the price of \$1,200 plus a 3% assurance fee of \$36, deed fee of \$25, deed tax of \$3.96 and recording fee of \$46, for a total of \$1,310.96 to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, That the Land Commissioner shall give at least 30 day notice of the sale to all adjoining property owners.



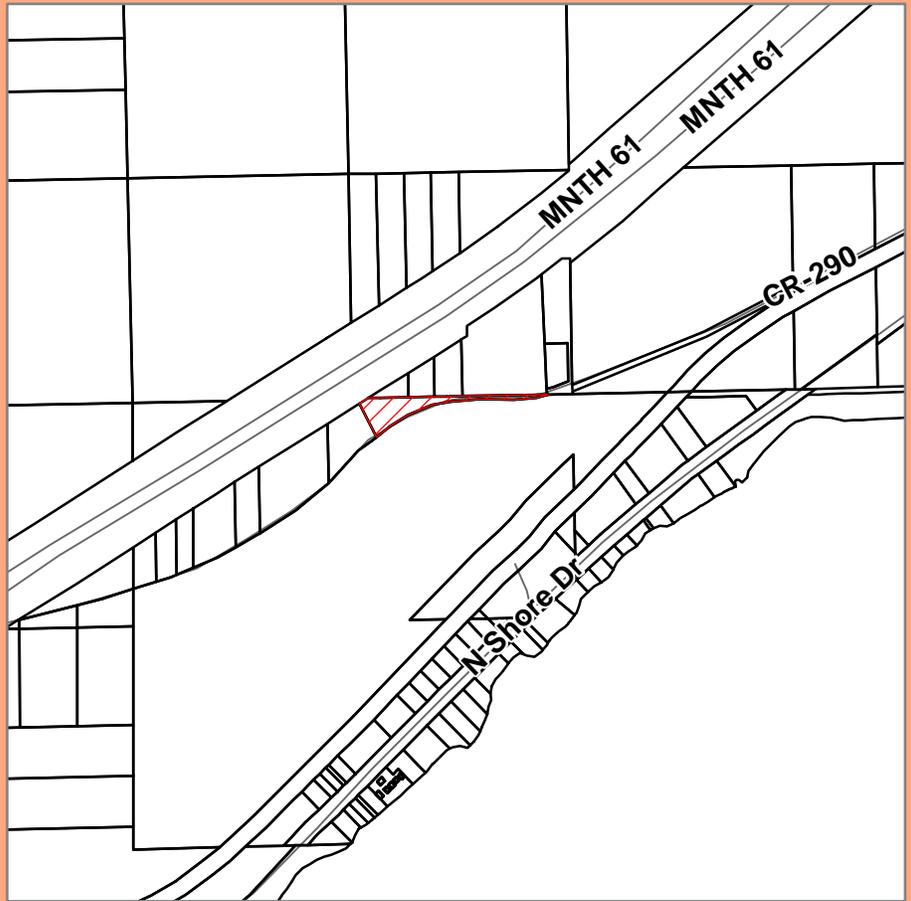
Saint Louis County Land & Minerals Department

Tax Forfeited Properties - Adjoining Owner



Town of Duluth
 THAT PART OF NE 1/4 OF NW 1/4
 LYING N OF THE NORTH
 SHORE ROAD EX 1 30/100 ACRES
 AT WEST SIDE EX
 HIGHWAY RT OF WAY 5/100 ACRES

Section 1, T51N, R12W
 Deeded Acres: .45
 Parcel Code: 315-0010-00040

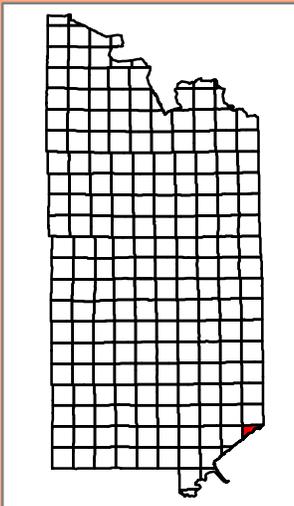


Town of Duluth

Section: 1 Township: 51 Range: 12

Saint Louis County Subject Locator

-  Subject Location County
-  Subject Location Plat
-  Subject Location Aerial
-  Roads
-  Water
-  Tax Forfeited



Disclaimer

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. This drawing is a compilation of recorded information and data located in various city, county, state and federal offices. St. Louis County is not responsible for any incorrectness herein.

Special Sale to the City of Chisholm

BY COMMISSIONER _____

WHEREAS, The City of Chisholm has requested to purchase state tax forfeited land described as follows for the price of \$2,280, plus fees, for the purpose of affordable housing:

Legal: Lots 13, 14, 15 and 16, Block 27, Pearce Addition to Chisholm

Parcel Codes: 020-0170-01930, 1950

Acres: 0.29

LDKeys: 117272, 117273

WHEREAS, These parcels of land 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, Minn. Stat. § 282.01, Subd. 1a. (d) allows for non-conservation tax forfeited land to be sold to a governmental subdivision for less than market value if the county board determines that a sale at a reduced price is in the public interest because it will lead to the development of affordable housing; and

WHEREAS, These parcels of land have been classified as non-conservation land pursuant to Minnesota Stat. § 282.01;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the sale of state tax forfeited lands, as described, to the City of Chisholm for the price of \$2,280 plus the following fees: 3% assurance fee of \$68.40, deed fee of \$25, deed tax of \$7.52, and recording fee of \$46; for a total of \$2,426.92, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, That the St. Louis County Auditor may offer for sale at public auction the state tax forfeited land described here if the City of Chisholm does not purchase the land by December 31, 2016.



Home of the...
"Iron Man Mining Memorial"
"Bridge of Nations"
"Chisholm Heritage Mural"
"Ironworld Discovery Center" and
"The Museum of Mining"

City Engineer's Office • 316 West Lake Street • Chisholm, MN 55719
Tel: (218)254-7907 Fax: (218)254-7955 Pager: (218) 262-8804

July 18, 2016

SLC Land Department
Attn: Karen Zeisler
320 W. 2nd St. Suite 302
Duluth, MN 55802

Re: Habitat for Humanity Lot

Coordinator Zeisler,

The City of Chisholm wants to purchase the 100' lot that is located on the corner of 4th Ave SW and 8th St SW for North St. Louis County Habitat for Humanity. The parcel code is 020-0170-01930-01950 and it is our understanding that this tax forfeit parcel did not sell at the St. Louis County Land Auction on June 9th, 2016.

The City of Chisholm is willing to pay the discounted price for affordable housing, \$2,280 plus fees.

Best Regards,

A handwritten signature in black ink, appearing to read "John W. Tourville".

John W. Tourville
City Clerk-Treasurer/Administrator



St. Louis County Land & Minerals Department Tax Forfeited Land Sales

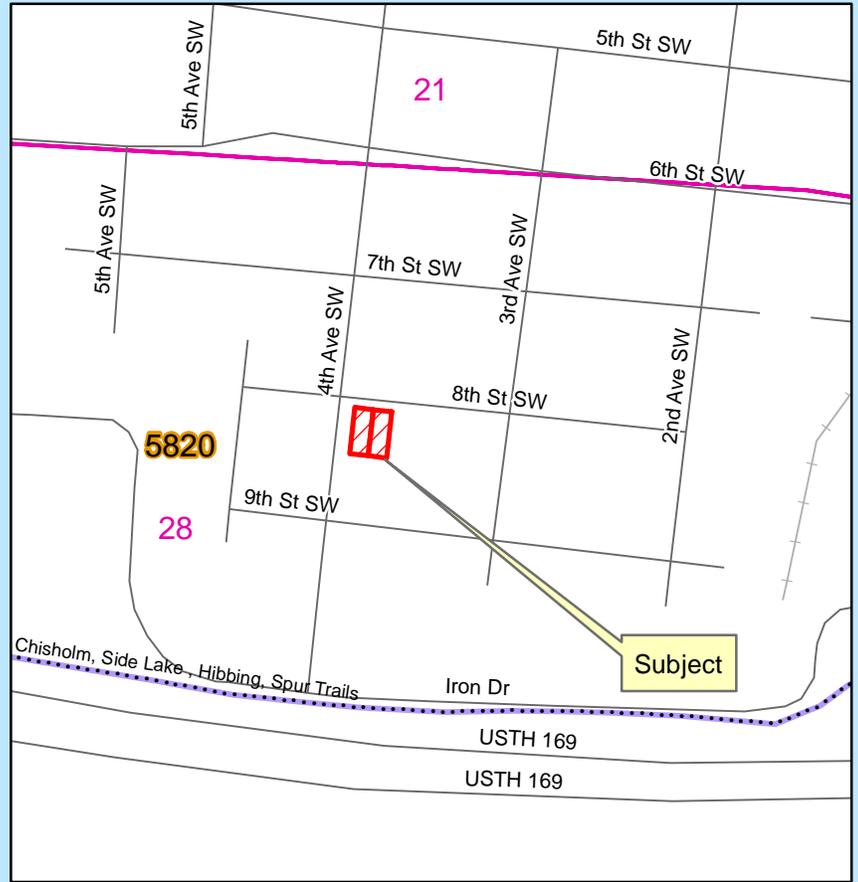
Special Sale

Legal : CITY OF CHISHOLM
LOTS 13 THRU 16, BLOCK 27
PEARCE ADDITION TO CHISHOLM

Parcel Code : 020-0170-01930,50

LDKEY : 117272, 117273

Address: 325 8th St SW
Chisholm, MN 55719

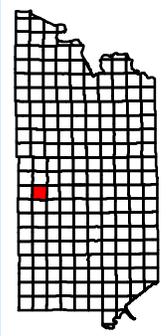


City of Chisholm

Sec: 28 Twp: 58 Rng: 20

Commissioner District # 7

- State Tax Forfeited Land
- Water
- Road
- Area of Interest
- Tract



St. Louis County, Minnesota

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. This drawing is a compilation of recorded information and data located in various city, county, state and federal offices. St. Louis County is not responsible for any incorrectness herein.

**St. Louis County
Land & Minerals
Department**



2016



2003 NAIP Photo

Request for Free Conveyance of State Tax Forfeited Land to the City of McKinley

BY COMMISSIONER _____

WHEREAS, Pursuant to Minn. Stat. § 282.01, Subd. 1a, upon recommendation of the County Board, the Commissioner of Revenue may convey non-conservation tax forfeited land to another governmental subdivision for an authorized public use; and

WHEREAS, The City of McKinley has requested a free conveyance of state tax forfeited land for a water-main maintenance building, legally described as:

CITY OF MCKINLEY

LOTS 13 AND 14 BLK 29 EX THAT PART WHICH LIES NELY OF A LINE RUN PARALLEL WITH AND DISTANT 90 FT SWLY OF THE FOLLOWING DESCRIBED LINE: FROM A POINT ON THE E AND W QUARTER LINE OF SEC 17 TWP 58 RGE 16 DISTANT 390.52 FT E OF THE W QUARTER CORNER THEREOF; RUN NWLY AT AN ANGLE OF 41DEG14'41" WITH SAID E AND W QUARTER LINE FOR 13.59 FT; THENCE DEFLECT TO THE RIGHT AT AN ANGLE OF 47DEG17'41" FOR 501.77 FT TO THE POINT OF BEGINNING OF THE LINE TO BE DESCRIBED; THENCE RUN SELY ON THE LAST DESCRIBED COURSE FOR 159.78 FT; THENCE DEFLECT TO THE LEFT 3DEG30' FOR 209.37 FT; THENCE DEFLECT TO THE LEFT 0DEG11'00" FOR 171.16 FT; THENCE DEFLECT TO THE LEFT ON A 18DEG00' CURVE (DELTA ANGLE 43DEG30'53") FOR 241.75 FT AND THERE TERMINATING. TOWNSHIP 58 NORTH, RANGE 16 WEST, SECTION 17
PARCEL CODE: 160-0010-02570
0.1 ACRE

WHEREAS, The Land Commissioner recommends that this parcel be classified as non-conservation 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; and

WHEREAS, This parcel of land is 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 classification of this parcel will be deemed approved if the County Board does not receive notice of the municipality's or town's disapproval of the classification within 60 days of the date on which this resolution is delivered to the clerk;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the classification of state tax forfeited land described herein to non-conservation and recommends that the Commissioner of Revenue convey the land to the City of McKinley for a water-main maintenance building subject to payment of \$250 administrative fee, \$250 Department of Revenue fee, \$1.65 deed tax, \$25 deed fee, and \$46 recording fee, for a total of \$572.65, to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, That the request for approval of the classification of the state tax forfeited parcel described herein shall be transmitted by St. Louis County Land and Minerals Department to the clerk of the City of McKinley.

City of McKinley

5454 Grand Avenue
P. O. Box 2088
McKinley, MN 55741
(218) 749-5313

CITY OF McKinley, MINNESOTA

Resolution 2016-05-03

**RESOLUTION AUTHORIZING THE CITY OF McKINLEY
FOR CONVEYANCE OF TAX-FORFEITED LAND FOR AND
AUTHORIZED PUBLIC USE IN ST. LOUIS COUNTY**

MOTION by Paul Lautigar to request application by the City of McKinley for Conveyance of Tax-Forfeited Land for an Authorized Public Use in St. Louis County. Parcel 160-0010-02570; Lots 13 & 14, Block 29, McKinley. Supported by Gary Berts.

Vote

Ayes: 4

Nays: 0



Michelle Claviter-Tveit
Michelle Claviter-Tveit, Clerk



Saint Louis County

Land and Minerals Dept. • www.stlouiscountymn.gov • landdept@stlouiscountymn.gov

Mark Weber
Land Commissioner

August 5, 2016

ISPAT INLAND MINING COMPANY
5950 OLD HWY 53
PO BOX 1
VIRGINIA MN 55792-0001

Dear Property Owner(s):

Minnesota Statutes 282.01, Subd. 1a, allows for the Free Conveyance of state tax forfeited properties to a Governmental Subdivision for an authorized public use.

The St. Louis County Board has directed the Land and Minerals Department to review each application for Free Conveyance and to notify all adjacent property owners of the proposed action before submitting the applications for final approval.

You have been identified as the owner of record of those lands adjacent to the tax forfeited land described as: 160-0010-02570 - CITY OF MCKINLEY, LOTS 13 AND 14 BLK 29

Reason given for Free Conveyance request: For a water main maintenance building.

Please sign and return the enclosed response letter by 09-04-2016. No response by this date will be considered agreement with the Free Conveyance as described above. As a matter of record, the signed response letter will be kept on file at the Land Commissioner's office.

If you have any questions, please feel free to contact me at (218) 726-2606.

Sincerely,


Karen Zeisler
Tax Forfeited Land Coordinator

cc: Owner-(return 2nd page with response)
File
Enclosure - map

Land Commissioner's Office
320 West 2nd Street, GSC 302
Duluth, MN 55802
(218) 726-2606
Fax: (218) 726-2600

Pike Lake Area Office
5713 Old Miller Trunk Hwy
Duluth, MN 55811
(218) 625-3700
Fax: (218) 625-3733

Virginia Area Office
7820 Highway 135
Virginia, MN 55792
(218) 742-9898
Fax: (218) 742-9870

"Trust Lands, Managed For The People Of This County"

Response Letter

RECEIVED

AUG 11 2016

LAND COMMISSIONER

Please check one of the following responses and sign in the appropriate space.

I hereby agree the State tax forfeited lands described above are best suited for a Free Conveyance to a Governmental Subdivision.

I hereby disagree with a Free Conveyance of the above described State tax forfeited lands and I understand that the land may be offered at public auction.

Jonathan Holmes - Vice President August 8, 2016
Adjacent Owner Date
Arcebo Mittal Minorca

Please return by September 4, 2016. No response by this date will be considered in agreement with the Free Conveyance as described above.

Parcel: 160-0010-02570

Adj owner name: ISPAT INLAND MINING COMPANY

Supplemental Information for a Conditional Use Deed

ALL applications (State Deed Application Form) for a conditional use deed must be accompanied by a completed Conditional Use Deed Supplement form.

Property	Property identification number(s) (PIN) for requested property (attach additional sheets if necessary)	
	Market value of requested property	Total acreage of requested property
	Describe current condition of the parcel (identify any improvements and natural features)	

160-0010-02570

1,500

.14

Bare Land with a road running through.

Forfeiture	Date of recording of auditor's certificate of forfeiture with the county recorder (if applicable)	Recorder's Document Number (if applicable)
	Date of recording of auditor's certificate of forfeiture with the county registrar of titles (if applicable)	Registrar's Document number (if applicable)

Authorized Public Use
M.S. 282.01, subd. 1a, par. (e) limits the authorized public uses for conditional use deeds to the following list. Please check the appropriate box below:

<input type="checkbox"/> Road or right-of-way for a road	<input type="checkbox"/> Park	Will the park be available to and accessible by the public? <input type="radio"/> Yes <input type="radio"/> No
<input type="checkbox"/> Trails		Will there be signage indicating to the public this is a park? <input type="radio"/> Yes <input type="radio"/> No
<input type="checkbox"/> Transit facilities		Will the park contain amenities maintained for active utilization by the public? <input type="radio"/> Yes <input type="radio"/> No
<input type="checkbox"/> Public beach or boat launch		Type of amenities: _____
<input type="checkbox"/> Public parking		Will the park primarily be open space? <input type="radio"/> Yes <input type="radio"/> No
<input type="checkbox"/> Civic recreation or conference facilities	<input checked="" type="checkbox"/> Public service facilities	Type of facility: <u>Watermain Maintenance Building</u>

Describe in detail the intended public use of the property:
This is to be used as a building for our water connection between Gilbert & McKinley

Do you anticipate establishing the proposed use within 3-years? Yes No
If "no", when do you anticipate the use being established? _____

Fee Required
Minn. Stat. § 282.01, subd. 1g requires a fee of \$250 to be submitted to the Commissioner of Revenue along with this application. If this application is denied, the Commissioner shall refund \$150 of the application fee.

The required fee is enclosed.

Supporting Documentation
Indicate the supporting documentation that you have included for consideration during the review of your application. Please note that some forms of documentation are required. Check all that apply:

<input type="checkbox"/> Photos (required)	<input checked="" type="checkbox"/> Resolution authorizing application by the governmental subdivision (required)
<input type="checkbox"/> Maps (required)	<input type="checkbox"/> Plans documenting the intended use
<input type="checkbox"/> Other: _____	

Office Use only This application it is hereby: rejected _____ granted _____ _____ By _____ Commissioner of Revenue	Fee Paid: _____ Refund: _____
--	----------------------------------

Application for State Deed for Tax-Forfeited Land

In St Louis County

Type of Acquisition

- Purchase (Minn. Stat. § 282.01, subd. 1a, par. (b) or subd. 3 or subd. 7a)
- Remove Blight/Afford. Housing (Minn. Stat. § 282.01, subd. 1a, par. (d))
- Conservation-related usage (Minn. Stat. § 282.01, subd. 1a, par. (h))
- Repurchase (Minn. Stat. § 282.012; Minn. Stat. § 282.241)
- Conditional Use Deed (Minn. Stat. § 282.01, subd. 1a, par. (e)) - Conditional Use Deed Supplement required -
- Failure to convey to city or association (Minn. Stat. § 282.01, subd. 1a, par. (f) or (g))
- Replacement for Lost/Destroyed Deed (Minn. Stat. § 282.33)
- Release (State Agencies only) (Minn. Stat. § 282.01, subd. 1a, par. (c))
- Acquisition Authorized by other statute or Special Law
Citation: _____

Is this application intended to correct a previous deed? Yes (Complete this section) No (Skip this section)

Correction
 State deed number of original deed: _____
 Information being corrected: Grantee's name Legal description Other: _____
 Was this state deed recorded? Yes No
 If "Yes", please supply recording information: _____
 (If "No", please return the original state deed with this application.)

Applicant (Grantee)
 Name(s) of applicant(s) _____
City of McKinley
 Address of applicant _____ Phone Number of applicant _____
5454 Grand Ave/ P O Box 2088 218-749-5313
 City _____ State _____ Zip Code _____
McKinley MN 55741

Ownership Please check the appropriate box below:
 Single ownership Co-ownership: joint tenancy Co-ownership: tenancy in common Co-ownership: other

Date of auditor's certificate of forfeiture _____ Date tax forfeited land was sold (if applicable) _____
 Date purchase price was paid in full (if applicable) _____ Purchase price (if applicable) _____

Property Information
 Legal description of property (attach additional sheets if needed):
Lots 13 & 14, Block 29, McKinley
54XX CSAH 20 Heritage Trail
Sec: 17 Township: 58 Range 16
Parcel 160-0010-02570
 Subject to easements of record.

Wells Please check the appropriate box below:
 There are one or more wells on this property. There are no wells on this property.

Wetland Certification
 The wetland certification form has been completed and attached to this application.

Complete this section **only** if "Replacement for Lost/Destroyed Deed" is selected above as the type of acquisition.
 The applicant is (check the appropriate box): the grantee named in the original deed the grantee's successor
 If the applicant is the grantee's successor, please state the name of the grantee in the original deed (otherwise leave blank): _____

Replacement
 Date that unrecorded state deed was issued _____ State Deed Number (if known) _____

Attach a statement of reasons in support of allegation that said deed has been lost or destroyed before it was recorded (please be specific).

ST. LOUIS COUNTY LAND DEPARTMENT ADDENDUM
TO THE APPLICATION BY A GOVERNMENTAL
SUBDIVISION FOR CONVEYANCE OF TAX-FORFEITED
LAND FOR AN AUTHORIZED PUBLIC USE
IN ST. LOUIS COUNTY
(to be completed by the applicant)

Name of governmental subdivision (applicant): City of McKinley

Mailing address of applicant: PO Box 2088, McKinley

Date requested property was forfeited to the State: 5 03 2016
(month) (day) (year)

Legal description of property (include name of the city/town in which the property is located):
Parcel: 160-0010-02570
lots 13 & 14, Block 29, McKinley

In preparation of presentation of this application for conveyance of tax-forfeited land to the St. Louis County Board, please complete the following questionnaire:

1. Is the proposed use authorized by statute, law, or local charter? Yes No
2. How is the proposed use likely to serve the public's interest as much or more than returning the parcel to the tax rolls? Rationale This is to be used as a building for our water connection meters (in lot 13 & 14, McKinley)
3. Does the parcel contain valuable natural resources? Yes No
4. Does the parcel have public scenic or aesthetic values? Yes No
5. Does the parcel contain unique geological features? Yes No
If yes, what? _____
6. According to ordinarily available information, is the parcel absent of rare plants or animals? Yes No If no, which? _____
7. According to ordinarily available information, is the parcel absent of important, historic or archeological features? Yes No
If no, which? _____

BOARD LETTER NO. 16 - 382

ENVIRONMENT & NATURAL RESOURCES COMMITTEE CONSENT NO. 11

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Demolition of Structures on
State Tax Forfeited Lands

FROM: Kevin Z. Gray
County Administrator

Mark Weber, Director
Land and Minerals

Barbara Hayden, Director
Planning and Economic Development

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENT GOAL:

To assist communities in achieving housing, economic development and community development objectives.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize the County Auditor to provide for the demolition of unsafe and dilapidated structures on tax forfeited lands.

BACKGROUND:

Minn. Stat. § 282.04 Subd. 2 (c)(1) authorizes the county auditor, with the approval of the county board, to provide for the demolition of a building or structure on tax forfeited lands, which has been determined by the county board to be especially liable to fire or so situated as to endanger life or limb or other buildings or property in the vicinity because of age, dilapidated condition, or other defects.

Minn. Stat. § 282.04 Subd. 2 (e) authorizes the county auditor, with the approval of the county board, to provide for the demolition of any structure on tax forfeited lands, if in the opinion of the county board, county auditor, and land commissioner, the sale of the land with the structure on it, or the continued existence of the structure by reason of age, dilapidated condition or excessive size as compared with nearby structures, will result in a material lessening of net tax capacities of real estate in the vicinity of the tax

forfeited lands, or if the demolition of the structure or structures will aid in disposing of the tax forfeited property.

The Director of Planning and Economic Development and the Land Commissioner have determined that the tax forfeited properties described in County Board File No. _____ contain structures that are in an unsafe and dilapidated condition, and the demolition of these structures will aid in selling or conveying the tax forfeited properties.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the County Auditor to provide for the demolition of buildings and structures on state tax forfeited lands that are in an unsafe and dilapidated condition.

Demolition of Structures on Tax Forfeited Lands

BY COMMISSIONER: _____

WHEREAS, Minn. Stat. § 282.04 Subd. 2 (c)(1) authorizes the county auditor, with the approval of the county board, to provide for the demolition of a building or structure, which has been determined by the county board to be especially liable to fire or so situated as to endanger life or limb or other buildings or property in the vicinity because of age, dilapidated condition, defective chimney, defective electric wiring, any gas connection, heating apparatus, or other defect; and

WHEREAS, Minn. Stat. § 282.04 Subd. 2 (e) authorizes the county auditor, with the approval of the county board, to provide for the demolition of any structure on tax forfeited lands, if in the opinion of the county board, county auditor, and land commissioner, the sale of the land with the structure on it, or the continued existence of the structure by reason of age, dilapidated condition or excessive size as compared with nearby structures, will result in a material lessening of net tax capacities of real estate in the vicinity of the tax forfeited lands, or if the demolition of the structure or structures will aid in disposing of the tax forfeited property; and

WHEREAS, The County Board, the County Auditor and the Land Commissioner have determined that the tax forfeited properties described in County Board File No. _____ contain structures that are in an unsafe and dilapidated condition, and the demolition of these structures will aid in selling or conveying the tax forfeited properties;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the County Auditor to provide for the demolition of structures on state tax forfeited lands described in County Board File No. _____ because the County Board, County Auditor, and Land Commissioner are of the opinion that the structures are in an unsafe and dilapidated condition and the demolition of the structures will aid in selling or conveying the tax forfeited properties.

St. Louis County - County Board Resolution Demolition List

No.	City	Address	PIN	Type
1	Aurora	5635 Lane 55	570-0021-00585	Residential
2	Alango Township	9481 Kuster Rd	200-0010-00380	Mobile Home
3	Biwabik	403 South 4th ST	015-0060-00181	Commercial - Industrial
4	Breitung Township	16 4th Ave	270-0110-02780	Mobile Home
5	Chisholm	2 Lake St W	020-0010-03150	Commercial
6	Chisholm	313 6 ST SW	020-0170-00230	Residential
7	Chisholm	320 2nd St NW	020-0150-00600	Commercial - Church
8	Colvin Township	2883 Vermilion Trl	300-0010-03322	Residential - Mobile Home
9	Duluth	1307 N 58 Ave W	010-4520-00950	Residential
10	Duluth	19 West 4th Street	010-1000-00060	Residential
11	Duluth	2712 W 9th St	010-2930-00650	Residential
12	Duluth	305 W 13th St	010-4250-00540	Mobile Home
13	Duluth	310 N 63rd Ave W	010-3140-00750	Residential
14	Duluth	4106 W 5th St	010-3400-00620	Residential
15	Duluth	7523 E Superior St	010-0280-00950	Residential
16	Duluth Twp	6752 Homestead Rd	315-0020-01740	School
17	Eveleth	507 Grant Ave	040-0010-00250	Commercial
18	Eveleth	511 Grant Ave	040-0030-00130	Commercial
19	Fairbanks Township	2713 Hwy 44	335-0010-03755	Residential - Mobile Homes
20	Fine Lakes Township	3618 Prairie Lake Road	355-0010-05052	Residential
21	Floodwood	11456 Hwy 2	360-0010-02745	Commercial - Industrial
22	Hibbing	3763 Rainey Rd	141-0050-05610	Residential
23	Hibbing	811 40th St E	140-0270-01032	Commercial
24	Hibbing	Behind 811 40th St E	140-0270-01037	Commercial
25	Hibbing (Kitzville)	219 Mitchell Ave	140-0120-02650	Residential
26	Iron Junction	4155 Merritt Ave	145-0010-01490, 145-0010-02760	Industrial
27	Sandy Township	7526, 7534 Oberg Rd	525-0010-03084	Residential - Mobile Home
28	Sturgeon Township	9103 Hwy 73	545-0010-01640	Commercial
29	Unorganized Township 56-16	6616 Wilson Rd	676-0010-01412	Residential - Mobile Home
30	Unorganized Township 63-19	3086 Hwy 53	728-0010-02850	Residential
31	Virginia	106 6th St S	090-0030-05180	Residential
32	Virginia	519 South 2nd Ave	090-0030-01330	Commercial
33	White Township	4778 Hwy 100	570-0026-00282	Residential
34	White Township	5813 Walter Ave	570-0040-02010	Residential - Mobile Home

BOARD LETTER NO. 16 - 383

ENVIRONMENT & NATURAL RESOURCES COMMITTEE
CONSENT NO. 12

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Right of Way and Utility
Easement Across State Tax
Forfeited Land to the City of
Chisholm (Garden Lands)

FROM: Kevin Z. Gray
County Administrator

Mark Weber, Director
Land and Minerals

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENTAL GOAL:

Performing public services.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize a non-exclusive right of way and utility easement to the City of Chisholm to cross state tax-forfeited land.

BACKGROUND:

The City of Chisholm is requesting an easement to accommodate existing and future utilities and road right of way. The easement is 322 feet long and 17 feet wide, described as the Westerly 17 feet, Lot 20, Garden Lands, Chisholm. The total area encumbered by the easement is 0.13 acres. Exercising the easement will not cause significant adverse environmental or natural resource management impacts, and will not conflict with public use of the land.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve a non-exclusive right of way and utility easement across state tax-forfeited land to the City of Chisholm for the amount of \$500 land use fee, \$125 administration fee and \$46 recording fee; for a total of \$671, to be deposited into Fund 240 (Forfeited Tax Fund).

**Right of Way and Utility Easement Across State Tax Forfeited Land
to the City of Chisholm (Garden Lands)**

BY COMMISSIONER _____

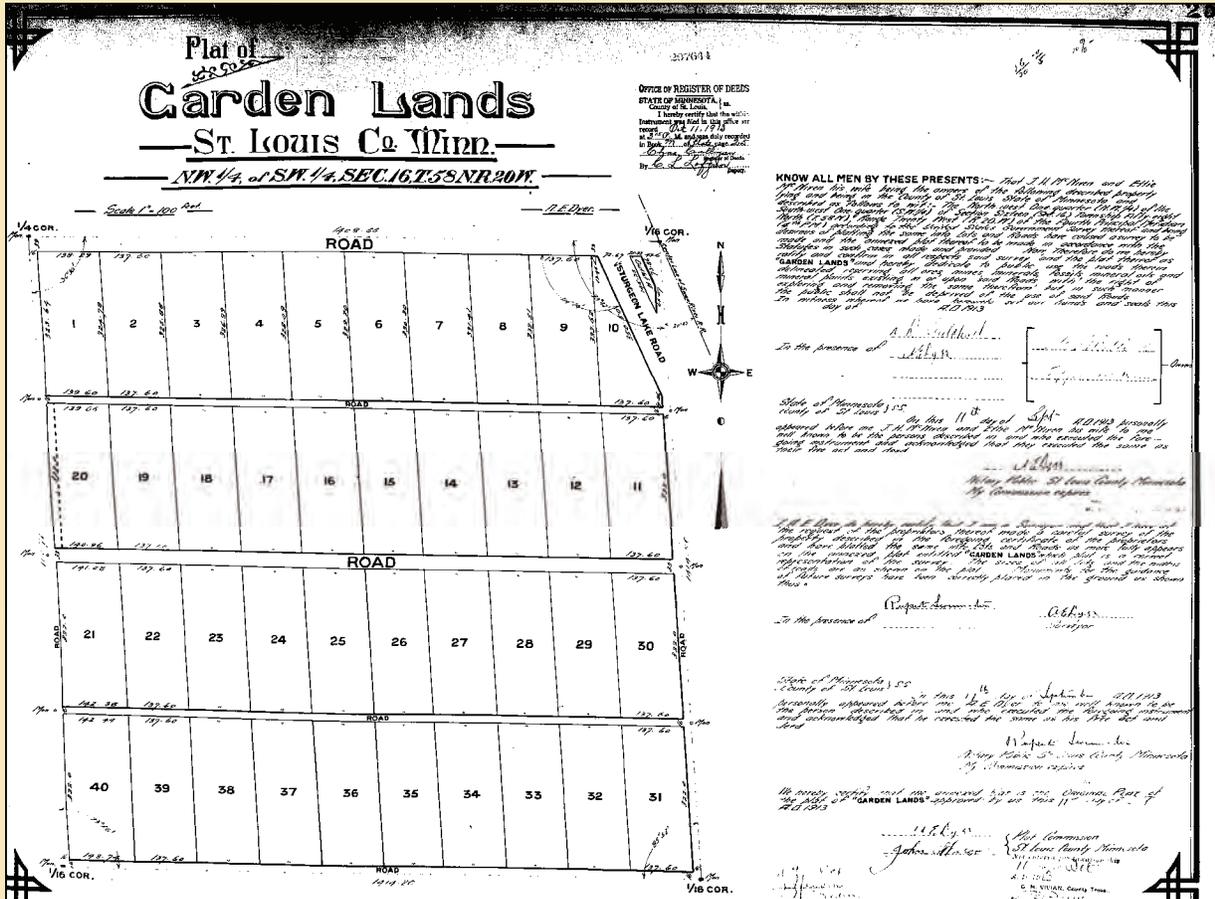
WHEREAS, The City of Chisholm has requested a right of way and utility easement across state tax-forfeited land; and

WHEREAS, Exercising the easement will not cause significant adverse environmental or natural resource management impacts and will not conflict with public use of land; and

WHEREAS, Minn. Stat. § 282.04, Subd. 4 authorizes the County Auditor to grant easements across state tax-forfeited land for such purposes;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the County Auditor to grant a non-exclusive right of way and utility easement to the City of Chisholm across state tax forfeited lands described as the Westerly 17 feet, Lot 20, Garden Lands, Chisholm.

RESOLVED FURTHER, That granting of this easement is conditioned upon payment of \$500 land use fee, \$125 administration fee and \$46 recording fee; for a total of \$671, to be deposited into Fund 240 (Forfeited Tax Fund).



Affects parcel 020-0090-00150

7th Commissioner District

- State Tax Forfeited
- Easement
- Project location



St. Louis County Minnesota

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. This drawing is a compilation of recorded information and data located in various city, county, state and federal offices. St. Louis County is not responsible for any incorrectness herein.

St. Louis County Land and Minerals Department



BOARD LETTER NO. 16 - 384

ENVIRONMENT & NATURAL RESOURCES COMMITTEE
CONSENT NO. 13

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Right of Way and Utility
Easement across State Tax-
Forfeited Land to the City of
Chisholm (Lakeview Addition)

FROM: Kevin Z. Gray
County Administrator

Mark Weber, Director
Land and Minerals

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENTAL GOAL:

Performing public services.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize a non-exclusive right of way and utility easement to the City of Chisholm to cross state tax-forfeited land.

BACKGROUND:

The City of Chisholm is requesting an easement to accommodate existing and future utilities and road right of way. The easement is 365.32 feet long and 66 feet wide, described as the Southerly 365.32 feet of the Westerly 66 feet of the S1/2 of the SE1/4 of the NW1/4 except the rail yard right of way, Section 22, Township 58 North, Range 20 West. The total area encumbered by the easement is 0.55 acres. Exercising the easement will not cause significant adverse environmental or natural resource management impacts, and will not conflict with public use of the land.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve a non-exclusive right of way and utility easement across state tax-forfeited land to the City of Chisholm for the amount of \$500 land use fee, \$125 administration fee and \$46 recording fee; for a total of \$671, to be deposited into Fund 240 (Forfeited Tax Fund).

**Right of way and Utility Easement across State Tax Forfeited Land to the
City of Chisholm (Lakeview Addition)**

BY COMMISSIONER _____

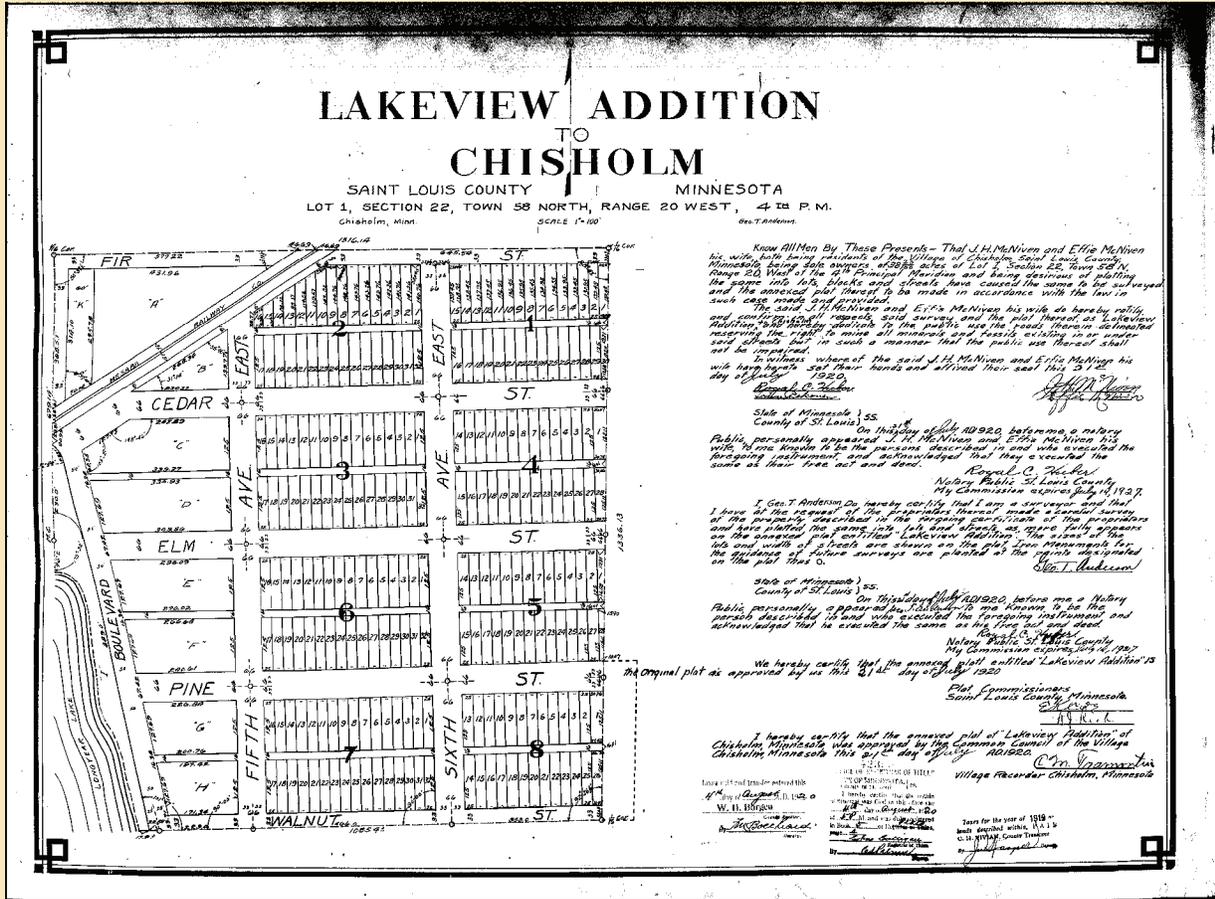
WHEREAS, The City of Chisholm has requested a right of way and utility easement across state tax-forfeited land; and

WHEREAS, Exercising the easement will not cause significant adverse environmental or natural resource management impacts and will not conflict with public use of land; and

WHEREAS, Minn. Stat. § 282.04, Subd. 4 authorizes the County Auditor to grant easements across state tax-forfeited land for such purposes;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the County Auditor to grant a non-exclusive right of way and utility easement to the City of Chisholm across state tax forfeited lands described as the Southerly 365.32 feet of the Westerly 66 feet of the S1/2 of the SE1/4 of the NW1/4 except the rail yard right of way, Section 22, Township 58 North, Range 20 West.

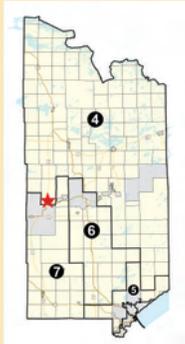
RESOLVED FURTHER, That granting of this easement is conditioned upon payment of \$500 land use fee, \$125 administration fee and \$46 recording fee; for a total of \$671, to be deposited into Fund 240 (Forfeited Tax Fund).



Affects parcel 020-0210-00370

7th Commissioner District

- State Tax Forfeited
- Easement
- Project location



St. Louis County
Minnesota

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. This drawing is a compilation of recorded information and data located in various city, county, state and federal offices. St. Louis County is not responsible for any incorrectness herein.

St. Louis County
Land and Minerals
Department



BOARD LETTER NO. 16 - 385

ENVIRONMENT & NATURAL RESOURCES COMMITTEE
CONSENT NO. 14

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Access Easement across State
Tax-Forfeited Land to Judith
Ann and Eric M. Mattson
(Culver Township)

FROM: Kevin Z. Gray
County Administrator

Mark Weber, Director
Land and Minerals

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENTAL GOAL:

Performing public services.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize a non-exclusive easement to Judith Ann and Eric M. Mattson to cross state tax-forfeited land in Culver Township.

BACKGROUND:

Judith Ann and Eric M. Mattson are requesting an easement for access to private property. The easement is 374.08 feet long and 33 feet wide across an existing driveway which connects to the Langley Forest Management Road. The total area encumbered by the easement is 0.28 acres. Exercising the easement will not cause significant adverse environmental or natural resource management impacts, and will not conflict with public use of the land.

RECOMMENDATION:

It is recommended that the St. Louis County Board grant a non-exclusive access easement across state tax forfeited land to Judith Ann and Eric M. Mattson for the amount of \$270 land use fee, \$100 administration fee and \$46 recording fee; for a total of \$416, to be deposited into Fund 240 (Forfeited Tax Fund).

Access Easement across State Tax Forfeited Land to Judith Ann and Eric M. Mattson (Culver Township)

BY COMMISSIONER _____

WHEREAS, Judith Ann and Eric M. Mattson have requested an access easement across state tax-forfeited land; and

WHEREAS, There are no reasonable alternatives to obtain access to the property; and

WHEREAS, Exercising the easement will not cause significant adverse environmental or natural resource management impacts and will not conflict with public use of land; and

WHEREAS, Minn. Stat. § 282.04, Subd. 4a authorizes the County Auditor to grant easements across state tax-forfeited land for such purposes;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the County Auditor to grant a non-exclusive access easement to Judith Ann and Eric M. Mattson across state tax forfeited lands as described in County Board File No. _____.

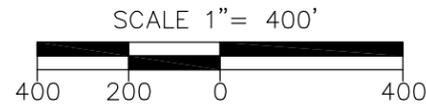
RESOLVED FURTHER, That granting of this easement is conditioned upon payment of \$270 land use fee, \$100 administration fee, and \$46 recording fee; for a total of \$416 to be deposited into Fund 240 (Forfeited Tax Fund).

Access Easement across State Tax Forfeited Land to Judith Ann and Eric M. Mattson (Culver Township)

A 33.00 foot wide easement for ingress and egress purposes over, under and across that part of Section 29, Township 51, Range 18, St Louis County, Minnesota. The centerline of said 33.00 foot wide easement is described as follows:

Commencing at the northeast corner of said Section 29; thence on an assumed bearing of South 64 degrees 34 minutes 38 seconds West, along a line drawn between said northeast corner of Section 29 and the West Quarter corner of said Section 29, a distance of 3648.34 feet; thence North 27 degrees 15 minutes 13 seconds West a distance of 15.44 feet; thence North 13 degrees 46 minutes 13 seconds West a distance of 53.02 feet; thence North 04 degrees 57 minutes 45 seconds West a distance of 87.27 feet; thence North 07 degrees 39 minutes 55 seconds West a distance of 239.36 feet; thence North 04 degrees 25 minutes 16 seconds West a distance of 98.77 feet; thence North 19 degrees 07 minutes 24 seconds East a distance of 92.69 feet; thence North 28 degrees 45 minutes 17 seconds East a distance of 111.32 feet; thence North 31 degrees 35 minutes 03 seconds East a distance of 26.82 feet; thence North 66 degrees 58 minutes 08 seconds East a distance of 35.70 feet to the actual point of beginning of the easement centerline herein described; thence South 79 degrees 48 minutes 35 seconds West a distance of 170.62 feet; thence South 78 degrees 50 minutes 27 seconds West a distance of 187.15 feet; thence North 74 degrees 35 minutes 09 seconds West a distance of 36.81 feet; thence North 64 degrees 53 minutes 51 seconds West a distance of 27.40 feet; thence North 54 degrees 10 minutes 14 seconds West a distance of 78.20 feet; thence North 47 degrees 43 minutes 27 seconds West a distance of 65.19 feet; thence North 45 degrees 32 minutes 04 seconds West a distance of 73.70 feet; thence North 54 degrees 05 minutes 13 seconds West a distance of 30.71 feet; thence North 68 degrees 30 minutes 21 seconds West a distance of 36.90 feet; thence North 63 degrees 44 minutes 24 seconds West a distance of 25 feet, more or less, to the east line of the Northwest Quarter of the Northwest Quarter of said Section 29 and there said easement centerline terminating.

SURVEY FOR: JUDITH MATTSON
 9048 EKLUND ROAD
 BROOKSTON, MINNESOTA 55711



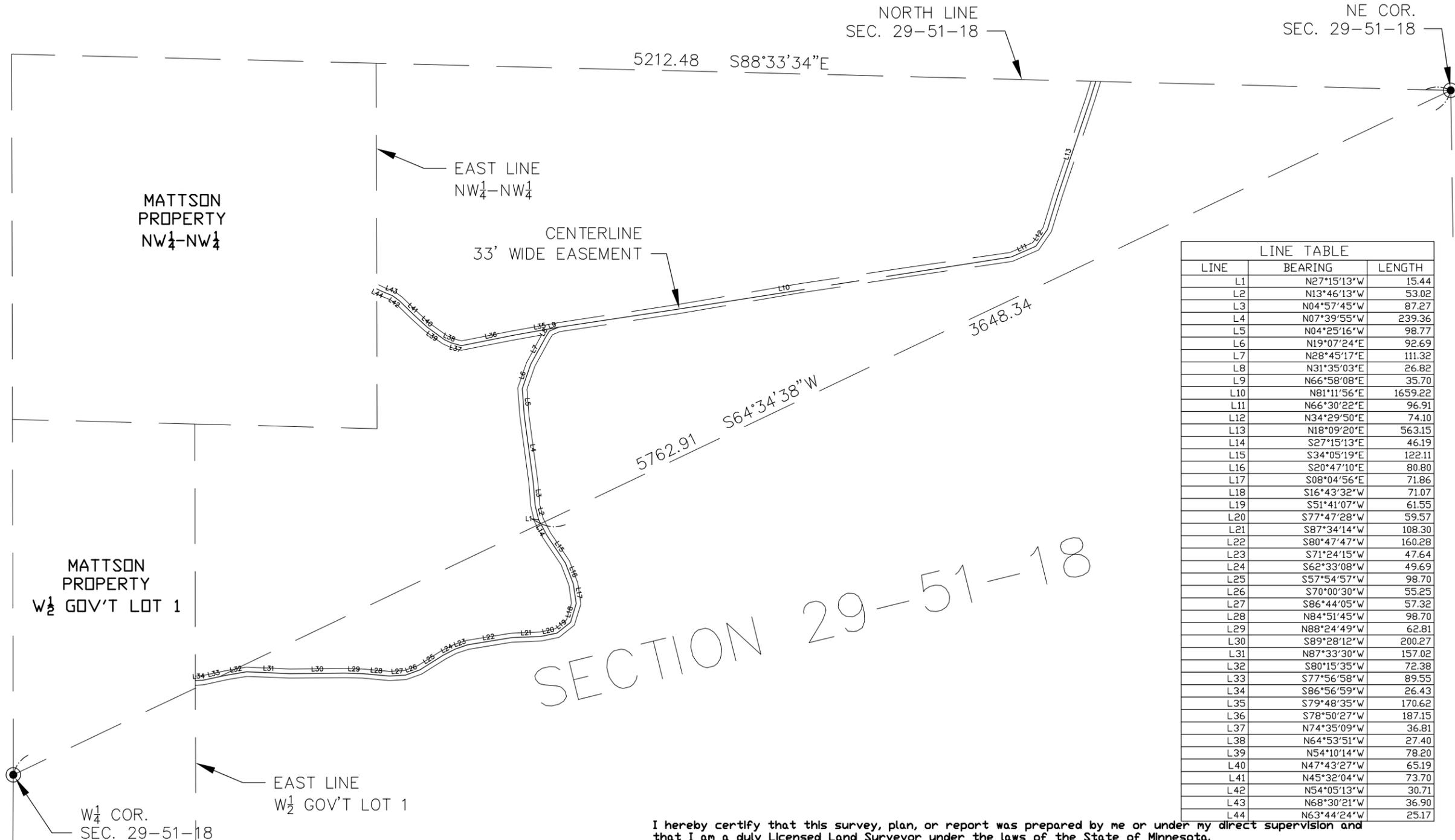
⊙ DENOTES FOUND IRON MONUMENT

STRAIGHTLINE SURVEYING, INC.

P.O. Box 510, 500 Folz Blvd
 Moose Lake, MN 55767
 E-MAIL: banderson@straightlinesurveying.com

Telephone: (218)-485-4811
 Fax: (218)-485-4811

SURVEY OF: A NEW 33.00 FOOT WIDE
 EASEMENT ACROSS SECTION 29,
 TOWNSHIP 51, RANGE 18, ST
 LOUIS COUNTY, MINNESOTA.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N27°15'13\"W	15.44
L2	N13°46'13\"W	53.02
L3	N04°57'45\"W	87.27
L4	N07°39'55\"W	239.36
L5	N04°25'16\"W	98.77
L6	N19°07'24\"E	92.69
L7	N28°45'17\"E	111.32
L8	N31°35'03\"E	26.82
L9	N66°58'08\"E	35.70
L10	N81°11'56\"E	1659.22
L11	N66°30'22\"E	96.91
L12	N34°29'50\"E	74.10
L13	N18°09'20\"E	563.15
L14	S27°15'13\"E	46.19
L15	S34°05'19\"E	122.11
L16	S20°47'10\"E	80.80
L17	S08°04'56\"E	71.86
L18	S16°43'32\"W	71.07
L19	S51°41'07\"W	61.55
L20	S77°47'28\"W	59.57
L21	S87°34'14\"W	108.30
L22	S80°47'47\"W	160.28
L23	S71°24'15\"W	47.64
L24	S62°33'08\"W	49.69
L25	S57°54'57\"W	98.70
L26	S70°00'30\"W	55.25
L27	S86°44'05\"W	57.32
L28	N84°51'45\"W	98.70
L29	N88°24'49\"W	62.81
L30	S89°28'12\"W	200.27
L31	N87°33'30\"W	157.02
L32	S80°15'35\"W	72.38
L33	S77°56'58\"W	89.55
L34	S86°56'59\"W	26.43
L35	S79°48'35\"W	170.62
L36	S78°50'27\"W	187.15
L37	N74°35'09\"W	36.81
L38	N64°53'51\"W	27.40
L39	N54°10'14\"W	78.20
L40	N47°43'27\"W	65.19
L41	N45°32'04\"W	73.70
L42	N54°05'13\"W	30.71
L43	N68°30'21\"W	36.90
L44	N63°44'24\"W	25.17

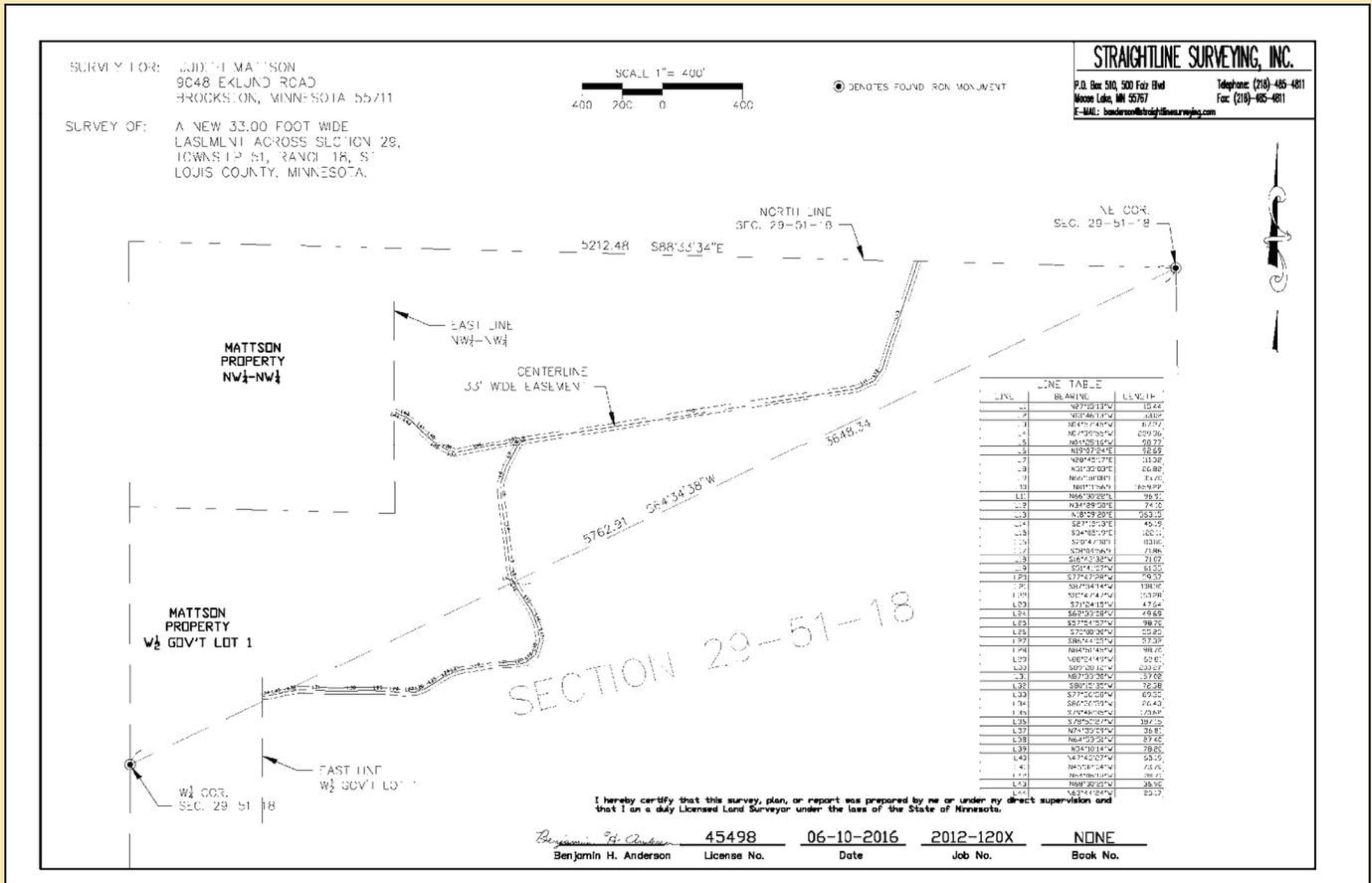
SECTION 29-51-18

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Benjamin H. Anderson 45498 06-10-2016 2012-120X NONE
 Benjamin H. Anderson License No. Date Job No. Book No.



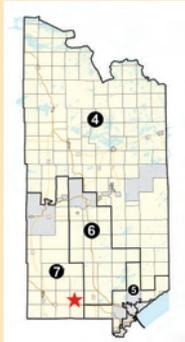
St. Louis County Land & Minerals Department Tax Forfeited Easement



Affects parcel 310-0010-04710

7th Commissioner District

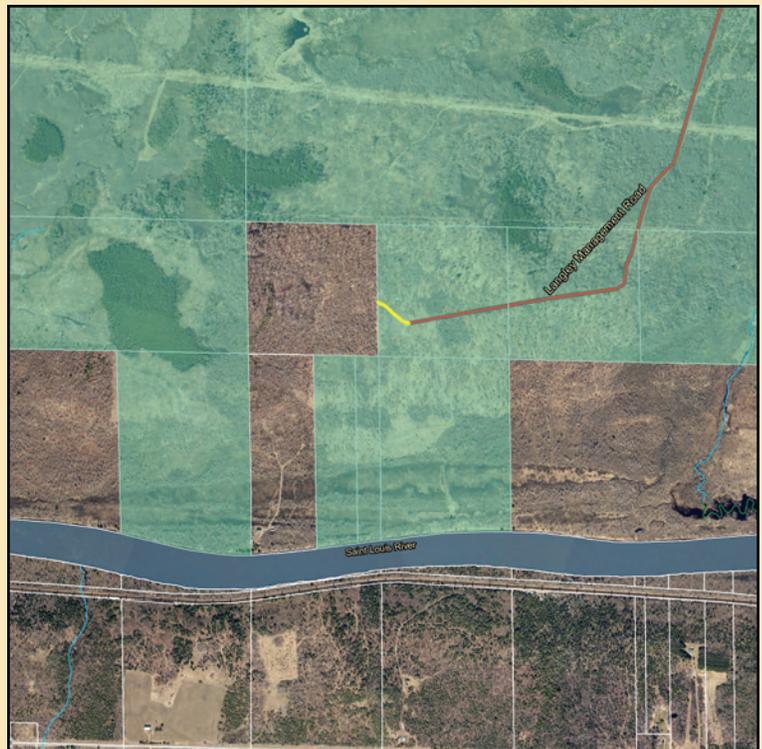
- State Tax Forfeited
- Easement
- Project location



**St. Louis County
Minnesota**

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. This drawing is a compilation of recorded information and data located in various city, county, state and federal offices. St. Louis County is not responsible for any incorrectness herein.

**St. Louis County
Land and Minerals
Department**



BOARD LETTER NO. 16 - 386

ENVIRONMENT & NATURAL RESOURCES COMMITTEE
CONSENT NO. 15

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Access Easement across State
Tax Forfeited Land to Judith
Ann Mattson (Culver
Township)

FROM: Kevin Z. Gray
County Administrator

Mark Weber, Director
Land and Minerals

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENTAL GOAL:

Performing public services.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize a non-exclusive easement to Judith Ann Mattson to cross state tax forfeited land in Culver Township.

BACKGROUND:

Judith Ann Mattson is requesting an easement for access to private property. The easement is 2,557.88 feet long and 33 feet wide across an existing driveway which connects to the Langley Forest Management Road. The total area encumbered by the easement is 1.94 acres. Exercising the easement will not cause significant adverse environmental or natural resource management impacts, and will not conflict with public use of the land.

RECOMMENDATION:

It is recommended that the St. Louis County Board grant a non-exclusive access easement across state tax forfeited land to Judith Ann Mattson for the amount of \$1,874 land use fee, \$100 administration fee and \$46 recording fee; for a total of \$2,020, to be deposited into Fund 240 (Forfeited Tax Fund).

**Access Easement across State Tax Forfeited Land to Judith Ann Mattson
(Culver Township)**

BY COMMISSIONER _____

WHEREAS, Judith Ann Mattson has requested an access easement across state tax forfeited land; and

WHEREAS, There are no reasonable alternatives to obtain access to the property; and

WHEREAS, Exercising the easement will not cause significant adverse environmental or natural resource management impacts and will not conflict with public use of land; and

WHEREAS, Minn. Stat. § 282.04, Subd. 4a authorizes the County Auditor to grant easements across state tax-forfeited land for such purposes;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the County Auditor to grant a non-exclusive access easement to Judith Ann Mattson across state tax forfeited lands as described in County Board File No. _____.

RESOLVED FURTHER, That granting of this easement is conditioned upon payment of \$1,874 land use fee, \$100 administration fee, and \$46 recording fee; for a total of \$2,020 to be deposited into Fund 240 (Forfeited Tax Fund).

**Access Easement across State Tax Forfeited Land to Judith Ann Mattson
(Culver Township)**

A 33.00 foot wide easement for ingress and egress purposes over, under and across that part of Section 29, Township 51, Range 18, St. Louis County, Minnesota. The centerline of said 33.00 foot wide easement is described as follows:

Commencing at the northeast corner of said Section 29; thence on an assumed bearing of South 64 degrees 34 minutes 38 seconds West, along a line drawn between said northeast corner of Section 29 and the West Quarter corner of said Section 29, a distance of 3648.34 feet to the actual point of beginning of the easement centerline herein described; thence North 27 degrees 15 minutes 13 seconds West a distance of 15.44 feet; thence North 13 degrees 46 minutes 13 seconds West a distance of 53.02 feet; thence North 04 degrees 57 minutes 45 seconds West a distance of 87.27 feet; thence North 07 degrees 39 minutes 55 seconds West a distance of 239.36 feet; thence North 04 degrees 25 minutes 16 seconds West a distance of 98.77 feet; thence North 19 degrees 07 minutes 24 seconds East a distance of 92.69 feet; thence North 28 degrees 45 minutes 17 seconds East a distance of 111.32 feet; thence North 31 degrees 35 minutes 03 seconds East a distance of 26.82 feet; thence North 66 degrees 58 minutes 08 seconds East a distance of 35.70 feet; thence North 81 degrees 11 minutes 56 seconds East a distance of 1659.22 feet; thence North 66 degrees 30 minutes 22 seconds East a distance of 96.91 feet; thence North 34 degrees 29 minutes 50 seconds East a distance of 74.10 feet; thence North 18 degrees 09 minutes 20 seconds East a distance of 563 feet, more or less, to the north line of said Section 29 and there said easement centerline terminating.

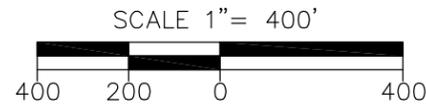
AND ALSO

A 33.00 foot wide easement for ingress and egress purposes over, under and across that part of Section 29, Township 51, Range 18, St. Louis County, Minnesota. The centerline of said 33.00 foot wide easement is described as follows:

Commencing at the northeast corner of said Section 29; thence on an assumed bearing of South 64 degrees 34 minutes 38 seconds West, along a line drawn between said northeast corner of Section 29 and the West Quarter corner of said Section 29, a distance of 3648.34 feet to the actual point of beginning of the easement centerline herein described; thence South 27 degrees 15 minutes 13 seconds East a distance of 46.19 feet; thence South 34 degrees 05 minutes 19 seconds East a distance of 122.11 feet; thence South 20 degrees 47 minutes 10 seconds East a distance of 80.80 feet; thence South 08 degrees 04 minutes 56 seconds East a distance of 71.86 feet; thence South 16 degrees 43 minutes 32 seconds West a distance of 71.07 feet; thence South 51 degrees 41 minutes 07 seconds West a distance of 61.55 feet; thence South 77

degrees 47 minutes 28 seconds West a distance of 59.57 feet; thence South 87 degrees 34 minutes 14 seconds West a distance of 108.30 feet; thence South 80 degrees 47 minutes 47 seconds West a distance of 160.28 feet; thence South 71 degrees 24 minutes 15 seconds West a distance of 47.64 feet; thence South 62 degrees 33 minutes 08 seconds West a distance of 49.69 feet; thence South 57 degrees 54 minutes 57 seconds West a distance of 98.70 feet; thence South 70 degrees 00 minutes 30 seconds West a distance of 55.25 feet; thence South 86 degrees 44 minutes 05 seconds West a distance of 57.32 feet; thence North 84 degrees 51 minutes 45 seconds West a distance of 98.70 feet; thence North 88 degrees 24 minutes 49 seconds West a distance of 62.81 feet; thence South 89 degrees 28 minutes 12 seconds West a distance of 200.27 feet; thence North 87 degrees 33 minutes 30 seconds West a distance of 157.02 feet; thence South 80 degrees 15 minutes 35 seconds West a distance of 72.38 feet; thence South 77 degrees 56 minutes 58 seconds West a distance of 89.55 feet; thence South 86 degrees 56 minutes 59 seconds West a distance of 26 feet, more or less, to the east line of the West Half of Government Lot 1 of said Section 29 and there said easement centerline terminating.

SURVEY FOR: JUDITH MATTSON
 9048 EKLUND ROAD
 BROOKSTON, MINNESOTA 55711



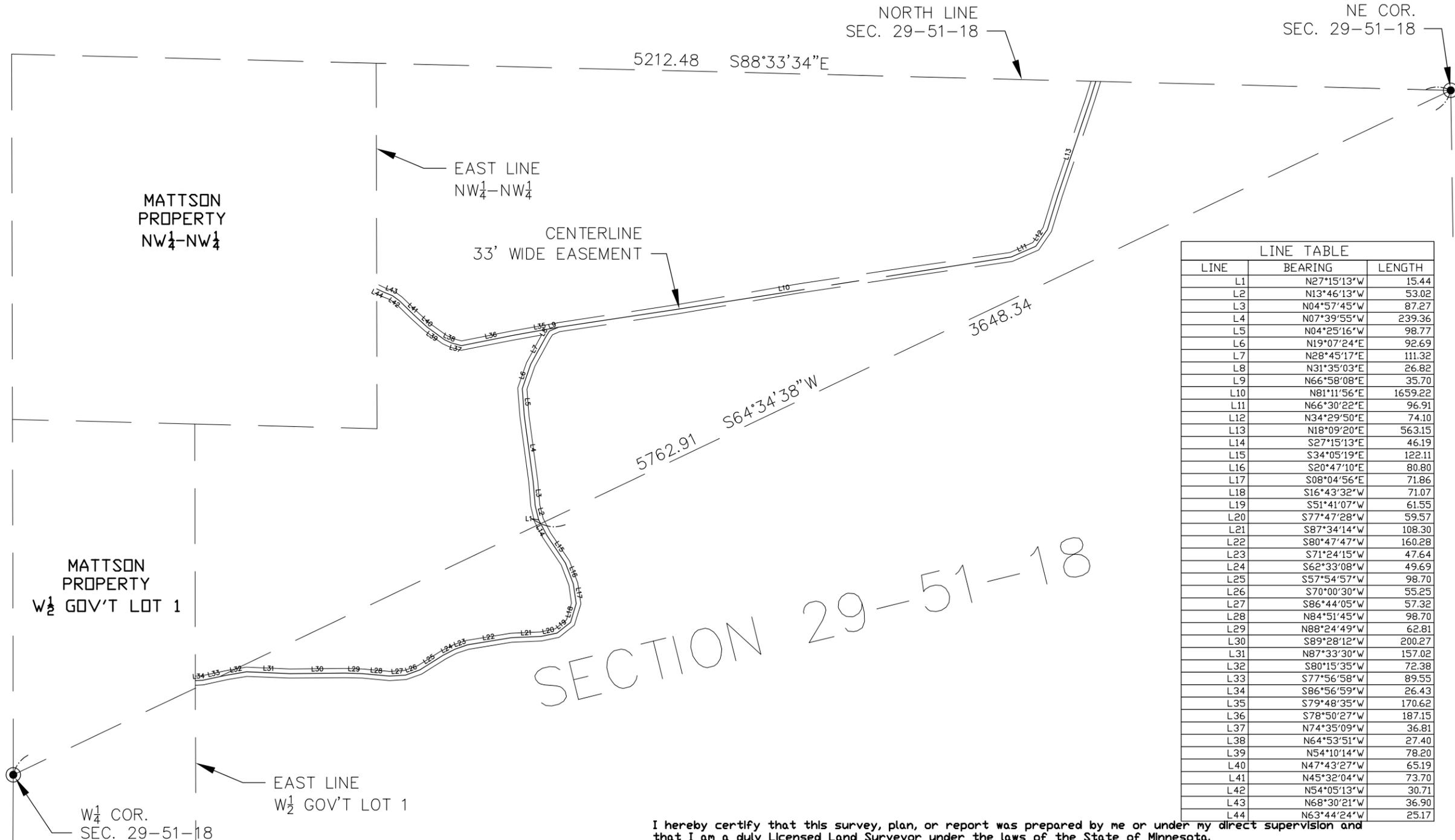
⊙ DENOTES FOUND IRON MONUMENT

STRAIGHTLINE SURVEYING, INC.

P.O. Box 510, 500 Folz Blvd
 Moose Lake, MN 55767
 E-MAIL: banderson@straightlinesurveying.com

Telephone: (218)-485-4811
 Fax: (218)-485-4811

SURVEY OF: A NEW 33.00 FOOT WIDE
 EASEMENT ACROSS SECTION 29,
 TOWNSHIP 51, RANGE 18, ST
 LOUIS COUNTY, MINNESOTA.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N27°15'13\"W	15.44
L2	N13°46'13\"W	53.02
L3	N04°57'45\"W	87.27
L4	N07°39'55\"W	239.36
L5	N04°25'16\"W	98.77
L6	N19°07'24\"E	92.69
L7	N28°45'17\"E	111.32
L8	N31°35'03\"E	26.82
L9	N66°58'08\"E	35.70
L10	N81°11'56\"E	1659.22
L11	N66°30'22\"E	96.91
L12	N34°29'50\"E	74.10
L13	N18°09'20\"E	563.15
L14	S27°15'13\"E	46.19
L15	S34°05'19\"E	122.11
L16	S20°47'10\"E	80.80
L17	S08°04'56\"E	71.86
L18	S16°43'32\"W	71.07
L19	S51°41'07\"W	61.55
L20	S77°47'28\"W	59.57
L21	S87°34'14\"W	108.30
L22	S80°47'47\"W	160.28
L23	S71°24'15\"W	47.64
L24	S62°33'08\"W	49.69
L25	S57°54'57\"W	98.70
L26	S70°00'30\"W	55.25
L27	S86°44'05\"W	57.32
L28	N84°51'45\"W	98.70
L29	N88°24'49\"W	62.81
L30	S89°28'12\"W	200.27
L31	N87°33'30\"W	157.02
L32	S80°15'35\"W	72.38
L33	S77°56'58\"W	89.55
L34	S86°56'59\"W	26.43
L35	S79°48'35\"W	170.62
L36	S78°50'27\"W	187.15
L37	N74°35'09\"W	36.81
L38	N64°53'51\"W	27.40
L39	N54°10'14\"W	78.20
L40	N47°43'27\"W	65.19
L41	N45°32'04\"W	73.70
L42	N54°05'13\"W	30.71
L43	N68°30'21\"W	36.90
L44	N63°44'24\"W	25.17

SECTION 29-51-18

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

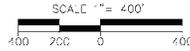
Benjamin H. Anderson 45498 06-10-2016 2012-120X NONE
 Benjamin H. Anderson License No. Date Job No. Book No.



St. Louis County Land & Minerals Department Tax Forfeited Easement

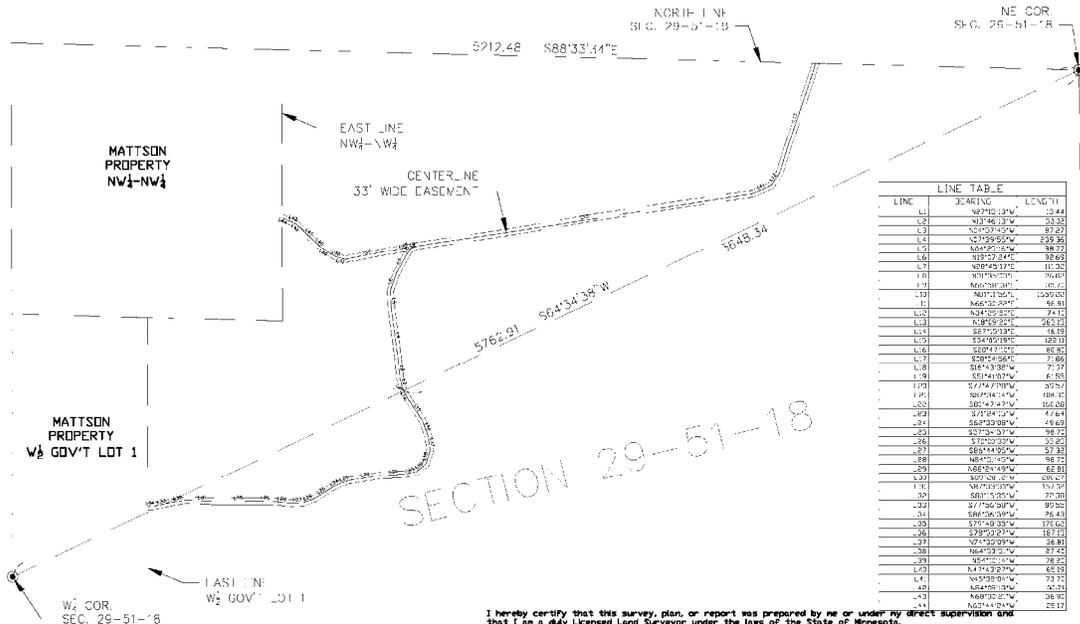
SURVEY FOR: JUDITH MATTSOY
9048 CLKJND ROAD
BROOKSTON, MINNESOTA 55711

SURVEY OF: A NEW 33.00 FOOT WIDE
EASEMENT ACROSS SECTION 29,
TOWNSHIP 57, RANGE 18, S1
LOUIS COUNTY, MINNESOTA.



● DENOTES FOUND IRON MONUMENT

STRAIGHTLINE SURVEYING, INC.
P.O. Box 310, 900 Fals Blvd
Morose Lake, MN 55767
E-Mail: banker@slsai.com
Telephone: (218) 485-4811
Fax: (218) 485-4811



LINE	BEARING	LENGTH
L1	N87°15'37"W	13.44
L2	N12°46'33"W	23.32
L3	N15°53'45"W	87.27
L4	N27°25'55"W	228.86
L5	N64°55'45"W	98.77
L6	S19°12'24"E	28.69
L7	N88°25'37"E	11.32
L8	S19°15'01"E	26.89
L9	N66°38'31"E	25.02
L10	N87°13'56"E	109.92
L11	N66°32'09"E	96.81
L12	N34°52'53"E	74.13
L13	N18°52'20"E	26.77
L14	S87°15'34"E	64.19
L15	S34°49'59"E	108.11
L16	S10°11'01"E	85.82
L17	S28°14'56"E	71.84
L18	S16°14'30"W	71.77
L19	S51°18'37"W	61.63
L20	S17°47'18"W	37.57
L21	N67°14'14"W	104.12
L22	S67°47'47"W	166.20
L23	S17°15'12"W	47.44
L24	S88°33'08"W	49.69
L25	S17°15'31"W	188.71
L26	S70°22'33"W	132.23
L27	S88°14'05"W	179.56
L28	N64°15'45"W	92.71
L29	N88°15'49"W	62.51
L30	S27°25'45"W	206.27
L31	N67°13'39"W	157.57
L32	S80°17'25"W	77.20
L33	S17°26'30"W	89.52
L34	S88°16'30"W	84.43
L35	S17°15'33"W	175.02
L36	S28°12'27"W	187.11
L37	N27°12'39"W	24.81
L38	N64°13'13"W	87.42
L39	S16°12'11"W	78.25
L40	N47°13'27"W	65.19
L41	N23°38'06"W	73.71
L42	N64°45'18"W	22.21
L43	N68°12'27"W	36.79
L44	N67°14'14"W	62.31

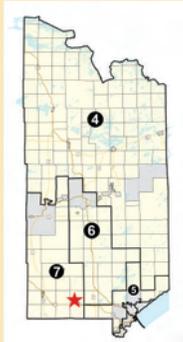
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Benjamin H. Anderson 45498 06-10-2016 2012-120X NONE
Benjamin H. Anderson License No. Date Job No. Book No.

Affects parcels 310-0010-04710, 310-0010-04730, 310-0010-04740, 310-0010-04760

7th Commissioner District

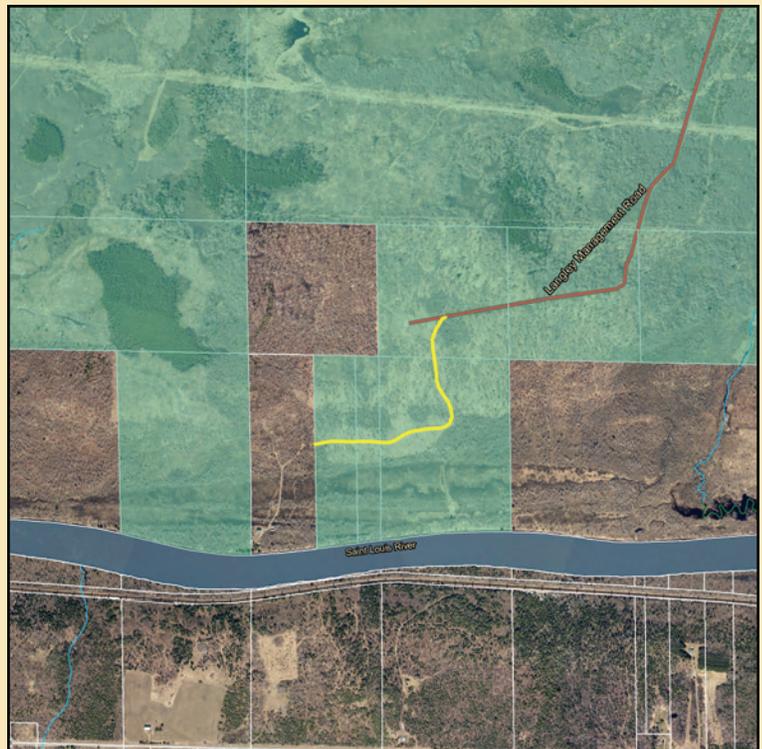
- State Tax Forfeited
- Easement
- Project location



**St. Louis County
Minnesota**

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. This drawing is a compilation of recorded information and data located in various city, county, state and federal offices. St. Louis County is not responsible for any incorrectness herein.

**St. Louis County
Land and Minerals
Department**



BOARD LETTER NO. 16 - 387

ENVIRONMENT & NATURAL RESOURCES COMMITTEE
CONSENT NO. 16

BOARD AGENDA NO.

DATE: September 6, 2016

RE: Access and Utility Easement
across State Tax-Forfeited
Land to Cellular Inc. Network
Corp. d/b/a Verizon Wireless
(Gnesen Township)

FROM: Kevin Z. Gray
County Administrator

Mark Weber, Director
Land and Minerals

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENTAL GOAL:

Performing public services.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize a non-exclusive easement to Cellular Inc. Network Corp. d/b/a Verizon Wireless to cross state tax-forfeited land in Gnesen Township.

BACKGROUND:

Cellular Inc. Network Corp. d/b/a Verizon Wireless is requesting an easement for access and utilities to private property. The easement is 491.57 feet long and 33 feet wide across an existing driveway which connects to the TR 2616, Tracy Road. The total area encumbered by the easement is 0.37 acres. Exercising the easement will not cause significant adverse environmental or natural resource management impacts, and will not conflict with public use of the land.

RECOMMENDATION:

It is recommended that the St. Louis County Board grant a non-exclusive access and utility easement across state tax forfeited land to Cellular Inc. Network Corp. d/b/a Verizon Wireless for the amount of \$831 land use fee, \$100 administration fee and \$46 recording fee; for a total of \$977, to be deposited into Fund 240 (Forfeited Tax Fund).

**Access and Utility Easement across State Tax Forfeited Land to Cellular Inc.
Network Corp. d/b/a Verizon Wireless (Gnesen Township)**

BY COMMISSIONER _____

WHEREAS, Cellular Inc. Network Corp. d/b/a Verizon Wireless has requested an access and utility easement across state tax-forfeited land; and

WHEREAS, There are no reasonable alternatives to obtain access to the property; and

WHEREAS, Exercising the easement will not cause significant adverse environmental or natural resource management impacts and will not conflict with public use of land; and

WHEREAS, Minn. Stat. § 282.04, Subd. 4 authorizes the County Auditor to grant easements across state tax-forfeited land for such purposes;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the County Auditor to grant a non-exclusive access and utility easement to Cellular Inc. Network Corp. d/b/a Verizon Wireless across state tax forfeited lands as described in County Board File No. _____.

RESOLVED FURTHER, That granting of this easement is conditioned upon payment of \$831 land use fee, \$100 administration fee, and \$46 recording fee; for a total of \$977 to be deposited into Fund 240 (Forfeited Tax Fund).

**Access and Utility Easement across State Tax Forfeited Land to Cellular Inc.
Network Corp. d/b/a Verizon Wireless (Gnesen Township)**

PROPOSED 33 FOOT WIDE ACCESS AND UTILITY EASEMENT DESCRIPTION

A 33 foot wide strip of land over and across part of the Southwest Quarter of the Northeast Quarter of Section 27, Township 53 North, Range 14 West, St. Louis County, Minnesota; the centerline of which is described as follows:

Commencing at the southeast corner of the Southeast Quarter of the Northeast Quarter of said Section 27; thence westerly on an assumed bearing of South 87 degrees 58 minutes 07 seconds West along the southerly line of said Southeast Quarter of the Northeast Quarter of Section 27, 1318.11 feet to the Southeast corner of said Southwest Quarter of the Northeast Quarter of Section 27; thence North 02 degrees 01 minutes 53 seconds West along the East line of said Southwest Quarter of the Northeast Quarter of Section 27, 120.71 feet to the Point of Beginning of the centerline to be described; thence South 67 degrees 52 minutes 10 seconds West 20.50 feet; thence North 85 degrees 24 minutes 32 seconds West 79.95 feet; thence North 71 degrees 46 minutes 08 seconds West 115.30 feet; thence North 76 degrees 50 minutes 35 seconds West 82.58 feet; thence North 85 degrees 30 minutes 48 seconds West 61.66 feet; thence North 88 degrees 06 minutes 18 seconds West 107.38 feet; thence North 81 degrees 42 minutes 28 seconds West to its intersection with the easterly right-of-way line of Tracy Road (a township road). The sidelines of side strip shall be prolonged or shortened so as to begin on said East line of said Southwest Quarter of the Northeast Quarter of Section 27 and terminate on said easterly right-of-way line of Tracy Road.



ASSOCIATED ENGINEERING AND SURVEYING, INC

2705 N. MAIN STREET
OMAHA, NE 68022
PH: (402) 289-5040
FAX: (402) 289-5045
AE INC. PROJECT #4417

PREPARED FOR:



KGI WIRELESS, INC.

805 LAS CIMAS PKWY
BUILDING THREE, SUITE 370
AUSTIN, TX 78746

TEL: 512.345.9595
FAX: 512.345.9898

SITE NAME:

DULC BOULDER

LOCATION CODE:

392324

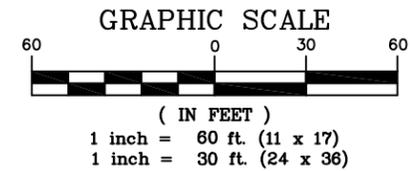
THESE DRAWINGS ARE THE PROPERTY OF VERIZON WIRELESS. THEY ARE INTENDED FOR THE EXCLUSIVE USE OF THIS PROJECT ONLY. ANY RE-USE OF THESE PLANS (DRAWINGS) WITHOUT THE EXPRESS WRITTEN CONSENT OF VERIZON WIRELESS IS PROHIBITED.

ISSUED FOR: _____ DATE _____

REVISION		
NO	DESCRIPTION	BY DATE
A	PRELIM	SD 12/02/15
B	TOWER LOCATION	SD 03/31/16
O	FINAL	SD 04/08/16
1	33' EASEMENT	SD 06/13/16

SHEET TITLE:
SITE SURVEY

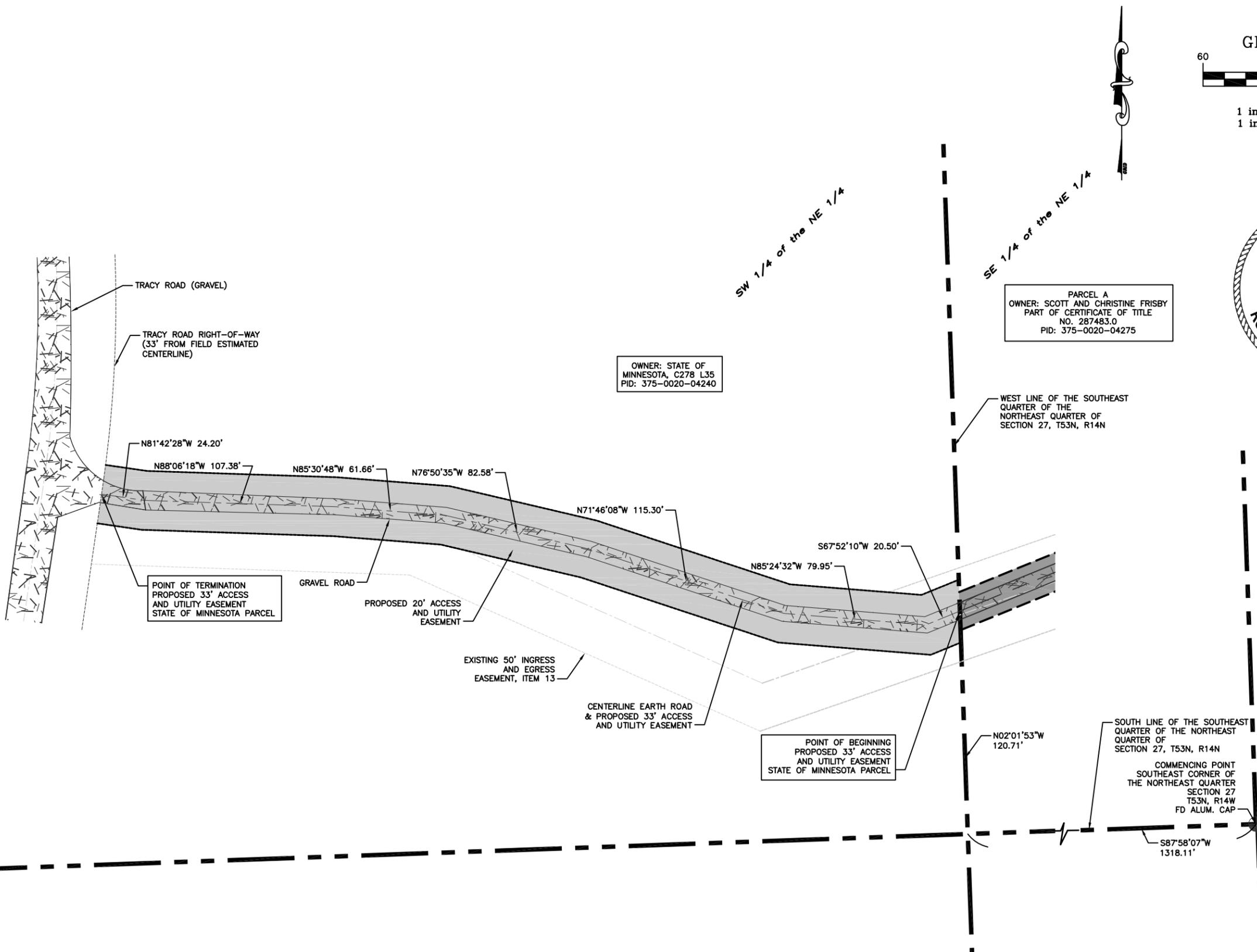
SHEET NUMBER:
SS-3



SIGNED: 06/13/2016
EXPIRES: 12/31/2016

PARCEL A
OWNER: SCOTT AND CHRISTINE FRISBY
PART OF CERTIFICATE OF TITLE
NO. 287483.0
PID: 375-0020-04275

OWNER: STATE OF MINNESOTA, C278 L35
PID: 375-0020-04240



BOUNDARY NOTICE

PARENT PARCEL(S) BOUNDARY LINES SHOWN ON THESE DRAWINGS ARE CALCULATED FROM RECORDED DOCUMENTS AND ARE NOT INTENDED TO BE USED FOR BOUNDARY LOCATIONS.

**20' ACCESS AND UTILITY EASEMENT
STATE OF MINNESOTA PARCEL**

Z:\Most Updated Jobs\KGI\Boulder DULC aepe4417\Survey\Final_v1_DULC_Boulder_06-06-16.dwg Jun 14, 2016 - 1:26pm

PARENT PARCEL DESCRIPTION (as provided)

PARCEL A (PART OF CERTIFICATE OF TITLE NO. 287483.0):

SE 1/4 OF NE 1/4 SECTION 27 TOWNSHIP 53 NORTH RANGE 14, EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID SE 1/4 OF NE 1/4; THENCE, WESTERLY ALONG THE SOUTH LINE OF SAID SE 1/4 OF NE 1/4 A DISTANCE OF 700 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING IN A WESTERLY DIRECTION ALONG SAID SOUTH LINE OF SAID SE 1/4 OF NE 1/4 A DISTANCE OF 300 FEET TO A POINT; THENCE, IN A NORTHERLY DIRECTION AND PARALLEL TO THE EAST LINE OF SAID SE 1/4 OF NE 1/4 A DISTANCE OF 726 FEET TO A POINT; THENCE, IN AN EASTERLY DIRECTION AND PARALLEL TO SAID SOUTH LINE OF SAID SE 1/4 OF NE 1/4 A DISTANCE OF 300 FEET TO A POINT; THENCE, IN A SOUTHERLY DIRECTION AND PARALLEL TO SAID EAST LINE OF SAID SE 1/4 OF NE 1/4, A DISTANCE OF 726 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL B (CERTIFICATE OF TITLE NO. 282754.0):

THAT PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 27, TOWNSHIP 53, RANGE 14 DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID SE 1/4 OF NE 1/4; THENCE, WESTERLY ALONG THE SOUTH LINE OF SAID SE 1/4 OF NE 1/4 A DISTANCE OF 700 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING IN A WESTERLY DIRECTION ALONG SAID SOUTH LINE OF SAID SE 1/4 OF NE 1/4 A DISTANCE OF 300 FEET TO A POINT; THENCE, IN A NORTHERLY DIRECTION AND PARALLEL TO THE EAST LINE OF SAID SE 1/4 OF NE 1/4 A DISTANCE OF 726 FEET TO A POINT; THENCE, IN AN EASTERLY DIRECTION AND PARALLEL TO SAID SOUTH LINE OF SAID SE 1/4 OF NE 1/4 A DISTANCE OF 300 FEET TO A POINT; THENCE, IN A SOUTHERLY DIRECTION AND PARALLEL TO SAID EAST LINE OF SAID SE 1/4 OF NE 1/4, A DISTANCE OF 726 FEET MORE OR LESS TO THE POINT OF BEGINNING.

GENERAL NOTES

- 1. DISTANCES ARE MARKED IN FEET AND DECIMAL PLACES THEREOF.
2. NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON.
3. ALL BEARINGS SHOWN ARE ASSUMED BEARINGS.
4. THERE MAY BE ADDITIONAL TERMS, POWERS, PROVISIONS AND LIMITATIONS CONTAINED IN AN ABSTRACT DEED, LOCAL ORDINANCES, DEEDS, TRUSTS, COVENANTS OR OTHER INSTRUMENTS OF RECORD.
5. THE UTILITIES AS SHOWN ON THIS DRAWING WERE DEVELOPED FROM THE INFORMATION AVAILABLE. THIS IS NOT IMPLIED NOR INTENDED TO BE THE COMPLETE INVENTORY OF UTILITIES IN THIS AREA. IT IS THE CLIENT'S / CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM DAMAGE.
6. ANY DISCREPANCIES FOUND WITHIN THIS DOCUMENT NEED TO BE REPORTED TO THE SURVEYOR AS SOON AS POSSIBLE.
7. LEASE AREA INFORMATION WAS TAKEN FROM DOCUMENTS PROVIDED BY CLIENT.
8. ACCORDING TO FLOOD HAZARD BOUNDARY MAP COMMUNITY-PANEL NUMBER 270039 0003 A, EFFECTIVE DATE 9/1/1988, A PORTION OF THIS PARCEL (ALONG THE MIDWAY RIVER) IS A SPECIAL FLOOD HAZARD AREA. THE REMAINDER OF THE SITE IS NOT.
9. BEARINGS ARE ASSUMED. THE BASIS OF BEARINGS IS S87°58'07"W, BEING THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 53 NORTH, RANGE 14 WEST, ST. LOUIS COUNTY, MINNESOTA.
10. BENCH MARK USED IS NGS/USGS BENCH MARK PID: DMS759 DATUM USED IS NAVD '88. ELEVATION = 1421.16
11. PLEASE NOTE THAT WE HAVE SHOWN THE APPROXIMATE LOCATIONS OF THE OF THE EAST AND WEST LINES FOR THE NE1/4. WE DID NOT FIND MONUMENTATION FOR THE NE CORNER OF SECTION 27 OR THE NORTH QUARTER CORNER FOR SECTION 27. INFORMATION COULD ARISE THAT WOULD PLACE THESE LINES AND CORNERS IN A DIFFERENT LOCATION.

EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS

TITLE REPORT PROVIDED BY: FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NUMBER: NCS-756623-MKE. COMMITMENT DATE: OCTOBER 02, 2015 AT 7:30 A.M.

SCHEDULE B, SECTION TWO, EXCEPTIONS:

- ITEM 1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS, OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
ITEM 2. DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, ENCROACHMENTS, OR ANY OTHER FACT WHICH A CORRECT SURVEY WOULD DISCLOSE, AND WHICH ARE NOT SHOWN BY PUBLIC RECORDS.
ITEM 3. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF SAID LAND OR BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF.
ITEM 4. EASEMENTS, CLAIMS OF EASEMENT OR ENCUMBRANCES WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.
ITEM 5. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN IN THE PUBLIC RECORDS.
ITEM 6. TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS.
ITEM 7. REAL ESTATE TAXES PAYABLE IN THE YEAR 2015 IN THE AMOUNT OF \$2,340.00 TOTAL; FIRST HALF PAID, SECOND HALF PAID.
BASE TAX: \$2,322.00.
TAX PARCEL NO. 375-0020-04275
REAL ESTATE TAXES PAYABLE IN THE YEAR 2015 IN THE AMOUNT OF \$112.00 TOTAL; FIRST HALF PAID, SECOND HALF PAID.
BASE TAX: \$112.00.
TAX PARCEL NO. 375-0020-04270
REAL ESTATE TAXES PAYABLE IN THE YEAR 2015 IN THE AMOUNT OF \$62.00 TOTAL; FIRST HALF PAID, SECOND HALF PAID.
BASE TAX: \$62.00.
TAX PARCEL NO. 375-0020-04272
ITEM 8. ANY AND ALL LEVIED SPECIAL ASSESSMENTS.
ITEM 9. ANY AND ALL PENDING SPECIAL ASSESSMENTS.
ITEM 10. MORTGAGE DATED JULY 7, 2005, RECORDED SEPTEMBER 12, 2005, AS DOC. NO. 804392, FROM SCOTT FRISBY AND CHRISTINE FRISBY, HUSBAND AND WIFE, AND SCOTT D. FRISBY AND CHRISTINE L. FRISBY, HUSBAND AND WIFE, TO WELLS FARGO BANK N.A., IN THE ORIGINAL AMOUNT OF \$ 50,000.00, AS AMENDED BY DOC. NOS. 853586 AND 853587.
ITEM 11. MORTGAGE DATED OCTOBER 30, 2009, RECORDED JANUARY 19, 2010, AS DOC. NO. 879969, FROM SCOTT FRISBY AND CHRISTINE FRISBY, HUSBAND AND WIFE, TO WELLS FARGO BANK, N.A., IN THE ORIGINAL AMOUNT OF \$ 216,678.00, AS PARTIALLY RELEASED BY DOC. NO. 886268.
ITEMS 1 THRU 11 NOT SURVEY ISSUES.
ITEM 12. THE FOLLOWING, WHICH APPEARS AS A MEMORIAL ON THE CERTIFICATES OF TITLE FOR THE LAND: AGREEMENT, DATED DECEMBER 28, 1984, RECORDED FEBRUARY 24, 1992, AS DOC. NO. 544767. REFERENCED LINE DEPICTED IN DRAWING. NOT A SURVEY ISSUE.
ITEM 13. THE FOLLOWING, WHICH APPEARS AS A MEMORIAL ON THE CERTIFICATES OF TITLE FOR THE LAND: QUIT CLAIM DEED, DATED JUNE 11, 1999, RECORDED DECEMBER 22, 1999, AS DOC. NO. 677073.
NOTE: THE FOREGOING QUIT CLAIM DEED PURPORTED TO CONVEY A ROADWAY EASEMENT THAT MAY BE FOR THE BENEFIT OF PART OF THE LAND. TITLE TO SAID EASEMENT IS NOT INSURED HEREUUNDER. REFERENCED 50' ROADWAY EASEMENT SHOWN IN DRAWING, AFFECTS SUBJECT PROPERTY.
ITEM 14. THE FOLLOWING, WHICH APPEARS AS A MEMORIAL ON THE CERTIFICATES OF TITLE FOR THE LAND: EASEMENT IN FAVOR OF ST. LOUIS COUNTY, DATED AUGUST 2, 2002, RECORDED SEPTEMBER 10, 2002, AS DOC. NO. 730279. DOES NOT AFFECT SUBJECT PROPERTY. NOT SHOWN ON DRAWING.
ITEM 15. POSSIBLE LACK OF ACCESS TO THE LAND. EASEMENTS EXIST BETWEEN PARENT PARCEL AND PUBLIC RIGHT-OF-WAY. PART OF THE 50' ROADWAY EASEMENT TO TRACY ROAD APPEARS TO CROSS PROPERTY OWNED BY THE STATE OF MINNESOTA.
ITEM 16. RIGHTS OF TENANTS UNDER UNRECORDED LEASES. NOT A SURVEY ISSUE.

PROPOSED LEASE SITE DESCRIPTION

That PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 53 NORTH, RANGE 14 WEST, ST. LOUIS COUNTY, MINNESOTA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE WESTERLY on an assumed bearing of SOUTH 87°58'07" WEST ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, 1206.75 FEET; THENCE NORTH 02°01'53" WEST, 615.04 FEET to the point of beginning of the lease site to be described; THENCE NORTH 35°30'22" WEST, 100.00 FEET; THENCE NORTH 54°29'38" EAST, 100.00 FEET; THENCE SOUTH 35°30'22" EAST, 100.00 FEET; THENCE SOUTH 54°29'38" WEST, 100.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 10,000 SQUARE FEET, Or 0.22 OF AN ACRE, MORE OF LESS.

PROPOSED 20-FOOT WIDE ACCESS AND UTILITY EASEMENT DESCRIPTION - FRISBY PROPERTY

A 20 FOOT WIDE STRIP OF LAND OVER AND ACROSS PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 53 NORTH, RANGE 14 WEST, ST. LOUIS COUNTY, MINNESOTA; THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE WESTERLY ON AN ASSUMED BEARING OF SOUTH 87°58'07" WEST ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, 1206.75 FEET; THENCE NORTH 02°01'53" WEST, 615.04 FEET; THENCE NORTH 35°30'22" WEST, 100.00 FEET; THENCE NORTH 54°29'38" EAST, 100.00 FEET; THENCE SOUTH 35°30'22" EAST, 100.00 FEET; THENCE SOUTH 54°29'38" WEST, 10.00 FEET, TO THE POINT OF BEGINNING OF THE CENTERLINE TO BE DESCRIBED; THENCE SOUTH 34°03'20" EAST, 349.82 FEET; THENCE SOUTH 35°16'25" WEST, 25.65 FEET; THENCE SOUTH 38°37'52" WEST, 45.29 FEET; THENCE SOUTH 48°45'52" WEST, 51.33 FEET; THENCE SOUTH 54°16'26" WEST, 51.76 FEET; THENCE SOUTH 57°43'15" WEST, 75.82 FEET; THENCE SOUTH 57°50'37" WEST, 128.60 FEET; THENCE SOUTH 67°52'10" WEST, 71.67 FEET TO ITS INTERSECTION WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, T53N, R14N. THE SIDELINES OF SIDE STRIP SHALL BE PROLONGED OR SHORTENED SO AS TO BEGIN ON THE SOUTHERLY LINE OF THE LEASE EASEMENT AND TERMINATE ON SAID WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27.

PROPOSED 33-FOOT WIDE ACCESS AND UTILITY EASEMENT DESCRIPTION - GOVERNMENT PROPERTY

A 33 FOOT WIDE STRIP OF LAND OVER AND ACROSS PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 53 NORTH, RANGE 14 WEST, ST. LOUIS COUNTY, MINNESOTA; THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE WESTERLY ON AN ASSUMED BEARING OF SOUTH 87°58'07" WEST ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, 1318.11 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE NORTH 02°01'53" WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, 120.71 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE TO BE DESCRIBED; THENCE SOUTH 67°52'10"W 20.50'; THENCE NORTH 85°24'32" WEST 79.95'; THENCE NORTH 71°46'08" WEST 115.30'; THENCE NORTH 76°50'35" WEST 82.58'; THENCE NORTH 85°30'48" WEST 61.66'; THENCE NORTH 88°06'18" WEST 107.38'; THENCE NORTH 81°42'28" WEST TO ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF TRACY ROAD (A TOWNSHIP ROAD). THE SIDELINES OF SIDE STRIP SHALL BE PROLONGED OR SHORTENED SO AS TO BEGIN ON SAID EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 AND TERMINATE ON SAID EASTERLY RIGHT-OF-WAY LINE OF TRACY ROAD.

PRE-CONSTRUCTION ONLY

THIS DRAWING IS FOR SURVEY PURPOSES ONLY AND IS NOT INTENDED AS A CONSTRUCTION DOCUMENT.

BOUNDARY NOTICE

PARENT PARCEL(S) BOUNDARY LINES SHOWN ON THESE DRAWINGS ARE CALCULATED FROM RECORDED DOCUMENTS AND ARE NOT INTENDED TO BE USED FOR BOUNDARY LOCATIONS.



SIGNED: 06/13/2016
EXPIRES: 12/31/2016

SURVEYOR'S CERTIFICATE

MINNESOTA CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATED THIS 13th DAY OF June, 2016.

[Signature]

RORY L. SYNSTELIEN
MINNESOTA LICENSE NO. 44565
roryrls@gmail.com



ASSOCIATED ENGINEERING, INC

2705 N. MAIN STREET
OMAHA, NE 68022
PH: (402) 289-5040
FAX: (402) 289-5045
AE INC. PROJECT #4417

PREPARED FOR:



KGI WIRELESS, INC.

805 LAS CIMAS PKWY
BUILDING THREE, SUITE 370
AUSTIN, TX 78746

TEL: 512.345.9595
FAX: 512.345.9898

SITE NAME:

DULC BOULDER

LOCATION CODE:
392324

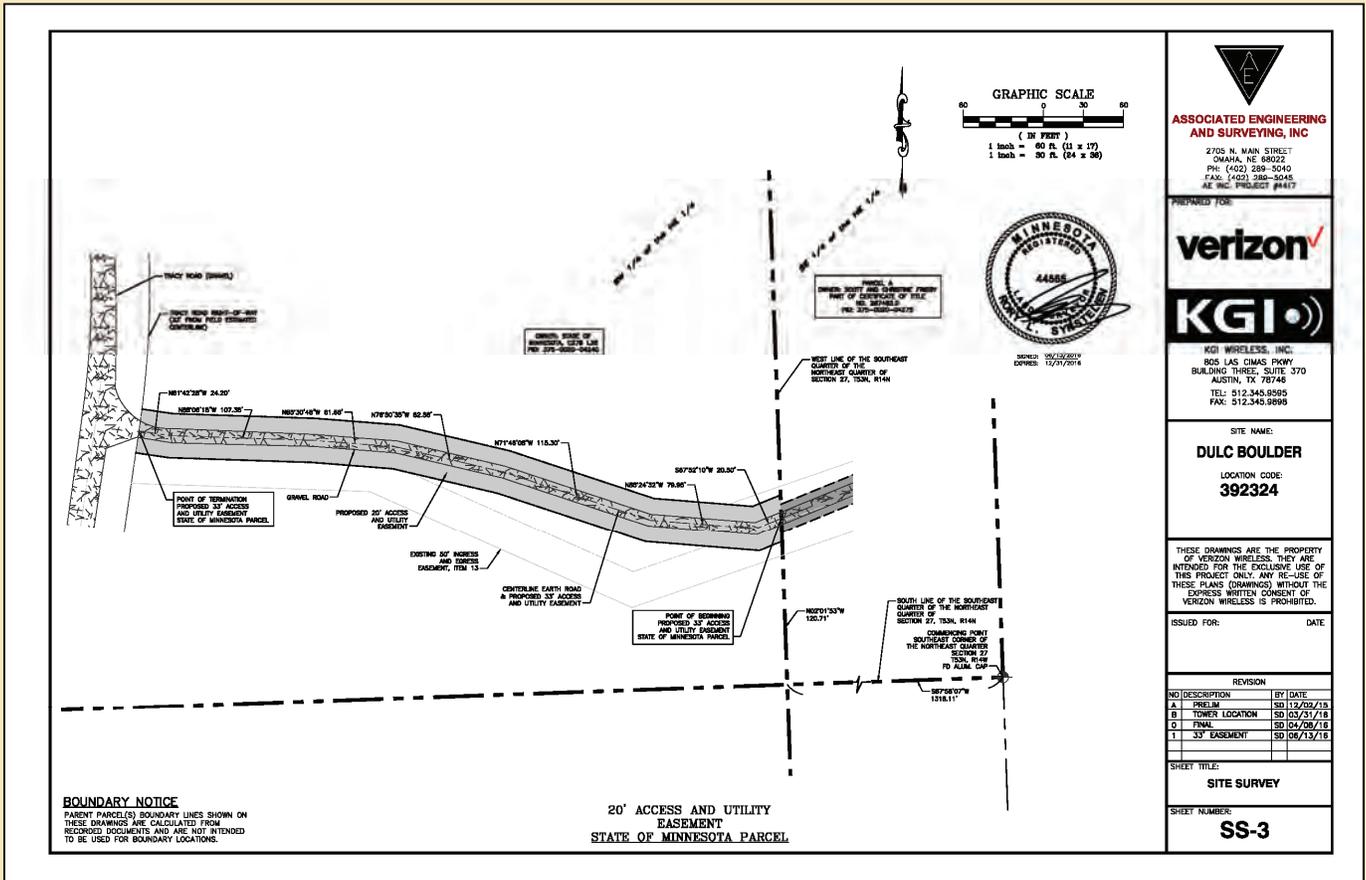
THESE DRAWINGS ARE THE PROPERTY OF VERIZON WIRELESS. THEY ARE INTENDED FOR THE EXCLUSIVE USE OF THIS PROJECT ONLY. ANY RE-USE OF THESE PLANS (DRAWINGS) WITHOUT THE EXPRESS WRITTEN CONSENT OF VERIZON WIRELESS IS PROHIBITED.

ISSUED FOR: DATE

Table with 4 columns: NO, DESCRIPTION, BY, DATE. Row 1: A, PRELIM, SD, 12/02/15. Row 2: B, TOWER LOCATION, SD, 03/31/16. Row 3: O, FINAL, SD, 04/08/16. Row 4: 1, 33' EASEMENT, SD, 06/13/16.

SHEET TITLE:
SITE SURVEY

SHEET NUMBER:
SS-4



ASSOCIATED ENGINEERING AND SURVEYING, INC
 2705 N. MAIN STREET
 OMAHA, NE 68122
 PH: (402) 289-5040
 FAX: (402) 380-5048
 AE REG. PROJECT #4417

PREPARED FOR:
verizon
KGI

KGI WIRELESS, INC.
 805 LAS CIMAS PKWY
 BUILDING THREE, SUITE 370
 AUSTIN, TX 78748
 TEL: 512.345.8895
 FAX: 512.345.8898

SITE NAME:
DULC BOULDER
 LOCATION CODE:
392324

THESE DRAWINGS ARE THE PROPERTY OF VERIZON WIRELESS. THEY ARE INTENDED FOR THE EXCLUSIVE USE OF THIS PROJECT ONLY. ANY RE-USE OF THESE PLANS (DRAWINGS) WITHOUT THE EXPRESS WRITTEN CONSENT OF VERIZON WIRELESS IS PROHIBITED.

ISSUED FOR: _____ DATE: _____

REVISION	
NO. DESCRIPTION	BY DATE
A. PRELIM	SD 12/29/15
B. TOWER LOCATION	SD 03/21/18
C. FINAL	SD 04/08/18
T. 33' EASEMENT	SD 06/13/18

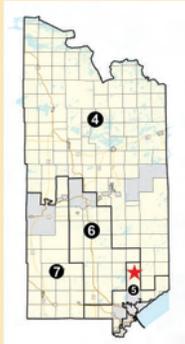
SHEET TITLE:
SITE SURVEY

SHEET NUMBER:
SS-3

Affects parcel 375-0020-04240

5th Commissioner District

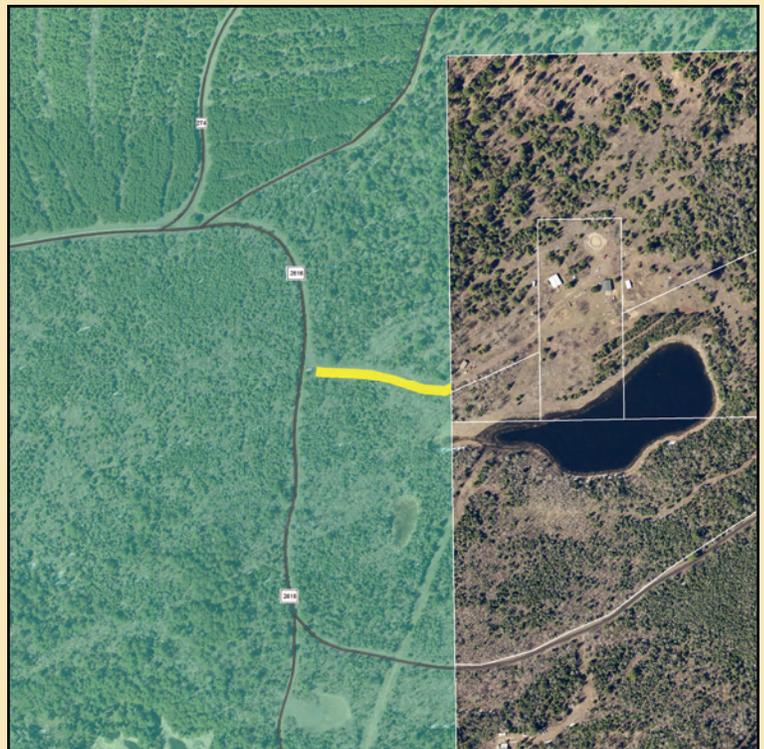
- State Tax Forfeited
- Easement
- Project location



**St. Louis County
Minnesota**

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. This drawing is a compilation of recorded information and data located in various city, county, state and federal offices. St. Louis County is not responsible for any incorrectness herein.

**St. Louis County
Land and Minerals
Department**



BOARD LETTER NO. 16 – 388

PUBLIC WORKS & TRANSPORTATION COMMITTEE
CONSENT NO. 17

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Award of Bid: Fuel Deliveries
of Gasohol, Fuel Oil and Diesel
Fuel

FROM: Kevin Z. Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

Donna Viskoe
Procurement Manager

RELATED DEPARTMENT GOAL:

To provide a safe, well maintained road and bridge system.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize the Purchasing Division to contract with the low bidders for the purchase of gasohol, diesel fuel and heating oil.

BACKGROUND:

The Purchasing Division solicits bids annually for the purchase of fuels for use throughout the county. The contracts will cover the period from October 1, 2016 to September 30, 2017. The bid requires that vendors provide a site and product specific bid constant. The bid constant is an amount to be added to the "Rack Average", a price that is the average daily cost of fuel at the Twin Ports terminals. This price is published by Oil Price Information Service. The bid constant is the vendor's markup which is to include all delivery costs, special excise tax where applicable, and profit. Each location and fuel type is treated as a separate bid award which provides the county with the lowest cost.

The following firms provided bids. The bid tabulation grouped by location and product is attached.

Como Oil and Propane
Petroleum Traders Corporation
Keep Enterprises DBA Rainy Lake Oil
Mansfield Oil Company

Duluth, MN
Fort Wayne, IN
International Falls, MN
Gainesville, GA

The vendor location at Cotton received no bids. The Purchasing Division negotiated with Inter City Oil of Duluth, MN for a bid constant of .435/gallon for both Diesel and Gasohol.

RECOMMENDATION:

It is recommended the St. Louis County Board authorize the purchase of fuels from the vendor with the lowest net cost at each site requested as indicated on the attached Bid Tabulation.

Award of Bid: Fuel Deliveries of Gasohol, Fuel Oil and Diesel Fuel

BY COMMISSIONER _____

WHEREAS, The Purchasing Division solicits bids annually for the purchase of fuels for use throughout the county; and

WHEREAS, The Purchasing Division received bids from four different vendors; and

WHEREAS, Each location and fuel type is treated as a separate bid award providing the county with the lowest cost; and

WHEREAS, The vendor location at Cotton received no bids and the Purchasing Division negotiated with Inter City Oil of Duluth, MN, for a bid constant of .435/gallon for both Diesel and Gasohol;

THEREFORE, BE IT RESOLVED, The St. Louis County Board authorizes the Purchasing Division to purchase fuels from the vendor with the lowest net cost as indicated on the attached Bid Tabulation.

Fuel Deliveries of Gasohol Fuel Oil and Diesel Fuel
RFB 5330 Tabulation Sheet /Per Vendor
Opening Tuesday, August 9, 2016 at 1:00 p.m.

Location	Vendor	Tank Size	Product	2016/2017 Est. Annual Usage (Gallons)	250 to 999 Gallons	1000 to 1999 Gallons	2000 to 2999 Gallons	3000 to 3999 Gallons	4000 to 4999 Gallons	5000 to 5999 Gallons	6000 and up Gallons
Div. 4 – Buyck	Rainy Lake	1,000	Gasohol	1,000	0.4600	0.4600	0.4600	0.4600	0.4600	0.4600	0.4600
Div. 4 – Buyck	Rainy Lake	10,000	D.F. 1-2	10,000	0.3320	0.3320	0.3320	0.3320	0.3320	0.3320	0.3320
Div. 4 – Cook	Rainy Lake	12,000	D.F. 1-2	25,000	0.3148	0.3148	0.3148	0.3148	0.3148	0.3148	0.3148
Land Dept - Cook		Vendor Location	Gasohol	3,200	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Div. 4 – Ely		Vendor Location	D.F. 1-2	23,000	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Div. 4 – Ely		Vendor Location	Gasohol	7,500	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Land Dept – Ely		Vendor Location	Gasohol	2,000	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Motor Pool – Ely		Vendor Location	Gasohol	2,000	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Div. 4 - Embarrass	Como Oil	3,000	D.F. 1-2	20,000	0.6360	0.6360	0.6360	0.6360	0.6360	0.6360	0.6360
Div. 4 - Embarrass	Como Oil	3,000	Gasohol	5,000	0.6360	0.6360	0.6360	0.6360	0.6360	0.6360	0.6360
Div. 4 – Kabetogama	Rainy Lake	1,000	D.F. 1-2	4,000	0.4600	0.4600	0.4600	0.4600	0.4600	0.4600	0.4600
Div. 4 – Linden Grove	Rainy Lake	10,000	Gasohol	22,000	0.2910	0.2910	0.2910	0.2910	0.2910	0.2910	0.2910
Div. 4 – Linden Grove	Rainy Lake	10,000	D.F. 1-2	60,000	0.3072	0.3072	0.3072	0.3072	0.3072	0.3072	0.3072
Div. 4 – Tower	Petroleum Traders	4,000	Gasohol	17,000	1.0387	0.6487	0.4887	0.3937	0.3637	0.3537	0.3182
Div. 4 – Tower	Rainy Lake	10,000	D.F. 1-2	22,000	0.3230	0.3230	0.3230	0.3230	0.3230	0.3230	0.3230
Div. 5 – Brookston	Como Oil	3,000	Gasohol	5,000	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360
Div. 5 – Brookston	Como Oil	3,000	D.F. 1-2	35,000	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360

Fuel Deliveries of Gasohol Fuel Oil and Diesel Fuel
RFB 5330 Tabulation Sheet /Per Vendor
Opening Tuesday, August 9, 2016 at 1:00 p.m.

Location	Vendor	Tank Size	Product	2016/2017 Est. Annual Usage (Gallons)	250 to 999 Gallons	1000 to 1999 Gallons	2000 to 2999 Gallons	3000 to 3999 Gallons	4000 to 4999 Gallons	5000 to 5999 Gallons	6000 and up Gallons
Div. 5 – Jean Duluth	Petroleum Traders	10,000	Gasohol	12,000	0.5887	0.4537	0.3887	0.3437	0.3237	0.3137	0.2880
Div. 5 – Jean Duluth	Petroleum Traders	10,000	D.F. 1-2	48,000	0.5888	0.4538	0.3888	0.3438	0.3238	0.3138	0.3067
Div. 5 – Pike Lake	Petroleum Traders	10,000	Gasohol	95,000	0.5887	0.4537	0.3887	0.3437	0.3237	0.3137	0.2850
Div. 5 – Pike Lake	Petroleum Traders	10,000	D.F. 1-2	85,000	0.5888	0.4538	0.3888	0.3438	0.3238	0.3138	0.2837
Div. 6 – Brimson Weekly Keep Fill	Como Oil	1,000	D.F. 1-2	10,000	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360
Div. 6 – Cotton		Vendor Location	Gasohol	6,000	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Div. 6 – Cotton		Vendor Location	D.F. 1-2	34,000	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Div. 6 – Town of White - Keep Fill	Como Oil	1,000	Gasohol	5,000	0.6360	0.6360	0.6360	0.6360	0.6360	0.6360	0.6360
Div. 6 – Town of White - Keep Fill	Como Oil	2,000	D.F. 1-2	35,000	0.6360	0.6360	0.6360	0.6360	0.6360	0.6360	0.6360
Div. 6 – Virginia	Rainy Lake	8,000	Gasohol	55,000	0.2990	0.2990	0.2990	0.2990	0.2990	0.2990	0.2990
Div. 6 – Virginia	Rainy Lake	8,000	Gasohol	39,000	0.2990	0.2990	0.2990	0.2990	0.2990	0.2990	0.2990
Div. 6 – Virginia	Rainy Lake	12,000	D.F. 1-2	66,000	0.3050	0.3050	0.3050	0.3050	0.3050	0.3050	0.3050
Motor Pool, Virginia		Vendor Location	Gasohol	15,500	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Div. 7 - Floodwood		Vendor Location	Gasohol	4,000	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Div. 7 - Floodwood	Petroleum Traders	12,000	D.F.	40,000	0.9388	0.5488	0.4638	0.3738	0.3438	0.3238	0.2975

Fuel Deliveries of Gasohol Fuel Oil and Diesel Fuel
RFB 5330 Tabulation Sheet /Per Vendor
Opening Tuesday, August 9, 2016 at 1:00 p.m.

Location	Vendor	Tank Size	Product	2016/2017 Est. Annual Usage (Gallons)	250 to 999 Gallons	1000 to 1999 Gallons	2000 to 2999 Gallons	3000 to 3999 Gallons	4000 to 4999 Gallons	5000 to 5999 Gallons	6000 and up Gallons
Div. 7 – Hibbing	Petroleum Traders	10,000	Gasohol	65,000	0.9387	0.5487	0.4637	0.3737	0.3437	0.3324	0.3120
Div. 7 – Hibbing	Petroleum Traders	12,000	Gasohol	40,000	0.9387	0.5487	0.4637	0.3737	0.3437	0.3324	0.3120
Div. 7 – Hibbing	Petroleum Traders	12,000	D.F. 1-2	85,000	0.9388	0.5488	0.4638	0.3738	0.3438	0.3238	0.3118
Div. 7 – Hibbing	Petroleum Traders	12,000	D.F. 1-2	85,000	0.9388	0.5488	0.4638	0.3738	0.3438	0.3238	0.3118
Div. 7 – Meadowlands	Petroleum Traders	10,000	D.F.	25,000	0.9388	0.5488	0.4638	0.3738	0.3438	0.3238	0.3076
Div. 7 – Meadowlands	Como Oil	1,500	Gasohol	5,000	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360
Motor Pool Duluth	Petroleum Traders	6,000	Gasohol	24,000	0.5887	0.4537	0.3887	0.3437	0.3237	0.3137	0.2860
Motor Pool Duluth	Petroleum Traders	10,000	Gasohol	20,000	0.5887	0.4537	0.3887	0.3437	0.3237	0.3137	0.2860
Public Safety Building, Duluth	Como Oil	2,800	D.F. 1-2	1,200	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360
Public Safety Building, Duluth	Como Oil	280	F.O. 1	400	0.2510	0.2510	0.2510	0.2510	0.2510	0.2510	0.2510
N,E.R.C.C. Saginaw	Como Oil	2,000	Gasohol	6,000	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360
N,E.R.C.C. Saginaw	Como Oil	2,000	D.F. 1-2	3,000	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360	0.5360
N,E.R.C.C. Saginaw	Como Oil	500	F.O. 1	500	0.2510	0.2510	0.2510	0.2510	0.2510	0.2510	0.2510

BOARD LETTER NO. 16 – 389

FINANCE & BUDGET COMMITTEE CONSENT NO. 18

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Acceptance of County Veterans
Service Office Operational
Enhancement Grant

FROM: Kevin Z. Gray
County Administrator

Sherry Rodriguez
County Veterans Service Officer

RELATED DEPARTMENT GOAL:

To assist eligible veterans and their dependents in obtaining all benefits to which they are entitled from the U.S. Department of Veterans Affairs, the Minnesota Department of Veterans Affairs and other agencies that provide veterans' services.

ACTION REQUESTED:

The St. Louis County Board is requested to accept a County Veterans Service Office (CVSO) Operational Enhancement Grant from the Minnesota Department of Veterans Affairs (MDVA).

BACKGROUND:

During the 2013 Legislative Session, the structure of the CVSO grant program was modified and state funding increased. The improved program provides an annual base grant to all 87 Minnesota counties in the amount of \$7,500. In addition to the base grant, each county is eligible for another funding amount based on the county's veteran population as determined by the United States Veterans Administration. St. Louis County will receive an additional \$10,000 based on this formula.

Counties have until June 30, 2017 to spend the allocated money on qualified items. By that date, the funds must be spent, documentation of the qualified expenditures received by the MDVA, and any unused funds returned. In order to access the grant funding, a certified County Board Resolution and signed Grant Contract must be received.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the acceptance of a County Veterans Service Office Operational Enhancement Grant from the Minnesota Department of Veterans Affairs for \$17,500, deposited into Fund 100, Agency 124999, Grant 12403, Year 2016.

Acceptance of County Veterans Service Office Operational Enhancement Grant

BY COMMISSIONER _____

WHEREAS, During the 2013 Legislative Session, the structure of the County Veterans Service Office Operational Enhancement Grant program was modified and state funding increased to provide an annual base grant to all 87 Minnesota counties in the amount of \$7,500, plus an additional allocation based on each counties' veterans population to be used for the purpose of enhancing the benefits programs and services provided to Minnesota veterans; and

WHEREAS, On July 28, 2016, St. Louis County received notice from the Minnesota Department of Veterans Affairs (MDVA) that the County Veterans Office Operational Enhancement Grant was allocated in the amount of a \$7,500 base grant and an additional \$10,000 based upon the estimated veterans population residing in the county; and

WHEREAS, Counties have until June 30, 2017 to spend the allocated money on qualified items, and by that date, the funds must be spent, documentation of the qualified expenditures received by the MDVA, and any unused funds returned; and

WHEREAS, In order to access the grant funding, a certified County Board Resolution and signed Grant Contract must be received by the Minnesota Department of Veterans Affairs (MDVA);

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to enter into a grant contract with the Minnesota Department of Veterans Affairs to conduct the County Veterans Service Office Operational Enhancement Grant, in the amount of \$17,500;

RESOLVED FURTHER, That the grant must be used to provide outreach to the county's veterans; assist in the reintegration of combat veterans into society; to collaborate with other social service agencies, educational institutions, and other community organizations for the purposes of enhancing services offered to veterans; to reduce homelessness among veterans; and to enhance the operations of the County Veterans Service Office, as specified in Minnesota Laws 2015 Chapter 77, Article 1, Section 37, Subd.2; and that this Grant should not be used to supplant or replace other funding;

RESOLVED FURTHER, The St. Louis County Veterans Service Office 2016 proposed budget is amended to include receipt of \$17,500 from the MNDVA, with funds deposited into Fund 100, Agency 124999, Grant 12403, Year 2016.

GRANT APPROVAL FORM

GRANT NAME: CVSO Enhancement Grant GRANT AMOUNT: \$17,500
 GRANTOR: MN Dept. Veterans Affairs MATCH AMOUNT: N/A
 FUND: 100 AGENCY: 12499 GRANT: 12403 GRANT YEAR: 2016
 AGENCY NAME: St. Louis County Veterans Service Office
 CONTACT PERSON: Sherry Rodriguez PHONE: 218-725-5285
 GRANT PERIOD: BEGIN DATE: July 1, 2016 END DATE: June 30, 2017
 STATE GRANT AWARD NUMBER OR FEDERAL CFDA # _____

FILL IN THE ABOVE INFORMATION ON THIS FORM AND IDENTIFY THE CATEGORY OF THE GRANT FROM THE CHOICES BELOW. ATTACH THIS FORM TO THE GRANT APPLICATION AND ANY OTHER PERTINENT OTHER DOCUMENTATION AND ROUTE THE PACKET TO THE INDIVIDUALS LISTED FOR THE TYPE OF GRANT.

IT IS ESSENTIAL THAT DEPARTMENTS SUBMIT THE COMPLETED APPROVAL FORM ON THOSE GRANTS THAT DO NOT REQUIRE BOARD RESOLUTION TO THE AUDITOR'S OFFICE ACCOUNTING DEPARTMENT FOR BUDGETING PURPOSES. NO GRANT ACTIVITY WILL BE RECORDED WITHOUT AN ESTABLISHED BUDGET.

GRANTS OF \$25,000 OR LESS

A grant of \$25,000 or less may be applied for and/or accepted by the department without a separate County Board Resolution if it meets the following:

1. The grant fits within the department's functions, and
2. If the grant requires a County match (not to exceed in money or value an amount equal to the actual grant), and if that match is "in kind", that "in-kind" match is part of the ongoing operations, or if the match is monetary, that the department can find the necessary amount within its existing budget.

DOES THIS GRANT QUALIFY UNDER "GRANTS OF \$25,000 OR LESS"?

YES NO

If so, this type of grant requires the following review approval:

County Auditor	<u><i>Don D. [Signature]</i></u>	Date: <u>9-1-16</u>
County Administrator	<u><i>[Signature]</i></u>	Date: <u>9-1-16</u>
County Attorney	_____	Date: _____

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this signed approval form and any other pertinent information to the Auditor's Office-Accounting, so the budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

NEW GRANTS GREATER THAN \$25,000

All new grants that exceed \$25,000 and all recurring grants that exceed \$25,000 that contain changes in the grant's requirements which may affect either County resources or the scope of the grant need two (2) board resolutions. One board resolution is required to apply for the grant and a second resolution is required to accept the grant.

DOES THIS GRANT QUALIFY UNDER "GRANTS GREATER THAN \$25,000"?

YES NO

If this is a new grant greater than \$25,000, it requires the following review approval:

County Auditor _____ Date: _____
County Administrator _____ Date: _____

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this completed approval form and the Board Resolution to the Auditor's Office-Accounting, so a budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

RECURRING GRANTS GREATER THAN \$25,000

A recurring grant greater than \$25,000 that is a repeat of a grant which has been received by the County in past year(s) and that has no changes in the use of County resources or in the scope of the grant, requires one Board Resolution to both apply for and/or accept the grant.

DOES THIS GRANT QUALIFY AS "RECURRING GRANTS GREATER THAN \$25,000"?

YES NO

If yes, this recurring grant greater than \$25,000 requires the following review approval:

County Auditor _____ Date: _____
County Administrator _____ Date: _____

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this completed approval form and the Board Resolution to the Auditor's Office-Accounting, so a budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

BOARD LETTER NO. 16 - 390

FINANCE & BUDGET COMMITTEE CONSENT NO. 19

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Abatement List for Board Approval

FROM: Kevin Z. Gray
County Administrator

Mark Monacelli, Director
Public Records & Property Valuation

David L. Sipila
County Assessor

RELATED DEPARTMENT GOAL:

The County Assessor will meet all state mandates for classifying and valuing taxable parcels for property tax purposes as outlined in Minn. Stat. § 270 through 273.

ACTION REQUESTED:

The St. Louis County Board is requested to approve the attached abatements.

BACKGROUND:

The intent of abatements is to provide equitable treatment to individual taxpayers while at the same time exercising prudence with the tax monies due to the taxing authorities within St Louis County. Abatements are processed in conformance with St. Louis County Board Resolution No. 16-82, dated January 26, 2016, outlining the Board's policy on abatement of ad valorem taxes. This Policy provides direction for the abatement of: 1) Current year taxes; 2) Current year penalty and costs; 3) Past year taxes; and 4) Past year penalty, interest, and costs.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the attached list of abatements.

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. 60288.

Abatements Submitted for Approval by the St. Louis County Board
on 9/13/2016

<u>PARCEL CODE</u>			<u>AUD NBR</u>	<u>NAME</u>	<u>TYPE</u>	<u>LOCATION</u>	<u>APPRAISER</u>	<u>REASON</u>	<u>YEAR</u>	<u>REDUCTION</u>	
380	10	5721	0	15904	926 N 8TH AVE E INC	R	Grand Lake	Noah Mittlefehldt	FIRE DISASTER	2016	2,610.00
545	10	1970	0	15908	ANDERSON, DELON	R	Sturgeon	Joel Kreiner	FIRE DISASTER	2016	166.00
140	160	210	0	15899	ANDERSON, GERALD	R	Hibbing	Chris Link	FIRE DISASTER	2016	254.00
10	1480	3740	0	15896	APPLEWOOD APARTMENTS	R	City of Duluth	Terry Johnson	FIRE DISASTER	2016	6,101.00
10	3590	1643	0	15937	CITY OF DULUTH	R	City of Duluth	Bemen Carlson	EXEMPT	2016	734.00
520	16	3590	0	15906	GRUNDSTROM, RODNEY	R	Rice Lake	Bill Downs	FIRE DISASTER	2016	743.00
141	10	1790	0	15941	HAAPOJA, JOHN	R	Hibbing	Chris Link	FIRE DISASTER	2016	46.00
395	10	4001	0	15905	HILLMAN, ERIC	R	Hermantown	Noah Mittlefehldt	FIRE DISASTER	2016	555.00
10	0	0	00010	15938	HOGLUND, KEN	M	City of Duluth	Margaret Dunsmore	HOMESTEAD	2016	112.00
731	10	572	0	15909	HRABAN, MARK	R	68-19	Patrick Orent	FIRE DISASTER	2016	743.00
525	10	2840	0	15944	HUXOLL, JESSICA	R	Sandy	Sean Hainey	HOMESTEAD	2016	462.00
402	40	10	0	15930	KRUEGER, JEFFREY	R	KABETOGAMA	Patrick Orent	CODE CHANGE	2016	672.00
402	40	20	0	15934	KRUEGER, JEFFREY	R	KABETOGAMA	Patrick Orent	CODE CHANGE	2016	420.00
402	40	30	0	15929	KRUEGER, JEFFREY	R	KABETOGAMA	Patrick Orent	CODE CHANGE	2016	432.00
402	40	40	0	15928	KRUEGER, JEFFREY	R	KABETOGAMA	Patrick Orent	CODE CHANGE	2016	693.00
402	40	50	0	15931	KRUEGER, JEFFREY	R	KABETOGAMA	Patrick Orent	CODE CHANGE	2016	1,254.00
402	40	60	0	15932	KRUEGER, JEFFREY	R	KABETOGAMA	Patrick Orent	CODE CHANGE	2016	3,346.00
402	40	70	0	15933	KRUEGER, JEFFREY	R	KABETOGAMA	Patrick Orent	CODE CHANGE	2016	40.00
315	10	660	0	15898	LUHRSEN, MIKE	R	Duluth Twsp.	Noah Mittlefehldt	FIRE DISASTER	2016	1,749.00
10	1480	1980	0	15894	M&N PROPERTIES, LLC	R	City of Duluth	Cory Leinwander	FIRE DISASTER	2016	1,754.00
395	58	30	0	15939	MACALUS, CHARLENE	R	Hermantown	Noah Mittlefehldt	VALUATION	2016	672.00
30	50	1360	0	15927	MATTHYS, MAROLYN	R	Ely	Andrew Olson	HOMESTEAD	2016	806.00
20	200	6210	0	15895	MOUSSEAU, SCOTT	R	Chisholm	Chris Link	FIRE DISASTER	2016	253.00
10	1220	6090	0	15893	NELSON, DAVID	R	City of Duluth	Cory Leinwander	FIRE DISASTER	2016	556.00
260	0	0	00800	15900	NYGAARD, JOEL	M	Biwabik	Paul Cherry	FIRE DISASTER	2016	45.00
365	6000	4610	0	15936	PALMSTEIN, DANIEL	R	FREDENBERG	Noah Mittlefehldt	HOMESTEAD	2016	364.00
420	10	1950	0	15926	PARENTEAU PATRICK	R	Lavell	Jan Jackson	VALUATION	2016	1,266.00
90	91	155	0	15897	QUANDT, GORDON	R	Virginia	Jacob Fronden	FIRE DISASTER	2016	133.00
141	20	3810	0	15902	SEPPALA, JEROME	R	Hibbing	Tim Marolt	FIRE DISASTER	2016	37.00
380	10	2994	0	15903	SHAMEKH, AHMED	R	Grand Lake	Sean Worthington	FIRE DISASTER	2016	101.00
570	22	770	0	15942	SHIELDS, KIRK	R	White	Paul Cherry	HOMESTEAD	2016	666.00
140	120	80	0	15940	SWEENEY, DALE	R	Hibbing	Chris Link	FIRE DISASTER	2016	212.00
105	51	80	0	15943	WARREN, EBON	R	Babbitt	David Hillstrom	HOMESTEAD	2016	774.00
530	10	6472	0	15907	WEIR, JAMES	R	Solway	Sean Worthington	FIRE DISASTER	2016	296.00

<u>PARCEL CODE</u>	<u>AUD NBR</u>	<u>NAME</u>	<u>TYPE</u>	<u>LOCATION</u>	<u>APPRAISER</u>	<u>REASON</u>	<u>YEAR</u>	<u>REDUCTION</u>
250 20 1751	0 15901	WUSSOW, MICHAEL	R	Beatty	Beth Sokoloski	FIRE DISASTER	2016	3,604.00

BOARD LETTER NO. 16 – 391

FINANCE & BUDGET COMMITTEE CONSENT NO. 20

BOARD AGENDA NO.

DATE: September 6, 2016

RE: LANDesk Client Asset
Management Software

FROM: Kevin Z. Gray
County Administrator

Jeremy Craker, Director
Information Technology

RELATED DEPARTMENT GOAL:

To ensure that the St. Louis County Information Technology (IT) Department adheres to best practices in the management and maintenance of county technology assets.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize the IT Department to purchase the LANDesk Client Asset Management software package including software, implementation consulting, and maintenance.

BACKGROUND:

Over a year ago the IT Department set out with a mission to improve four key metrics in the way that IT supports county business operations. The four metrics include customer service and support, project management accountability, risk management and fiscal responsibility. In 2015, IT rolled out a new Customer Service ticketing system introducing Service Level Agreements to ensure that work was completed in a timely manner. This resulted in a specific measurable way to manage IT support requests for timeliness and consistency.

This year, IT focused on expanding the capabilities of the Customer Service division and ticketing system to include the ability to manage county technology assets. The Department currently manages over 2,400 laptops, desktops, and tablets and over 200 servers that run over 150 applications. Currently, multiple toolsets are used, creating inefficient processes that lack the standard client asset management features necessary to properly maintain St. Louis County devices.

As a result the IT Department in coordination with the Purchasing Division issued a Request for Proposal (RFP) for a new Client Asset Management software application to aid in the following areas:

- Up to the minute hardware/software Inventory
- Ability to report on software compliance

- Remote service and support of customer devices
- Ability to report and review device end of life to help departments plan for budgeting of replacements
- Software installation and management
- Security Patch Management

A selection committee which included eleven county employees was assembled to review, and meet with the two software vendors that responded to the RFP. The committee evaluated each vendor using the following criteria equaling 100 points:

<u>Criteria</u>	<u>Points</u>
Features and Functionality	30
Vendors Qualifications and Support	15
Proposed Work Plan and Schedule	15
Ease of Management and Maintenance	20
<u>Total Cost</u>	<u>20</u>
Total	100

The selection process identified LANDesk as the preferred Client Asset Management software package. This software package is recognized as one of the market leaders.

Notable differences between this product and its competitors include the following:

- Integration with St. Louis County's current PC imaging system (WDS)
- Integration with vendors for reconciling new inventory/orders
- Integrated remote support tool
- Desktop agent for communicating messages and installs to customers
- Small client software footprint
- One management console for all administration

This new system will be purchased from hardware/software reseller CDW headquartered in Vernon Hills, IL.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the Information technology Department to purchase the LANDesk Client Asset Management software package from CDW of Vernon Hills, IL, for a total one-time cost of \$138,651 with ongoing yearly software maintenance costs starting in year two in the amount of \$34,899. The IT Department budgeted for this investment in 2016 and will include the ongoing maintenance cost beginning in the 2017 budget.

LANDesk Client Asset Management Software

BY COMMISSIONER _____

WHEREAS, The Information Technology (IT) Department wishes to improve four key metrics in the way it supports county business operations including customer service and support, project management and accountability, risk management, and fiscal responsibility; and

WHEREAS, In 2016 IT has focused on expanding the capabilities of the IT Customer Service division and ticketing system to include the ability to manage county technology assets; and

WHEREAS, Currently, multiple toolsets are used creating inefficient processes that lack the standard client asset management features necessary to properly maintain St. Louis County devices; and

WHEREAS, The IT Department in coordination with the Purchasing Division issued a Request for Proposal for a new IT Client Asset Management software application; and

WHEREAS, A selection committee reviewed two software packages and rated them on features and functionality, vendor qualifications and support, proposed work plan and schedule, ease of management and maintenance, and total cost; and

WHEREAS, The selection process identified LANDesk as the preferred IT Client Asset Management software package with a total one-time cost of \$138,651 with ongoing yearly software maintenance costs starting in year two in the amount of \$34,899;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to execute purchase agreements and professional service contracts to purchase and implement the LANDesk Client Asset Management software package to be purchased from CDW of Vernon Hills, IL, in the amount of \$138,651, payable from Fund 100, Agency 117001, Object 634801 and to update the 2017 budget to include the annual maintenance cost of \$34,899.

Lawful Gambling Application (Gnesen Township)

BY COMMISSIONER _____

RESOLVED, That pursuant to Minn. Stat. § 349.213, Subd. 2, the St. Louis County Board approves the following Lawful Gambling License Application (raffle/tipboards) on file in the office of the County Auditor, identified as County Board File No. 60394, for the following organization:

Gnesen Volunteer Fire Department, 4504 Datka Road, Duluth, MN 55803, to conduct off-site gambling on October 15, 2016, raffle, at Gnesen Town Hall, 4011 West Pioneer Road, Duluth, MN 55803, Gnesen Township.

BOARD LETTER NO. 16 – 393

ESTABLISHMENT OF PUBLIC MEETINGS FINANCE & BUDGET COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Establish Public Meetings on
the 2017 Property Tax and
Operating Budget

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENT GOAL:

To ensure that board directives are followed and are in full compliance with state laws and regulations.

ACTION REQUESTED:

The St. Louis County Board is requested to establish public meetings to provide opportunity for citizens to have input on the county's proposed 2017 property tax levy and operating budget.

BACKGROUND:

Minn. Stat. § 275.065, more commonly referred to as the Truth in Taxation statute, requires a number of duties to be performed by the various political subdivisions of the state. Included within the statute is the requirement that the County Board hold a meeting to allow the public an opportunity to communicate opinions regarding the proposed property tax levy and budget for the next fiscal year. However, the 2009 Legislature made specific changes to the statute stipulating that such a meeting must be conducted after November 25 and before December 30. Additionally, the meeting must be scheduled to begin on or after 6:00 p.m. on the day selected.

Every county must hold such a meeting and the time and place must be established at the same meeting when the preliminary maximum property tax levy is adopted. The specific information regarding the meeting must be subsequently published in the County Board's official minutes.

RECOMMENDATION:

It is recommended that the St. Louis County Board establish public meetings for 7:00 p.m. on Thursday, December 1 at the St. Louis County Courthouse in Virginia MN, and 7:00 p.m. on Thursday, December 8 at the St. Louis County Courthouse in Duluth, MN, to allow the public an opportunity to communicate opinions regarding the proposed property tax levy and operating budget for the next fiscal year.

**Establish Public Meetings on the 2016 Property Tax
and Operating Budget**

BY COMMISSIONER _____

WHEREAS, Minn. Stat. § 275.065 requires that counties establish a public meeting date for the purpose of receiving comments from the public on the proposed property tax levy and operating budget for the year 2017 prior to adopting a final levy and budget;

THEREFORE, BE IT RESOLVED, The St. Louis County Board establishes public meetings to gather comment on the proposed property tax levy and operating budget for year 2017 on Thursday, December 1, 2016, 7:00 p.m., St. Louis County Courthouse, Virginia, MN, and Thursday, December 8, 2016, 7:00 p.m., St. Louis County Courthouse, Duluth, MN.

BOARD LETTER NO. 16 – 394

ENVIRONMENT & NATURAL RESOURCES COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Repurchase of State Tax
Forfeited Land – Prosperity
House, LLC, and Hull (Non-
Homestead)

FROM: Kevin Z. Gray
County Administrator

Mark Weber, Director
Land and Minerals

Mark Rubin
County Attorney

RELATED DEPARTMENT GOAL:

To provide financial return to the county and taxing districts.

ACTION REQUESTED:

The St. Louis County Board is requested to approve a joint repurchase of tax-forfeited land by Prosperity House, LLC, and Chris Hull.

BACKGROUND:

Minn. Stat. § 282.241 authorizes repurchases of tax-forfeited land under certain circumstances. The non-homestead property at issue here, located at 611 East Sixth Street in Duluth, forfeited in November 2015. Prosperity House and Chris Hull have submitted separate, competing applications to repurchase the property. Both applicants are eligible repurchasers. According to our records, Mr. Hull (along with his wife, Marilyn Hull) was a fee owner of the property at the time of forfeiture, and Prosperity House was the purchaser under a contract for deed executed by the Hulls and Prosperity House in February 2009. Prosperity House and the Hulls were involved in litigation concerning the contract for deed in 2010. The parties settled in May 2010.

Prosperity House and Mr. Hull are opposed to each other in this matter in that both seek to become the sole repurchaser of the property. The County Attorney's Office has encouraged Prosperity House and Mr. Hull to resolve their differences and clear the way for a single application, but that has not happened. The options available to the County Board under these circumstances include (1) denying both applications,

(2) granting one application and denying the other, and (3) authorizing a repurchase by both applicants.

The County Attorney and the Land Commissioner recommend that the County Board authorize a joint repurchase by both applicants through a single repurchase contract among the county, Prosperity House, and Mr. Hull. If Prosperity House and Mr. Hull comply with all of the terms and conditions of the repurchase contract, the county will ask the State of Minnesota to issue a single deed to Prosperity House and Mr. Hull. Prosperity House and Mr. Hull will remain free to resolve their differences regarding the property through an agreement or other means, without the county's involvement.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve a joint repurchase of the tax-forfeited land located at 611 East Sixth Street in Duluth through a single repurchase contract among the county, Prosperity House, and Mr. Hull as described above. The applicable repurchase amount calculated in accordance with the repurchase statutes, assuming execution of the repurchase contract in September 2016, is set forth below. Any amounts received by the county in connection with the repurchase will be deposited into Fund 240 (Forfeited Tax Fund).

Parcel Code	010-3490-00280
Taxes and Assessments	\$21,465.05
Service Fees	\$114.00
Deed Tax	\$70.83
Deed Fee	\$25.00
Recording Fee	\$46.00
Maintenance Costs	\$7,707.12
Total Consideration	\$29,428.00

**Repurchase of State Tax Forfeited Land – Prosperity House, LLC,
and Hull (Non-Homestead)**

BY COMMISSIONER _____

WHEREAS, Minn. Stat. § 282.241 authorizes repurchases of tax-forfeited land under certain circumstances; and

WHEREAS, Prosperity House, LLC, and Chris Hull have both applied to repurchase tax-forfeited land addressed at 611 East 6th Street, Duluth, MN and legally described as:

CITY OF DULUTH
E1/2 LOT 3 BLOCK 5
NORTONS DIVISION OF DULUTH
010-3490-00280

WHEREAS, Both applicants are eligible to repurchase the property; and

WHEREAS, The applicants are unable to resolve their interests and decide who among them is to receive the title to the property;

THEREFORE, BE IT RESOLVED, That, in connection with the repurchase applications on file in County Board File No. _____, the St. Louis County Board approves a joint repurchase of the property through a single repurchase contract among the county, Prosperity House, and Mr. Hull, and authorizes the appropriate county officials to negotiate and execute appropriate repurchase documents.

RESOLVED FURTHER, That if Prosperity House and Mr. Hull comply with all of the terms and conditions of the repurchase contract, the county shall ask the State of Minnesota to issue a single deed to Prosperity House and Mr. Hull.

RESOLVED FURTHER, That the repurchase amount shall be calculated in accordance with the repurchase statutes, and any amount received by the county in connection with the repurchase shall be deposited into Fund 240 (Forfeited Tax Fund).

APPLICATION FOR REPURCHASE OF TAX FORFEITED LANDS

Pursuant to Minnesota Statutes 1986, Section 282.241, as amended by Chapter 268, Laws of 1987.

TO THE COUNTY BOARD AND COUNTY AUDITOR OF ST. LOUIS COUNTY, MINNESOTA:

The undersigned, Prosperity House, LLC, hereby makes application to repurchase from the State of Minnesota the following described land, pursuant to Minnesota Statutes 1987, Section 282.241, as amended; said land is situated in St. Louis County, Minnesota, and more particularly described as follows:

611 East 11th St,
Duluth, mn 55805

Applicant states and shows that at the time of the forfeiture to the State, he/she was (please check one):

- the owner
- heir(s) of the owner
- the representative of the owner
- the person to whom the right to pay taxes is given by statute, to wit: M.S. 282.241
- designating under what claim of right, whether mortgage or otherwise the right is exercised

That such taxes became delinquent in year and remained delinquent and unpaid for the subsequent years of: Not sure the years

That pursuant to Minnesota Statutes, the total cost of repurchase \$13,000 which is the greater value of all delinquent taxes and assessments computed under Section 282.241, together with all accrued interest and penalties, including fees. Please contact our office at 218-726-2606 for the current amount due which increases monthly.

That a hardship would result to the petitioner unless said repurchase is allowed, for the reason that: applicant to state reasons why taxes were not paid.
The Seller/owner entered into a written agreement where he was supposed to pay the taxes and the situation will be corrected by repurchase agreement

Please check the appropriate box below:

- There are one or more wells on this property (See enclosed well disclosure information sheet)
- No change since last well certificate Well disclosure completed - \$50.00 enclosed
- There are no wells on this property

APPLICANT REQUESTS THAT REPURCHASE BE MADE IN THE NAME OF:

Name (s): Prosperity House, LLC
Are you currently in active military service? NO

If you have been discharged within the last 6 months, provide discharge date N/A and documentation. Applicant offers to pay upon such repurchase, by check or money order, as directed by the St. Louis County Board, the full price of repurchase as stated above, the terms of which will be stated by the contract and required by law.

Dated: 12/16 2015

By: Carl Green President/owner Prosperity House
(Signature)

Address: PO Box 3190
City: Duluth State: MN Zip: 55803
Phone: 218-464-9686

APPLICATION FOR REPURCHASE OF TAX FORFEITED LANDS

Pursuant to Minnesota Statutes 1986, Section 282.241, as amended by Chapter 268, Laws of 1987.

TO THE COUNTY BOARD AND COUNTY AUDITOR OF ST. LOUIS COUNTY, MINNESOTA:

The undersigned, Chris W Hull, hereby makes application to repurchase from the State of Minnesota the following described land, pursuant to Minnesota Statutes 1987, Section 282.241, as amended; said land is situated in St. Louis County, Minnesota, and more particularly described as follows:

CITY OF DULUTH, E 1/2 of LOT 3, BLOCK 5, NORTONS DIVISION OF DULUTH

Applicant states and shows that at the time of the forfeiture to the State, he/she was (please check one):

- the owner
- heir(s) of the owner
- the representative of the owner
- the person to whom the right to pay taxes is given by statute, to wit:
- designating under what claim of right, whether mortgage or otherwise the right is exercised

That such taxes became delinquent in 2009 and remained delinquent and unpaid for the subsequent years of: 2010, 2011, 2012, 2014, 2015

That pursuant to Minnesota Statutes, the total cost of repurchase \$28,431.00 which is the greater value of all delinquent taxes and assessments computed under Section 282.241, together with all accrued interest and penalties, including fees. Please contact our office at 218-726-2606 for the current amount due which increases monthly.

That a hardship would result to the petitioner unless said repurchase is allowed, for the reason that: applicant to state reasons why taxes were not paid.

See attached:

Please check the appropriate box below:

- There are one or more wells on this property (See enclosed well disclosure information sheet)
- No change since last well certificate Well disclosure completed - \$50.00 enclosed
- There are no wells on this property

APPLICANT REQUESTS THAT REPURCHASE BE MADE IN THE NAME OF:

Name (s):

Are you currently in active military service? NO

If you have been discharged within the last 6 months, provide discharge date and documentation.

Applicant offers to pay upon such repurchase, by check or money order, as directed by the St. Louis County Board, the full price of repurchase as stated above, the terms of which will be stated by the contract and required by law.

Dated: 7/29/2016

By: Chris Hull (Signature)

Address: 6413 E Hunter Lake Rd
City: Duluth State: MN Zip: 55803
Phone: 218 626-2453

Recorded on 02/19/2009
at 8:45 AM

Document No. 01101272

Mark A. Monacelli
County Recorder

By Sally Abell, Deputy

AFR 241880



DO NOT REMOVE

COPY

(reserved for recording data)

MORTGAGE REGISTRY TAX DUE HEREON:

\$ -0-

Date: February 11, 2009

CERTIFICATE OF VALUE FILED
No delinquent taxes

Certificate of Real Estate Value

(X) filed () not required

FEB 13 2009

Donald Dicklich, County Auditor

County Auditor

By

S. Micklund

Deputy

1101272

(reserved for mortgage registry tax payment data)

THIS CONTRACT FOR DEED is made on the above date by CHRIS W. HULL and
MARILYN J. HULL, husband and wife,
(marital status)

Seller (whether one or more), and PROSPERITY HOUSE, LLC,
a corporation under the laws of the State of Minnesota, Purchaser.

Seller and Purchaser agree to the following terms:

1. PROPERTY DESCRIPTION. Seller hereby sells, and Purchaser hereby buys, real property in
St. Louis County, Minnesota, described as follows:

Easterly one-half (1/2) of Lot Three (3), Block Five (5), NORTON'S DIVISION
OF DULUTH.

10-3490-280

Return to
Nat'l. Title
AFR #: 241880
Cash 46 Cks

The Sellers certify that the Sellers do not know of any wells on the described
real property.

together with all hereditaments and appurtenances belonging thereto (the Property).

2. TITLE. Seller warrants that title to the Property is, on the date of this contract, subject only to the
following exceptions:

- (a) Covenants, conditions, restrictions, declarations and easements of record, if any;
- (b) Reservations of minerals or mineral rights by the State of Minnesota, if any;
- (c) Building, zoning and subdivision laws and regulations;
- (d) The lien of real estate taxes and installments of special assessments which are payable by
Purchaser pursuant to paragraph 6 of this contract; and
- (e) The following liens or encumbrances:

None

3. DELIVERY OF DEED AND EVIDENCE OF TITLE. Upon Purchaser's prompt and full performance
of this contract, Seller shall:

- (a) Execute, acknowledge and deliver to Purchaser a Warranty Deed, in
recordable form, conveying marketable title to the Property to Purchaser, subject only to the
following exceptions:
 - (i) Those exceptions referred to in paragraph 2(a), (b), (c) and (d) of this contract;
 - (ii) Liens, encumbrances, adverse claims or other matters which Purchaser has created, suffered
or permitted to accrue after the date of this contract; and

(iii) The following liens or encumbrances:

None

1101272

; and

(b) Deliver to Purchaser the abstract of title to the Property or, if the title is registered, the owner's duplicate certificate of title.

4. PURCHASE PRICE. Purchaser shall pay to Seller, at such place as designated by Sellers Thirty-five Thousand and No/100ths Dollars, the sum of (\$35,000.00), as and for the purchase price for the Property, payable as follows:

Purchaser has provided Sellers a mortgage ("Mortgage") in the amount of \$10,000.00 relating to property in St. Louis County, Minnesota legally described as Lots 7 and 8, Block 57, HARRISON'S BROOKDALE DIVISION OF DULUTH as additional security for the performance of Purchaser's obligations pursuant to this Contract for Deed. Seller will release the Mortgage at the earlier of (i) when Purchaser has expended \$10,000.00 of labor and materials (including the reasonable value of Purchaser's sweat equity, which value must be agreed upon by Sellers and Purchaser) toward improvements at the Property or (ii) when Purchaser has paid the balance due under this Contract for Deed.

If not sooner paid, this Contract shall become due and payable in full not later than the 11th day of ~~May~~^{June}, 2010. *CH mjh*

This Contract shall bear interest from the date hereof at the rate of 1.61 percent.

*(continued from #20 Additional Terms)

premiums directly as they become due and furnish Sellers with paid receipt of same. (c) Purchaser has thoroughly inspected said premises and understands and agrees that it is buying in an "AS IS" condition. (d) Purchaser must satisfy City of Duluth Building Inspector's requirements for release of escrowed insurance funds by October 11, 2009.

5. PREPAYMENT. Unless otherwise provided in this contract, Purchaser shall have the right to fully or partially prepay this contract at any time without penalty. Any partial prepayment shall be applied first to payment of amounts then due under this contract, including unpaid accrued interest, and the balance shall be applied to the principal installments to be paid in the inverse order of their maturity. Partial prepayment shall not postpone the due date of the installments to be paid pursuant to this contract or change the amount of such installments.

6. REAL ESTATE TAXES AND ASSESSMENTS. Purchaser shall pay, before penalty accrues, all real estate taxes and installments of special assessments assessed against the Property which are due and payable in the year 2010 and in all subsequent years. Real estate taxes and installments of special assessments which are due and payable in the year in which this contract is dated shall be paid as follows:

Sellers are responsible for the 2008 and all prior real estate taxes. The real estate taxes payable in the year 2009 shall be prorated between the parties as of the date hereof. Seller warrants that the real estate taxes and installments of special assessments which were due and payable in the years preceding the year in which this contract is dated are paid in full.

7. PROPERTY INSURANCE.

(a) INSURED RISKS AND AMOUNT. Purchaser shall keep all buildings, improvements and fixtures now or later located on or a part of the Property insured against loss by fire, extended coverage perils, vandalism, malicious mischief and, if applicable, steam boiler explosion for at least the amount of full insurable value.

If any of the buildings, improvements or fixtures are located in a federally designated flood prone area, and if flood insurance is available for that area, Purchaser shall procure and maintain flood insurance in amounts reasonably satisfactory to Seller.

(b) OTHER TERMS. The insurance policy shall contain a loss payable clause in favor of Seller which provides that Seller's right to recover under the insurance shall not be impaired by any acts or omissions of Purchaser or Seller, and that Seller shall otherwise be afforded all rights and privileges customarily provided a mortgagee under the so-called standard mortgage clause.

(c) NOTICE OF DAMAGE. In the event of damage to the Property by fire or other casualty, Purchaser shall promptly give notice of such damage to Seller and the insurance company.

8. DAMAGE TO THE PROPERTY.

(a) APPLICATION OF INSURANCE PROCEEDS. If the Property is damaged by fire or other casualty, the insurance proceeds paid on account of such damage shall be applied to payment of the amounts payable by Purchaser under this contract, even if such amounts are not then due to be paid, unless Purchaser makes a permitted election described in the next paragraph. Such amounts shall be first applied to unpaid accrued interest and next to the installments to be paid as provided in this contract in the inverse order of their maturity. Such payment shall not postpone the due date of the installments to be paid pursuant to this contract or change the amount of such installments. The balance of insurance proceeds, if any, shall be the property of Purchaser.

1101272

- PURCHASER'S ELECTION TO REBUILD.** If Purchaser is not in default under this contract, or after curing any such default, and if the mortgagees in any prior mortgages and sellers in any prior contracts for deed do not require otherwise, Purchaser may elect to have that portion of such insurance proceeds necessary to repair, replace or restore the damaged Property (the repair work) deposited in escrow with a bank or title insurance company qualified to do business in the State of Minnesota, or such other party as may be mutually agreeable to Seller and Purchaser. The election may only be made by written notice to Seller within sixty days after the damage occurs. Also, the election will only be permitted if the plans and specifications and contracts for the repair work are approved by Seller, which approval Seller shall not unreasonably withhold or delay. If such a permitted election is made by Purchaser, Seller and Purchaser shall jointly deposit, when paid, such insurance proceeds into such escrow. If such insurance proceeds are insufficient for the repair work, Purchaser shall, before the commencement of the repair work, deposit into such escrow sufficient additional money to insure the full payment for the repair work. Even if the insurance proceeds are unavailable or are insufficient to pay the cost of the repair work, Purchaser shall at all times be responsible to pay the full cost of the repair work. All escrowed funds shall be disbursed by the escrowee in accordance with generally accepted sound construction disbursement procedures. The costs incurred or to be incurred on account of such escrow shall be deposited by Purchaser into such escrow before the commencement of the repair work. Purchaser shall complete the repair work as soon as reasonably possible and in a good and workmanlike manner, and in any event the repair work shall be completed by Purchaser within one year after the damage occurs. If, following the completion of and payment for the repair work, there remain any undisbursed escrow funds, such funds shall be applied to payment of the amounts payable by Purchaser under this contract in accordance with paragraph 8 (a) above.
9. **INJURY OR DAMAGE OCCURRING ON THE PROPERTY.**
- (a) **LIABILITY.** Seller shall be free from liability and claims for damages by reason of injuries occurring on or after the date of this contract to any person or persons or property while on or about the Property. Purchaser shall defend and indemnify Seller from all liability, loss, costs and obligations, including reasonable attorneys' fees, on account of or arising out of any such injuries. However, Purchaser shall have no liability or obligation to Seller for such injuries which are caused by the negligence or intentional wrongful acts or omissions of Seller.
- (b) **LIABILITY INSURANCE.** Purchaser shall, at Purchaser's own expense, procure and maintain liability insurance against claims for bodily injury, death and property damage occurring on or about the Property in amounts reasonably satisfactory to Seller and naming Seller as an additional insured.
10. **INSURANCE, GENERALLY.** The insurance which Purchaser is required to procure and maintain pursuant to paragraphs 7 and 9 of this contract shall be issued by an insurance company or companies licensed to do business in the State of Minnesota and acceptable to Seller. The insurance shall be maintained by Purchaser at all times while any amount remains unpaid under this contract. The insurance policies shall provide for not less than ten days written notice to Seller before cancellation, non-renewal, termination or change in coverage, and Purchaser shall deliver to Seller a duplicate original or certificate of such insurance policy or policies.
11. **CONDEMNATION.** If all or any part of the Property is taken in condemnation proceedings instituted under power of eminent domain or is conveyed in lieu thereof under threat of condemnation, the money paid pursuant to such condemnation or conveyance in lieu thereof shall be applied to payment of the amounts payable by Purchaser under this contract, even if such amounts are not then due to be paid. Such amounts shall be applied first to unpaid accrued interest and next to the installments to be paid as provided in this contract in the inverse order of their maturity. Such payment shall not postpone the due date of the installments to be paid pursuant to this contract or change the amount of such installments. The balance, if any, shall be the property of Purchaser.
12. **WASTE, REPAIR AND LIENS.** Purchaser shall not remove or demolish any buildings, improvements or fixtures now or later located on or a part of the Property, nor shall Purchaser commit or allow waste of the Property. Purchaser shall maintain the Property in good condition and repair. Purchaser shall not create or permit to accrue liens or adverse claims against the Property which constitute a lien or claim against Seller's interest in the Property. Purchaser shall pay to Seller all amounts, costs and expenses, including reasonable attorneys' fees, incurred by Seller to remove any such liens or adverse claims.
13. **DEED AND MORTGAGE REGISTRY TAXES.** Seller shall, upon Purchaser's full performance of this contract, pay the deed tax due upon the recording or filing of the deed to be delivered by Seller to Purchaser. The mortgage registry tax due upon the recording or filing of this contract shall be paid by the party who records or files this contract; however, this provision shall not impair the right of Seller to collect from Purchaser the amount of such tax actually paid by Seller as provided in the applicable law governing default and service of notice of termination of this contract.
14. **NOTICE OF ASSIGNMENT.** If either Seller or Purchaser assigns their interest in the Property, a copy of such assignment shall promptly be furnished to the non-assigning party.
15. **PROTECTION OF INTERESTS.** If Purchaser fails to pay any sum of money required under the terms of this contract or fails to perform any of Purchaser's obligations as set forth in this contract, Seller may, at Seller's option, pay the same or cause the same to be performed, or both, and the amounts so paid by Seller and the cost of such performance shall be payable at once, with interest at the rate stated in paragraph 4 of this contract, as an additional amount due Seller under this contract. If there now exists, or if Seller hereafter creates, suffers or permits to accrue, any mortgage, contract for deed, lien or encumbrance against the Property which is not herein expressly assumed by Purchaser, and provided Purchaser is not in default under this contract, Seller shall timely pay all amounts due thereon, and if Seller fails to do so, Purchaser may, at Purchaser's option, pay any such delinquent amounts and deduct the amounts paid from the installment(s) next coming due under this contract.
16. **DEFAULT.** The time of performance by Purchaser of the terms of this contract is an essential part of this contract. Should Purchaser fail to timely perform any of the terms of this contract, Seller may, at Seller's option, elect to declare this contract cancelled and terminated by notice to Purchaser in accordance with applicable law. All right, title and interest acquired under this contract by Purchaser shall then cease and terminate, and all improvements made upon the Property and all payments made by Purchaser pursuant to this contract shall belong to Seller as liquidated damages for breach of this contract. Neither the extension of the time for payment of any sum of money to be paid hereunder nor any waiver by Seller of Seller's rights to declare this contract forfeited by reason of any breach shall in any manner affect Seller's right to cancel this contract because of defaults subsequently occurring, and no extension of time shall be valid unless agreed to in writing. After service of notice of default and failure to cure such default within the period allowed by law, Purchaser shall, upon demand, surrender possession of the Property to Seller, but Purchaser shall be entitled to possession of the Property until the expiration of such period.
17. **BINDING EFFECT.** The terms of this contract shall run with the land and bind the parties hereto and their successors in interest.

18. HEADINGS. Headings of the paragraphs of this contract are for convenience only and do not define, limit or construe the contents of such paragraphs.

1101272

19. ASSESSMENTS BY OWNERS' ASSOCIATION. If the Property is subject to a recorded declaration providing for assessments to be levied against the Property by any owners' association, which assessments may become a lien against the Property if not paid, then:

- (a) Purchaser shall promptly pay, when due, all assessments imposed by the owners' association or other governing body as required by the provisions of the declaration or other related documents; and
- (b) So long as the owners' association maintains a master or blanket policy of insurance against fire, extended coverage perils and such other hazards and in such amounts as are required by this contract, then:
 - (i) Purchaser's obligation in this contract to maintain hazard insurance coverage on the Property is satisfied; and
 - (ii) The provisions in paragraph 8 of this contract regarding application of insurance proceeds shall be superceded by the provisions of the declaration or other related documents; and
 - (iii) In the event of a distribution of insurance proceeds in lieu of restoration or repair following an insured casualty loss to the Property, any such proceeds payable to Purchaser are hereby assigned and shall be paid to Seller for application to the sum secured by this contract, with the excess, if any, paid to Purchaser.

20. ADDITIONAL TERMS: (a) Purchaser's interest in the property is not transferable without first obtaining the written consent of Sellers. Sellers shall not unreasonably withhold consent. In the event Purchaser violates this provision, this Contract for Deed shall be immediately due and payable in full together with accrued interest. This provision does not apply to lease, transfers by devise, descent, divorce or by operation of law upon the death of a joint tenant. (b) Purchase shall pay real estate taxes and hazard insurance

*(continued on number 4)

SELLER(S)

Chris W. Hull
Chris W. Hull

Marilyn J. Hull 2-11-09
Marilyn J. Hull

PURCHASER

Prosperity House, LLC

By [Signature]

Its President

By _____

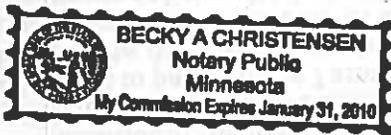
Its _____

State of Minnesota

County of St. Louis } ss.

The foregoing instrument was acknowledged before me this 11th day of February, 2009, by Dawn Martinson and _____, the President and _____ of Prosperity House, LLC, a limited liability company under the laws of State of Minnesota on behalf of the _____ company.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



[Signature]

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

State of Minnesota

County of St. Louis } ss.

The foregoing instrument was acknowledged before me this 11th day of February, 2009, by Chris W. Hull and Marilyn J. Hull, husband and wife

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



[Signature]

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Tax Statements for the real property described in this instrument should be sent to:

Prosperity House, LLC #080107
P.O. Box 3190
Duluth, MN 55803

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Karen J. Olson
Attorney at Law
2002 W Superior St
PO Box 16873
Duluth MN 55816-0873

NTD 38283

FAILURE TO RECORD OR FILE THIS CONTRACT FOR DEED MAY GIVE OTHER PARTIES PRIORITY OVER PURCHASER'S INTEREST IN THE PROPERTY.

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

DISTRICT COURT
SIXTH JUDICIAL DISTRICT

Carl Green,
Assignee of Prosperity House, LLC,

Case No.: 69DU-CV-10-925

Plaintiff

Case Type: 14

vs.

Chris and Marilyn J. Hull,
Husband and Wife,

STIPULATION

Defendants.

IT IS HEREBY STIPULATED BY THE PARTIES TO THE ABOVE-CAPTIONED
PROCEEDING:

WHEREAS, Plaintiff, Prosperity House, LLC purchased the premises commonly known
as 611 E 6th Street, City of Duluth, County of St. Louis, State of Minnesota and legally described
as follows:

Easterly one-half (1/2) of Lot Three (3), Block Five (5), NORTON'S
DIVISION OF DULUTH

from Defendants by way of Contract for Deed dated February 11, 2009, and filed with the
County Recorder on February 19, 2009, as Document No. 1101272, with a purchase price of
\$35,000.00; and

WHEREAS, said premises are a duplex, and are being utilized as rental property; and

WHEREAS, Defendants began Cancellation proceedings on January 14, 2010, to cancel
the above-described Contract for Deed; and

WHEREAS, Plaintiff secured a temporary restraining order restraining the Defendants from canceling the Contract until the parties' dispute could be resolved; and

WHEREAS, a hearing was scheduled for May 4, 2010, in front of Judge Harris to discuss the parties' positions; and

WHEREAS, Plaintiff has listed the above-described premises for sale at the current price of \$79,900.00; and

WHEREAS, after lengthy discussions, the parties have come to a resolution of the matter and wish to put said agreement in writing; and

WHEREAS, Defendants were represented by attorney Karen J. Olson, and Plaintiff Carl Green was not represented by an attorney during the negotiations for settlement.

NOW THEREFORE, in consideration of the mutual promises of the parties and other good and valuable consideration, the parties hereby agree as follows:

1. Upon the sale and closing of the above-described premises, Defendants shall receive the full purchase price of \$35,000.00, plus accrued interest in accordance with the above-described Contract for Deed.
2. Plaintiff is responsible for all delinquent real estate taxes as well as all 2010 payable real estate taxes until said premises are sold.
3. Defendants shall be responsible for all of their attorney's fees and costs incident to the Cancellation proceedings, including but not limited to the cost of service.
4. In the event the above-described premises do not sell prior to June 1, 2010, Defendant Chris W. Hull (hereinafter referred to as "Hull"), shall become an agent of Plaintiff, Prosperity House, for the sole purpose of managing the above-described premises, and Plaintiff shall provide Hull with copies of keys and leases, if any, for both rental units. Plaintiff shall also provide a Corporate Authorization giving Hull such authority.
5. Hull shall receive a monthly property manager fee of \$100.00 when a unit has rental income, for a maximum of \$200.00 per month, for his services of finding and evicting renters, accepting rental checks, insuring that utility bills are paid and that the premises are maintained.

6. Hull also shall be responsible for working with the realtor to negotiate a sale of the premises. Hull has the discretion to secure a different realtor than currently contracted. In addition, Hull cannot negotiate to sell the premises for less than \$69,900.00 with Plaintiff's written permission. Plaintiff, not Hull, must sign any purchase agreement.
7. Plaintiff shall have the lower level unit floors stained and sealed by May 30, 2010, and shall have the damaged window repaired or replaced as per the City of Duluth requirements.
8. Monthly rents shall be applied first to Hull's property manager fee, building utilities, property insurance, expenses for finding or evicting renters, and any property maintenance approved in writing by Plaintiff. Hull shall provide Plaintiff with rent checks and copies of all expenses to be paid. Plaintiff shall then provide Hull with checks to pay such expenses. In the event no rent is collected in any one month, Plaintiff is responsible for all expenses.

All remaining funds shall be applied to the delinquent and 2010 payable real estate taxes. In the event all delinquent and due and owing 2010 payable real estate taxes have been paid prior to said premises being sold, the remaining funds shall be the property of Plaintiff.

9. Plaintiff shall retain the deposit for the current renters, be responsible for inspecting such unit if and when said renters vacate the premises, and be responsible for returning said deposit to or sending notification of damages to said renters. Hull shall give Plaintiff timely notice of any Notice of Intent to Vacate by said renters. Hull shall be responsible for collecting and holding all future deposits.
10. Defendants hereby grant Plaintiff an extension on said contract until the above-described premises are sold. If for any reason Plaintiff takes said premises off the market for sale, Defendants may continue said Cancellation proceedings.
11. Plaintiff hereby agrees to dismiss said proceedings with prejudice and both parties shall sign a Stipulation to Dismiss in conjunction with this Agreement.
12. All communications, except the exchanging of checks and receipts, shall be via email. Plaintiff can be reached at "cgreen4320@yahoo.com"; Hull can be reached at "hullchris90@gmail.com".
13. Plaintiff, Carl Green, acknowledges that he has the right to be represented by a lawyer of his choice, and he hereby expressly waives that right. Plaintiff, Carl Green, further acknowledges that he has fully read and understands this Agreement, and he freely and voluntarily signs it.

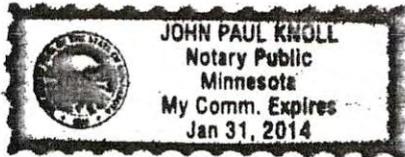
IN WITNESS WHEREOF, both parties acknowledge receipt of a signed copy of the Stipulation and have hereunto set their hands.

PROSPERITY HOUSE, LLC,
a Minnesota limited liability company

By Carl L. Green
Its President

Subscribed and sworn to before me
this 13 day of May, 2010, by
Carl Green, President of Prosperity
House, LLC.

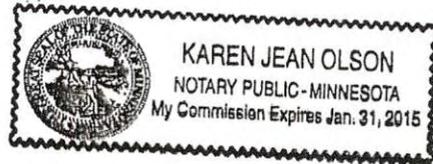
John Paul Knoll
Notary Public



Chris W. Hull
Chris W. Hull
Marilyn J. Hull
Marilyn J. Hull

Subscribed and sworn to before me
this 14th day of May, 2010, by
Chris W. Hull and Marilyn J. Hull,
husband and wife.

Karen Jean Olson
Notary Public





St. Louis County Land & Minerals Department Tax Forfeited Land Sales

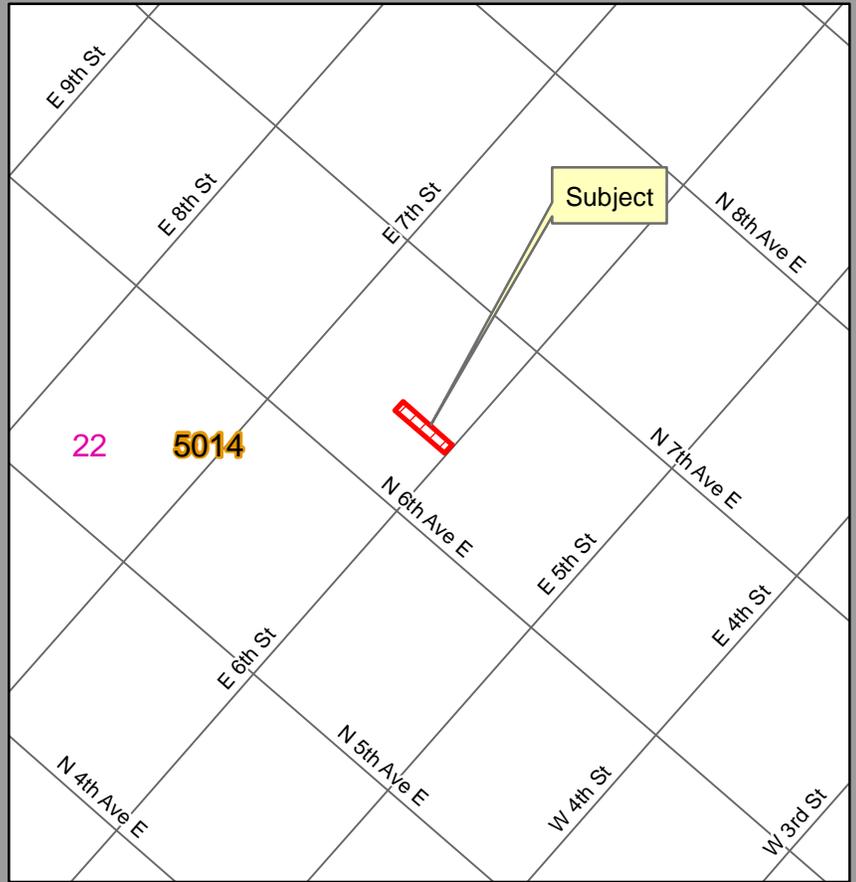
Repurchase of Property

Legal : CITY OF DULUTH
E 1/2 of LOT 3, BLOCK 5
NORTONS DIVISION OF DULUTH

Parcel Code : 010-3490-00280

LDKEY : 121945

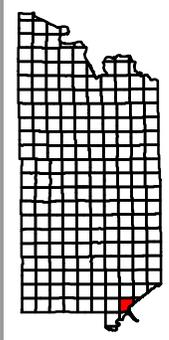
Address: 611 E 6TH ST
DULUTH 55805



City of Duluth Sec: 22 Twp: 50 Rng: 14

Commissioner District # 1

-  State Tax Forfeited Land
-  Water
-  Road
-  Area of Interest
-  Tract



St. Louis County, Minnesota



2003 NAIP Photo

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. This drawing is a compilation of recorded information and data located in various city, county, state and federal offices. St. Louis County is not responsible for any incorrectness herein.

**St. Louis County
Land & Minerals
Department**



2016

BOARD LETTER NO. 16 - 395

ENVIRONMENT & NATURAL RESOURCES COMMITTEE NO. 2

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Timber Contract Price
Adjustments in Response to
2016 Storm and Fire Events

FROM: Kevin Z. Gray
County Administrator

Mark Weber, Director
Land and Minerals

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENTAL GOAL:

Performing public services.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize the Land Commissioner the authority to apply price reductions to current timber contracts impacted by storm and fire events during 2016.

BACKGROUND:

The Land and Minerals Department has a number of current timber contracts which have been damaged by the July 2016 windstorms and one timber contract damaged by a spring wildfire. The timber within these contract areas has been devalued. The county has precedent of reducing sold timber prices after significant storm events in 1995 and 1999 upon receiving County Board authorization. Price reductions will be applied by reducing the damaged portion of the contract volume and calculating a new weighted average price per species. The Minnesota Department of Natural Resources uses a similar means of price adjustment in adjusting contract prices on damaged timber contracts.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the Land Commissioner to apply price reductions on current timber contracts impacted by the 2016 storm and fire events by reducing the damaged portion of the contract volume and calculating a new weighted average price per species.

Timber Contract Price Adjustments in Response to 2016 Storm and Fire Events

BY COMMISSIONER _____

WHEREAS, The Land and Minerals Department has a number of current timber contracts which have been damaged by the July 2016 windstorms and one timber contract damaged by a spring wildfire; and

WHEREAS, The timber within these contract areas has been devalued; and

WHEREAS, The Land and Minerals Department has precedent of reducing sold timber prices after significant storm events in 1995 and 1999 upon receiving County Board authorization;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Land Commissioner to apply price reductions on current timber contracts impacted by 2016 storm and fire events by reducing the damaged portion of the contract volume and calculating a new weighted average price per species.

BIDS:

Mesabi Bituminous, Inc., Gilbert, MN	\$1,051,354.60 (-\$108,537.90, -9.36%)
TNT Aggregates LLC, Grand Rapids MN	\$1,098,000.00
KGM Contractors, Inc., Angora, MN	\$1,387,286.10
Ulland Brothers, Inc., Cloquet, MN	\$1,549,915.00

RECOMMENDATION:

It is recommended that the St. Louis County Board award the projects to low bidders as follows:

CP 0000-213215, SP 069-090-030, TA 6916(215) to Mesabi Bituminous, Inc. of Gilbert, MN in the amount of \$1,051,354.60, payable from Fund 220, Agency 220406, Object 652700.

Award of Bids: Mesabi Trail (Eagles Nest Township)

BY COMMISSIONER _____

WHEREAS, Bids have been received electronically by St. Louis County Public Works Department for the following tied project:

CP 0000-213215, SP 069-090-030, TA 6916(215), Recreational Trail from Eagles Nest Town Hall to Camp Lake Road in Eagles Nest Township; and

WHEREAS, Bids were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on August 11, 2016, and the low responsible bid determined;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the award on the above project to the low bidder:

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Mesabi Bituminous, Inc.	PO Box 728 Gilbert, MN 55741	\$1,051,354.60

RESOLVED FURTHER, That the appropriate county officials are authorized to approve the Contractor's Performance Bonds and to execute the bonds and contract for the above listed project payable from:

CP 0000-213215, SP 069-090-030, TA 6916(215), Fund 220, Agency 220406, Object 652700

With additional revenue budgeted for expense:

St. Louis and Lake Counties Regional Railroad Authority	Fund 220, Agency 220406, Rev. Obj. 583101	\$263,354.60
--	---	--------------

BOARD LETTER NO. 16 – 397

PUBLIC WORKS & TRANSPORTATION COMMITTEE NO. 2

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Agency Agreement between
the Minnesota Department of
Transportation and St. Louis
County for Road Safety Plan
Updates

FROM: Kevin Z. Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

To provide a safe, well maintained road and bridge system.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize a cooperative agreement with the Minnesota Department of Transportation (MnDOT) to update the St. Louis County Road Safety Plan.

BACKGROUND:

In 2012, St. Louis County received its first ever County Road Safety Plan (CRSP). The CRSP was funded entirely by MnDOT which produced a unique CRSP for all 87 counties in Minnesota. This plan prioritized road segments, intersections and curves using a risk-based approach to identify those locations that were most likely to have a future serious crash. The premise of the CRSP is to proactively deploy proven safety countermeasures at high risk locations to prevent serious crashes from occurring.

One of the benefits of the CRSP is the advantage it provides St. Louis County in leveraging federal funding through the Highway Safety Improvement Program (HSIP). The State of Minnesota shares approximately 50 percent of HSIP funding with the counties because nearly 50 percent of the highway fatalities occur on county roads.

St. Louis County has invested nearly \$2.2 million in highway safety projects identified in the CRSP from 2013 through 2016. These projects consisted of 6-inch wet reflective edgeline, edgeline rumble strips, chevron signing in curves, intersection lighting, intersection pavement markings and mainline dynamic warning systems. All of these projects were funded through HSIP at 90 percent with a ten percent local match.

Because many counties have nearly completed all of the projects identified in their CRSP, MnDOT is starting a project to update the CRSP. This second phase will include a smaller number of counties that were selected based upon their implementation of the first phase of the CRSP. Because of its record of implementing safety projects from the original CRSP, St. Louis County received the second highest score in the state and therefore will be included in the first round of CRSP updates. The CRSP update will provide a more refined analysis of the county road system and will recommend additional safety strategies and projects.

Unlike the first phase of the CRSP, the update to the CRSP will require a local match of \$20,000 for participating counties. The total estimated engineering cost for the St. Louis County Road Safety Plan is \$100,000. It is anticipated that 80 percent of the engineering costs will be paid from federal funds made available by the Federal Highway Administration.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize a cooperative agreement with the Minnesota Department of Transportation to update the St. Louis County Road Safety Plan with funds for the local match to be provided by Fund 200, Agency 200008, Object 626600.

**Agency Agreement between the Minnesota Department of Transportation and
St. Louis County for Road Safety Plan Updates**

BY COMMISSIONER _____

WHEREAS, After receiving its first County Road Safety Plan from the Minnesota Department of Transportation (MnDOT) in 2012, St. Louis County has invested nearly \$2.2 million dollars in highway safety projects identified by the County Road Safety Plan during the period 2013 through 2016; and

WHEREAS, Because of the county's record of implementing highway safety projects identified in the County Road Safety Plan, St. Louis County was selected to participate in the MnDOT update to the St. Louis County Road Safety Plan; and

WHEREAS, The estimated engineering cost for the update to the St. Louis County Road Safety Plan is \$100,000 with 80 percent of the cost anticipated to be covered by federal funds made available by the Federal Highway Administration and a 20 percent local match of \$20,000 provided by St. Louis County;

THEREFORE, BE IT RESOLVED, That pursuant to Minn. Stat. § 161.36, the Commissioner of Transportation be appointed as Agent of St. Louis County to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

RESOLVED FURTHER, That the Chair of the County Board and County Auditor are hereby authorized and directed for and on behalf of St. Louis County to execute and enter into an agreement with the Commissioner of Transportation prescribing terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 1026227", a copy of which said agreement was before the County Board and which is made part hereof by reference (County Board File No. _____), with funds for the local match to be provided by Fund 200, Agency 200008, Object 626600.

STATE OF MINNESOTA AGENCY AGREEMENT
BETWEEN
DEPARTMENT OF TRANSPORTATION
AND
ST. LOUIS COUNTY

FOR FEDERAL PARTICIPATION IN COUNTY ROAD SAFETY PLAN UPDATES
FOR
S.P. 069-070-039; M.P. HSIP 8816(199)

Estimated amount Receivable \$20,000

This agreement is entered into by and between ST. LOUIS County ("County") and the State of Minnesota acting through its Commissioner of Transportation ("MnDOT"),

Pursuant to Minnesota Statutes Section 161.36, the County desires MnDOT to act as the County's agent to accept and disburse federal funds for the construction, improvement, or enhancement of transportation financed in whole or in part by federal funds; and

MnDOT and the County are proposing a federal aid project to update the County's existing County Road Safety Plan, hereinafter referred to as the "Preliminary Engineering;" and

The Preliminary Engineering is eligible for the expenditure of federal aid funds, and is identified in MnDOT records as State Project 069-070-039, and in Federal Highway Administration ("FHWA") records as Minnesota Project HSIP 8816(199); and

The County has expressed its willingness to reimburse the State its share of the costs of the local match for the federal aid project. Based on the amount of analysis needed for each County, the county will be responsible for the 20 percent local match; and

MnDOT requires that the terms and conditions of this agency be set forth in an agreement.

THE PARTIES AGREE AS FOLLOWS:

I. DUTIES OF THE COUNTY.

A. DESIGNATION. The County designates MnDOT to act as its agent in accepting federal funds in its behalf made available for the Project.

B. ELIGIBILITY / COSTS. The estimated total cost of the Preliminary Engineering is \$100,000.

1. It is anticipated that 80% (up to \$ 80,000) of the cost of the Preliminary Engineering is to be paid from federal funds made available by the FHWA, and the County will pay the remaining 20% (\$20,000). The Counties will pay any part of the cost or expense of the work that the FHWA does not pay.
 2. Any costs incurred by the County prior to authorization of the Federal Funds, will not be eligible for federal participation.
 3. The County shall advance to the Commissioner of Transportation the County's total estimated cost share, upon receipt by the County of a written request from the State for the advancement of funds.
 4. Final Payment by the County.
 - a. Upon completion and acceptance of the preliminary engineering work and upon computation of the final amount due the State's consultant, the State shall prepare a Final SCHEDULE and submit a copy to the County.
 - b. The Final SCHEDULE will be based on final total cost of the contract between the Preliminary Engineering consultant and MnDOT and will include all County cost participation.
 - c. If the final cost of the County participation covered under this Agreement exceeds the amount of funds advanced by the County, the County shall, upon receipt of a request from the State, promptly pay the difference to the State without interest.
 - d. If the final cost of the County participation covered under this Agreement is less than the amount of funds advanced by the County, the State shall promptly return the balance to the County without interest.
- C. The County will designate a publicly employed registered engineer, ("Project Engineer"), to be in responsible charge of the Project for the work done by the consultant related to the specific county and to supervise and direct the work performed by the consultant related to the specific county. Expenditures for general administration, supervision, maintenance and other overhead or incidental expenses of the County are not eligible for federal participation, nor can they be used to cover the county's local share of the project. The County will furnish the personnel, services, supplies, and equipment necessary to properly supervise, inspect, and document the work for the Project.
- D. LIMITATIONS.
1. The County will comply with all applicable Federal, State, and local laws, ordinances, and regulations.
-

2. Nondiscrimination. It is the policy of the FHWA and the State of Minnesota that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. 2000d). Through expansion of the mandate for nondiscrimination in Title VI and through parallel legislation, the prescribed bases of discrimination include race, color, sex, national origin, age, and disability. In addition, the Title VI program has been extended to cover all programs, activities and services of an entity receiving Federal financial assistance, whether such programs and activities are Federally assisted or not. Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this part applies, is expected to take affirmative action to assure that no person is excluded from participation in, or is denied the benefits of, the program or activity on the grounds of race, color, national origin, sex, age, or disability. It is the responsibility of the County to carry out the above requirements.
3. Workers' Compensation. Any and all employees of the County or other persons while engaged in the performance of any work or services required or permitted by the County under this agreement will not be considered employees of MnDOT, and any and all claims that may arise under the Workers' Compensation Act of Minnesota on behalf of said employees, or other persons while so engaged, will in no way be the obligation or responsibility of MnDOT. The County will require proof of Workers' Compensation Insurance from any contractor and sub-contractor.

II. DUTIES OF MnDOT.

- A. ACCEPTANCE. MnDOT accepts designation as Agent of the County for the receipt and disbursement of federal funds and will act in accordance herewith.
- B. PROJECT ACTIVITIES.
 1. MnDOT will make the necessary requests to the FHWA for authorization to use federal funds for the Project, and for reimbursement of eligible costs pursuant to the terms of this agreement.
 2. MnDOT will let and hold the contract to provide to Preliminary Engineering services for the project. MnDOT will comply with all state and federal regulations related to the hiring of a consultant to perform the County Road Safety Plan update.
 3. MnDOT will make all payments to the consultant with the federal funds and funds prepaid by the counties involved in the project.

III. AUTHORIZED REPRESENTATIVES. Each authorized representative will have responsibility to administer this agreement and to ensure that all payments due to the other party are paid pursuant to the terms of this agreement.

- A. The County authorized representative is Vic Lund, Traffic Engineer, St. Louis County, 4787 Midway Road, Duluth, MN 55811, phone 218-625-3873, or his successor.
 - B. MnDOT's authorized representative is Sulmaan Khan, Minnesota Department of Transportation, State Aid for Local Transportation, Mail Stop 500, St Paul, MN 55155, phone 651-366-3829, or his successor.
- IV. TORT LIABILITY. Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of any others and the results thereof. The Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, governs MnDOT liability.
- V. ASSIGNMENT. Neither party will assign or transfer any rights or obligations under this agreement without prior written approval of the other party.
- VI. AMENDMENTS. Any amendments/supplements to this Agreement must be in writing and be executed by the same parties who executed the original agreement, or their successors in office.
- VII. TERM OF AGREEMENT. This agreement will be effective upon execution by the County and by appropriate State officials, pursuant to Minnesota Statutes Section 16C.05, and will remain in effect for five (5) years from the effective date or until all obligations set forth in this agreement have been satisfactorily fulfilled, whichever occurs first.
- VIII. TERMINATION. This agreement may be terminated by the County or MnDOT at any time, with or without cause, upon ninety (90) days written notice to the other party. Such termination will not remove any unfulfilled financial obligations of the County as set forth in this Agreement. In the event of such a termination the County will be entitled to reimbursement for MnDOT-approved federally eligible expenses incurred for work satisfactorily performed on the Project to the date of termination subject to the terms of this agreement.
-

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed intending to be bound thereby.

COUNTY

County certifies that the appropriate person(s) have executed the contract on its behalf as required by applicable resolutions, ordinances, or charter provisions

By: _____

Date: _____

Title: _____

By: _____

Date: _____

Title: _____

DEPARTMENT OF TRANSPORTATION

By: _____

Title: Director,
State Aid for Local Transportation

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____

Date: _____



BOARD LETTER NO. 16 – 398

PUBLIC WORKS & TRANSPORTATION COMMITTEE NO. 3

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Implementation of the St. Louis
County Road Safety Plan and
other Highway Safety
Strategies on County Roads

FROM: Kevin Z. Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

To provide a safe, well maintained road and bridge system.

ACTION REQUESTED:

The St. Louis County Board is requested to adopt a resolution of support to continue the implementation of the County Road Safety Plan and other highway safety strategies on St. Louis County Roads through multiple funding sources.

BACKGROUND:

The first priority listed in the mission statement of the Public Works Department is safety. This priority leads to the conclusion that traffic-related deaths on St. Louis County Roads are unacceptable. To accomplish this goal statewide, Minnesota has championed the vision of “Toward Zero Deaths” (TZD) through numerous partnerships, both public and private, to leverage resources needed in this effort. TZD is a data-driven, interdisciplinary approach that targets areas of the highway system for improvement and employs proven countermeasures by the combined efforts of education, enforcement, engineering and emergency medical and trauma services (otherwise known as the “4 Es”). The center of the TZD effort is to change the culture wherein traffic related deaths caused by irresponsible and illegal driver behavior are unacceptable.

St. Louis County has long been a leader in improving safety on its county roads. In fact, an award plaque that is displayed in the County Courthouse in Duluth was awarded to St. Louis County in 1948 by the Minnesota Safety Contest for “...the lowest number of traffic accident fatalities in proportion to population and best public safety work during the year.”

In 2012, St. Louis County took a significant step forward with the publication of the first ever St. Louis County Road Safety Plan (CRSP). The CRSP was funded entirely by the Minnesota Department of Transportation (MnDOT), which produced a unique CRSP for all 87 counties in Minnesota. This plan prioritized road segments, intersections and curves using a risk-based approach to identify those locations most likely to have a future serious crash. Under the CRSP, St. Louis County has been very proactive at deploying multiple safety countermeasures at locations most at risk to prevent serious crashes. This work has been primarily supported by federal funding through the Highway Safety Improvement Program (HSIP).

Between 2009 and 2015, St. Louis County implemented \$3.8 million in highway safety projects on the county road system. These projects included wide, wet-reflective edgelines, edgeline rumble strips, signing in curves, intersection pavement markings and intersection lighting. For the years 2016 through 2020, St. Louis County has programmed \$6.2 million in funding to implement additional highway safety projects. Most of this funding is through HSIP. These projects include 6-inch wet reflective edgeline, rural intersection lighting, high-friction surface treatment for curves and centerline “mumble” strips.

Through the efforts of the Public Works Department, the Sheriff’s Office and other law enforcement agencies, educators and emergency response professionals, there has been great progress in improving safety on St. Louis County Roads. From 2003 to 2015, there was a 57 percent reduction in serious crashes on St. Louis County Roads (47 serious crashes in 2003 and 20 serious crashes in 2015). This would not have been possible without the support of the St. Louis County Board. Public Works hopes to build upon this success by updating the CRSP and continuing to deliver a robust highway safety program using all available funding sources to further reduce these numbers, with the ultimate goal of zero deaths on St. Louis County Roads.

RECOMMENDATION:

It is recommended that the St. Louis County Board adopt a resolution supporting the efforts of the Public Works Department in updating the current CRSP, pursuing funding, implementing the CRSP, and delivering other highway safety strategies that will reduce serious and fatal crashes on St. Louis County Roads.

Implementation of the County Road Safety Plan and other Highway Safety Strategies on the St. Louis County Road System

BY COMMISSIONER _____

WHEREAS, The first priority listed in the St. Louis County Public Works Department mission statement is safety; and

WHEREAS, St. Louis County believes that traffic-related deaths on St. Louis County Roads are unacceptable and is supportive of and active in the Minnesota Toward Zero Deaths partnership; and

WHEREAS, St. Louis County has been recognized by the Minnesota Department of Transportation as a champion of implementing its County Road Safety Plan with its investment of \$3.8 million in highway safety projects between 2009 and 2015 on St. Louis County Roads; and

WHEREAS, As a result of the cumulative efforts of educators, enforcement, engineering and emergency response professionals, there has been a 57 percent reduction in serious crashes on St. Louis County Roads between the years of 2003 and 2015; and

WHEREAS, St. Louis County plans to invest \$6.2 million in additional highway safety projects between 2016 and 2020 to further reduce serious crashes on County Roads; and

WHEREAS, St. Louis County intends to update its County Road Safety Plan in cooperation with the Minnesota Department of Transportation to identify additional highway safety strategies;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board of Commissioners fully supports the efforts of the Public Works Department to continue the implementation of the County Road Safety Plan and other highway safety strategies through multiple funding sources on St. Louis County Roads;

RESOLVED FURTHER, That the St. Louis County Board authorizes the Public Works Director/Highway Engineer to apply for and accept highway safety related grants from federal, state and other sources that are consistent with implementation of the County Road Safety Plan.

BOARD LETTER NO. 16 – 399

FINANCE & BUDGET COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Resolution of LGU for James Metzen Mighty Ducks Ice Arena Grant Application

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENT GOAL:

To ensure that Commissioner initiatives are given the opportunity for County Board consideration.

ACTION REQUESTED:

The St. Louis County Board is requested to serve as the Local Government Unit (LGU) on behalf of the Mars Lakeview Arena in its effort to secure a James Metzen Mighty Ducks Grant Program, through the Minnesota Amateur Sports Commission (MASC).

BACKGROUND:

Commissioners Stauber and Nelson were approached by Brendan Flaherty, Director of the Mars Lakeview Arena, located in Duluth, about serving as the fiscal agent, or Local Government Unit, as required for grant applications for the James Metzen Mighty Ducks Grant Program. The 2016 grant program has \$10 million to help Minnesota communities eliminate R-22 refrigerant or improve air quality in ice arenas. Grant recipients must have at least one local partner that is a political subdivision of the state, and all grant applications require a minimum 1-to-1 dollar match from non-state sources.

The result of a successful grant will improve ice arenas capable of hosting all ice sports competitions and training as well as maximize the community's ability to generate economic benefits by promoting ice sports programming for females and males. Grant applications must come from an LGU that agrees to serve as the fiscal agent for the grant funds and execute the application form and resolution.

The Mars Lakeview Arena is the owner and/or operator of the ice arena and its improvements, being the beneficiary of the grant award. Additional information about the James Metzen Mighty Ducks Grant Program is attached. The county's grant

application will identify the project as a “Dehumidification Project and Electric Resurfacer and Edger” at Mars Lakeview Arena, at a total cost of \$300,000, requesting \$150,000 from the grant program.

RECOMMENDATION:

Should Commissioners wish for St. Louis County to serve as the Local Government Unit (LGU) on behalf of the Mars Lakeview Arena in its effort to secure a James Metzen Mighty Ducks Grant Program, through the Minnesota Amateur Sports Commission (MASC), a resolution is attached to accomplish this objective.

Resolution of LGU for James Metzen Mighty Ducks Ice Arena Grant Application

BY COMMISSIONER _____

WHEREAS, The Minnesota Amateur Sports Commission (MASC), via the State General Fund, provides for general funds to assist political subdivisions of the State of Minnesota for the fulfillment of the purpose and goals of the James Metzen Mighty Ducks Grant Program; and

WHEREAS, The St. Louis County Board of Commissioners desires to complete a project named "Dehumidification Project and Electric Resurfacer and Edger" at Mars Lakeview Arena located at 1201 Rice Lake Road, Duluth, MN;

THEREFORE BE IT RESOLVED:

- 1) That the total cost of completing the project shall be \$300,000, and the St. Louis County Board of Commissioners is requesting \$150,000 from the James Metzen Mighty Ducks Grant Program and will assume responsibility for a matching contribution of \$150,000, raised by the Mars Lakeview Arena, as outlined in the grant application submission materials.
- 2) The Mars Lakeview Arena agrees to own, assume 100 percent operational costs for the facility or equipment, and will operate the facility or equipment for its intended purpose for the functional life of the facility or equipment which is estimated to be 20 years.
- 3) The St. Louis County Board of Commissioners agrees to enter into necessary and required agreements with the MASC for the specific purpose of completing the project.
- 4) That a request for reimbursement be made to the MASC for the amount awarded after the completion of the project.
- 5) That Donald Dicklich, the St. Louis County Auditor/Treasurer is authorized and directed to execute said application and serve as the official liaison with the MASC.

JAMES METZEN MIGHTY DUCKS GRANT APPLICATION



Type of Application: (check one)

Indirect R-22 Elimination

Direct R-22 Elimination

Indoor Air Quality Improvement

Local Government Unit (LGU) St. Louis County, Minnesota
LGU Application Contact (Name, Title, Address, Email & Telephone) Donald Dicklich, St. Louis County Auditor/Treasurer St. Louis County Courthouse, Room 214 100 North 5th Avenue West Duluth, MN 55802
Project Name and Physical Address "Dehumidification Project" and "Electric Resurfacer and Edger" at Mars Lakeview Arena 1201 Rice Lake Road, Duluth, MN 55811
Primary Contact (Name, Email & Telephone) Brendan Flaherty, Mars Lakeview Arena Director, Duluth Marshall Boys Hockey Coach Brendan@marslakeview.com; office: 218-722-4455; cell: 218-343-3331
Minnesota Tax ID Number 8027333
Federal Employee ID Number 41-6005890
Minnesota House of Representatives District Number of Facility 7B

Include Project Documentation found at mnsports.org/mighty_ducks.stm.

EXECUTION:

IN WITNESS THEREOF, the applicant has caused this application to be executed on the
_____ day of _____, 2016.

By: (Authorized Signer)

(Title)

Mail three originals of this form to:
Minnesota Amateur Sports Commission
1700 105th Avenue NE, Blaine MN 55449-4500

Grant 3: IMPROVING INDOOR AIR QUALITY

Local Financial Commitment. The LGU is required to provide either documentation of funds secured or demonstrate how it intends to fundraise for the local financial commitment. All awards must be matched by non-state funds equal to or greater than the award amount.

Response:

Mars Lakeview Arena will match the amount (\$150,000) requested from the James Metzen Mighty Ducks Grant through a term loan with the bank, sale of an existing propane ice resurfacer, and money up front from existing soft drink contract.

Description of Project: Indicate whether the project is purchasing a new electric ice resurfacer or edger or some other mechanism to improve the indoor air quality of the arena. If the latter, describe the project, how it will improve indoor air quality, and by how much it will improve.

Response:

After 17 years of serving our community, our greatest need is for improved indoor air quality. Dehumidification systems have improved dramatically since our inception. A new system will not only improve efficiencies, but preserve mechanical structure to the inside of the building and provide safer air *and* ice for our users- which has been 70%-80% public over the years. Secondly, it has also been a goal of ours to convert to an electric-powered ice resurfacer and edger. We can incur savings and eliminate sources that emit harmful gasses.

Project Budget:

See attached table please.

Operating Budget: Describe the annual operating costs of the current system and compare it to the annual operating costs after the improvement.

Response:

Dehumidification project: Annual operating costs of the current Dektron Units are factored into our electric bill along with multiple other sources including compressors and rink lighting. Estimated annual cost of the units is \$7,000 per year. The new state of the art unit would be gas-fired desiccant, thereby reducing electric consumption, but increasing gas consumption. Significant savings by preserving mechanical and building structure as well as eliminating harmful mold and mildew issues resulting in safer air to breathe. In addition, engineers on the project believe savings would occur due to a reduced load on our refrigeration system.

See attached table please.

Electric Resurfacer and Edger: Our cost to use propane was \$4,300 for last fiscal year and over \$5,000 the previous year. We also incur air testing costs, valuable time to administer testing, recording, and visits from MDH. We also incur to run our exhaust fans. All of this cost would be eliminated and replaced with lower cost for battery replacement and charging. As part of our budget, we estimate a trade-in value of \$30,000 for our current propane ice resurfacer.

See attached table please.

Project Budget:

**Mars Lakeview Arena
Dehumidification Project and Electric-Powered Ice Resurfacer Purchasing Budget**

Mars Lakeview Arena Local Match	
Sale of existing ice resurfacer	\$30,000.00
Soft Drink Contract	\$7,000.00
Term Loan	\$113,000.00
<i>Total Local Match</i>	<i>\$150,000.00</i>
<i>James Metzen Mighty Duck Grant</i>	<i>\$150,000.00</i>
Budget Total	\$300,000.00

Operating Budget: We estimate a savings of \$13,000 annually from efficiencies and preserving equipment
Annual Cost Effect Electric Dektron Units vs New Gas-Fired Desiccant Dehumidification

Current Energy Consumption Cost for Dektron Units:	\$7,000.00
Estimated Annual Cost resulting from moisture damage (sound system, scoreboard, radiant heat panel, ceiling paint, doors, frames etc etc)	\$10,000.00
Estimated compressor demand cost resulting solely from building moisture	\$6,000.00
Total expense by using dektron units	\$23,000.00
Estimated Energy Consumption Cost for Gas-Fired Desiccant System	\$10,000.00
Total expense by using Desiccant Dehumidification	\$10,000.00
Total Annual Operating Savings	\$13,000.00

Operating Budget: We estimate an annual savings of \$5,600 by switching to an Electric Resurfacer
Annual Operating Costs Propane vs Electric-Powered Resurfacer

Current Propane usage for resurfacer	\$4,500.00
Current air testing equipment	\$1,200.00
Current Exhaust Fans and air handling	\$1,500.00
Gas for Edger	\$200.00
Total cost with propane resurfacer	\$7,400.00
Estimated Electricity for charging	\$300.00
Battery Replacement Budget	\$1,500.00
Total cost with electric resurfacer	\$1,800.00
Total Annual Operating Savings	\$5,600.00



PO Box 161001 1201 Rice Lake Rd – Duluth, MN 55811

Phone (218) 722-4455 MARSLAKEVIEW.COM

August 4th 2016

Dear St Louis County Board:

Thank you for your consideration to act as the fiscal agent for the Mars Lakeview Arena in its quest for improved indoor air quality.

The Mars Lakeview Arena has served Northeastern Minnesota since it opened its doors in 1999.

Over the years, 70%-80% of its usage has come from public customers. We are the proud home of the Duluth Figure Skating Club and its Learn to Skate Program, various Youth Hockey Tournaments, games and practices, and numerous Adult Hockey Leagues. The economic impact the Mars Lakeview Arena alone has generated for area businesses is staggering. As you know, we operate independently, without ANY City, County, State, or School District funding.

At this time we are pursuing a grant offered through the Minnesota Amateur Sports Commission (MASC) that could significantly help preserve the infrastructure of the arena, eliminate any potential for mold and mildew damage, ensure quality ice for our users, and eliminate any issues stemming from harmful carbon monoxide and nitrogen dioxide gasses.

With an aging building, our need for major capital improvements increase. Improved dehumidification and an Electric Zamboni are just two examples. We simply cannot continue to adequately provide for our users without opportunities like the one the MASC is offering through the James Metzen Mighty Duck Program.

As you know, our situation is unique to others and requires your assistance in this case. We hope that you will strongly consider helping us, so that we can continue to safely and successfully provide healthy activities for thousands of people, young and old, across the Northland.

Please see attachments and feel free to contact me at any time by phone or through email with any questions.

Sincerely,

Brendan Flaherty- Executive Director, Mars Lakeview Arena *Brendan Flaherty* Date 8/4/16

Brian Murphy- Treasurer, Mars Lakeview Arena *B Murphy* Date 8/4/16

August 8, 2016

Minnesota Amateur Sports Commission,

We are writing this letter in support of MARS Lakeview Arena's application for grant funds from your commission. The Duluth Figure Skating Club has had a long relationship with MARS Arena and would directly benefit by the use of these funds. MARS arena is our club's home ice arena and our skaters spend many hours there throughout the year.

MARS has told us they would use the grant funds to improve air quality through better dehumidification and also could improve the ice surface with updated equipment such as an electric Zamboni and an edger. The atmosphere of the rink and condition of the ice is paramount in the sport of figure skating and we hope your commission can help MARS arena continue to provide a great skating atmosphere for the city of Duluth and surrounding areas.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cushman', with a long horizontal line extending to the right.

Jeff Cushman
President, Duluth Figure Skating Club

To whom it may concern:

I am writing this as a member of the Spirit Of Duluth committee, and as the chairman of the committee. We have had the pleasure of using Mars Lakeview Arena for the past 17 years or so to help us put on what we feel is the best youth hockey tournament for Bantam AA and Peewee AA and Junior Gold teams in the State. This year we will be celebrating the 40th year of the Spirit of Duluth. We have always, and continue, to work hard to make sure the Spirit is considered a premier tournament by the youth teams that desire to play in it. Doing so would not be possible without the availability of quality venues to play our games in, and Mars Lakeview Arena is certainly one of them. We have in the past held many of our Sunday morning semi-final games there and our championship games there on Sunday afternoon, because of the great venue Mars is, and the excellent service the employees of the Arena provide our teams and spectators. Mars Lakeview is as well of run arena I have ever been associated with, and is by far the cleanest arena I have been in. I whole heartily support any improvements that would be made at Mars Lakeview Arena.

The Spirit of Duluth is proud to be able to use Mars Lakeview for our tournament, and the City of Duluth hockey community is fortunate to have such a great venue to help support hockey and ice skating in our town.

Sincerely William A. Oswald, Spirit Of Duluth Committee Chair



William A. Oswald

Manager

Consolidated Title & Abstract Company

218-722-1495

Fax: 218-720-6810

woswald@firstam.com

MASTERS HOCKEY GROUP

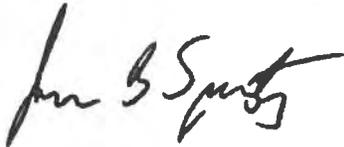
August 11, 2016

Minnesota Amateur Sports Commission
1700 105th Avenue Northeast, Blaine, Minnesota 55449

To whom it may concern,

The Masters Hockey Group supports the Mars Lakeview Arena's efforts to upgrade and improve the physical plant. We have been playing at the Arena for more than 15 years and the Mars Lakeview facility is integral to our community. The needed improvements will ensure that Mars Lakeview Arena will be able to continue to support our community for the long-term in a safe and healthy environment.

Sincerely,



Jim Spreitzer
Member
Masters Hockey Group

Saints Hilltoppers Arena, Inc.

Usage Statistics by Customer Type - Summary

7/1/2014 to 6/30/2015 / Sun, Mon, Tues, Wed, Thurs, Fri, Sat / 12:00 AM to 12:00 AM / No Int Cust

Facilities: Main

Customer Type	--- Hours Adjusted for Time Range ---			----- Full Hours for Events in the Time Range -----							
	Hours	% Total	Facility Rev. % Total	Hours	% Total	Facility Rev. % Total	Tax	Tot Revenue	% Total		
Adult Hockey	592.0	16.05%	\$39,215.45	11.09%	592.0	16.05%	\$39,215.47	\$0.00	\$2,528.51	\$41,743.98	10.60%
Broomball	18.5	0.50%	\$1,488.44	0.42%	18.5	0.50%	\$1,488.50	\$0.00	\$111.66	\$1,600.16	0.41%
College Hockey	410.5	11.13%	\$37,074.25	10.48%	410.5	11.13%	\$37,074.25	\$18,975.00	\$0.00	\$56,049.25	14.24%
Figure Skating	1195.0	32.40%	\$134,406.25	38.01%	1195.0	32.40%	\$134,406.25	\$0.00	\$0.00	\$134,406.25	34.14%
High School	526.25	14.27%	\$37,520.00	10.61%	526.25	14.27%	\$37,520.00	\$14,950.00	\$305.50	\$52,775.50	13.41%
Non-Profit Organizations	5.0	0.14%	\$660.00	0.19%	5.0	0.14%	\$660.00	\$0.00	\$0.00	\$660.00	0.17%
Power Skating	107.0	2.90%	\$16,605.00	4.70%	107.0	2.90%	\$16,605.00	\$0.00	\$1,245.73	\$17,850.73	4.53%
Private	10.75	0.29%	\$1,244.46	0.35%	10.75	0.29%	\$1,244.46	\$0.00	\$77.94	\$1,322.40	0.34%
Public Skating	61.0	1.65%	\$0.00	0.00%	61.0	1.65%	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Youth Hockey	638.25	17.30%	\$85,412.38	24.15%	638.25	17.30%	\$85,412.38	\$200.00	\$1,631.94	\$87,244.32	22.16%
z_SYSTEM USE - DO NOT DEL	124.5	3.38%	\$0.00	0.00%	124.5	3.38%	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Grand Total:	3688.75		\$353,626.23		3688.75		\$353,626.31	\$34,125.00	\$5,901.28	\$393,652.59	

End of Listing

Saints Hilltoppers Arena, Inc.

Usage Statistics by Customer Type - Summary

7/1/2015 to 6/30/2016 / Sun, Mon, Tues, Wed, Thurs, Fri, Sat / 12:00 AM to 12:00 AM / No Int Cust

Facilities: Main

Customer Type	--- Hours Adjusted for Time Range ---			----- Full Hours for Events in the Time Range -----							
	Hours	% Total	Facility Rev. % Total	Hours	% Total	Facility Rev. % Total	Other Chgs	Tax	Tot Revenue	% Total	
Adult Hockey	562.0	15.69%	\$35,716.84	10.14%	562.0	15.69%	\$35,716.85	\$0.00	\$2,388.54	\$38,105.39	9.57%
Broomball	4.0	0.11%	\$325.56	0.09%	4.0	0.11%	\$325.56	\$0.00	\$24.42	\$349.98	0.09%
College Hockey	369.5	10.31%	\$33,017.50	9.38%	369.5	10.31%	\$33,017.50	\$18,925.00	\$0.00	\$51,942.50	13.05%
Figure Skating	1247.75	34.82%	\$148,481.25	42.16%	1247.75	34.82%	\$148,481.25	\$0.00	\$0.00	\$148,481.25	37.30%
High School - <i>Participation is public</i>	594.75	16.60%	\$37,316.45	10.60%	594.75	16.60%	\$37,316.45	\$21,000.00	\$277.59	\$58,594.04	14.72%
Non-Profit Organizations	4.25	0.12%	\$617.50	0.18%	4.25	0.12%	\$617.50	\$0.00	\$0.00	\$617.50	0.16%
Power Skating	91.0	2.54%	\$14,245.00	4.05%	91.0	2.54%	\$14,245.00	\$0.00	\$1,068.60	\$15,313.60	3.85%
Private	16.25	0.45%	\$1,452.06	0.41%	16.25	0.45%	\$1,452.06	\$0.00	\$80.24	\$1,532.30	0.38%
Public Skating	51.5	1.44%	\$0.00	0.00%	51.5	1.44%	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Youth Hockey	600.0	16.75%	\$80,987.53	23.00%	600.0	16.75%	\$80,987.53	\$610.00	\$1,538.34	\$83,135.87	20.88%
z_SYSTEM USE -- DO NOT DEL	42.0	1.17%	\$0.00	0.00%	42.0	1.17%	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Grand Total:	3583.0		\$352,159.69		3583.0		\$352,159.70	\$40,535.00	\$5,377.73	\$398,072.43	

End of Listing

News release

For immediate release, June 28, 2016

For more information:

Mark Erickson, Minnesota Amateur Sports Commission
763-785-5662, merickson@mnsports.org

Minnesota Amateur Sports Commission announces 2016 James Metzen Mighty Ducks Ice Arena Grant Program

Blaine, Minn. (June 28, 2016) -- The State of Minnesota, acting through its agency, the Minnesota Amateur Sports Commission (MASC), is seeking proposals from interested communities to improve and update ice arenas.

This year, the grant program was renamed the James Metzen Mighty Ducks Ice Arena Grant Program in honor of retiring State Senator James Metzen. Sen. Metzen was instrumental in creating the original Mighty Ducks program in 1995. Sen Metzen, who represented South St. Paul for over 40 years in the legislature, was a tireless supporter of youth hockey and ice sports all around the state.

The 2016 grant program has \$10 million to help Minnesota communities eliminate R-22 refrigerant or improve air quality in ice arenas. Grant recipients must have at least one local partner who is a political subdivision of the state, and all grant applications require a minimum 1-to-1 dollar match from non-state sources.

Purpose and grant amounts

The purpose of this grant program is to assist Minnesota communities in:

1. Direct R-22 Refrigerant Elimination. Communities may apply for up to \$400,000 to convert an existing direct R-22 refrigeration system.
2. Indirect R-22 Refrigerant Elimination. Communities may apply for up to \$50,000 to convert an existing indirect R-22 refrigeration system
3. Indoor Air Quality Improvement. Communities may apply for up to \$200,000 for new electric ice resurfacing equipment or for the replacement or renovation of HVAC systems to improve indoor air quality.

The result of a successful grant shall be to improve ice arenas capable of hosting all ice sports competitions and training as well as maximize the community's ability to generate economic benefits by promoting ice sports programming for females and males.

Officials from the MASC will conduct a series of meetings throughout the state later this summer and fall to facilitate applications.

How to apply

A grant application is located at http://www.mnsports.org/mighty_ducks.stm

All proposals must be received no later than Monday, October 3, 2016.

BOARD LETTER NO. 16 - 400

FINANCE & BUDGET COMMITTEE NO. 2

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Unorganized Township Road
Levy – FY 2017

FROM: Kevin Z. Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

Provide a safe, well maintained road and bridge system.

ACTION REQUESTED:

The St. Louis County Board is requested to adopt a levy for the purpose of road and bridge maintenance and construction in unorganized townships.

BACKGROUND:

Minnesota Laws 1995, Chapter 47 authorizes the county to pool unorganized town road levies pursuant to Minn. Stat. §163.06. These levies are for the purpose of road and bridge maintenance and construction.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorizes the county to act on behalf of the unorganized townships for the purpose of road and bridge maintenance and construction and adopt a levy of \$1,582,000 for 2017.

Unorganized Township Road Levy – FY 2017

BY COMMISSIONER _____

WHEREAS, Minnesota Laws 1995, Chapter 47, authorizes St. Louis County to pool unorganized town road levies pursuant to Minn. Stat. §163.06;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board, acting on behalf of unorganized townships for the purpose of road and bridge maintenance and construction, adopts and certifies a maximum levy of \$1,582,000 for the year 2017 to be levied only in such unorganized townships.

BOARD LETTER NO. 16 - 401

FINANCE & BUDGET COMMITTEE NO. 3

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** HRA 2017 Proposed Levy

FROM: Kevin Z. Gray
County Administrator

Barbara Hayden
HRA Executive Director

RELATED DEPARTMENT GOAL:

Expanding affordable housing opportunities, maximizing financial resources, and promoting strategies that result in an expanded tax base.

ACTION REQUESTED:

The St. Louis County Board is requested to certify the St. Louis County Housing and Redevelopment Authority (HRA) maximum proposed property tax levy for 2017.

BACKGROUND:

Minn. Stat. § 275.065 requires all special taxing districts to certify a proposed property tax levy to the County Auditor on or before September 15, 2016. The St. Louis County HRA has exercised the authority to levy since 1990. The HRA tax levy for 2017 is proposed at a 1.5% (\$3,134) increase over 2016, for a total of \$212,074. The HRA Board of Commissioners approved a proposed property tax levy for 2017 in the amount of \$212,074 and recommended that the St. Louis County Board certify the levy at this amount. Attached is a copy of the 2017 HRA budget.

RECOMMENDATION:

It is recommended the St. Louis County Board certify the St. Louis County HRA maximum proposed property tax levy for 2017 in the amount of \$212,074.

HRA Proposed 2017 Levy

BY COMMISSIONER _____

WHEREAS, The St. Louis County Housing and Redevelopment Authority must establish a maximum proposed property tax levy and have this amount certified by the St. Louis County Board by September 15, 2016;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board certifies the Housing and Redevelopment Authority maximum property tax levy for 2017 in the amount of \$212,074.

**HRA
FUND 250 BUDGET**

Code	Description	2013 Budget	2014 Budget	2015 Budget	2016 Budget	2017 Forecast	2018 Forecast	2019 Forecast
251000	HRA Administration ¹							
	Personnel Services	140,000.00	140,000.00	140,000.00	140,000.00	140,000.00	140,000.00	140,000.00
	Operating	28,940.00	48,940.00	48,940.00	56,524.32	59,658.32	62,839.32	66,068.32
	Legal	40,000.00	20,000.00	20,000.00	12,415.68	12,415.68	12,415.68	12,415.68
	Other Charges-Hsg Activities ²	150,000.00	150,000.00	150,000.00	150,000.00	450,000.00	200,000.00	200,000.00
	Total	358,940.00	358,940.00	358,940.00	358,940.00	662,074.00	415,255.00	418,484.00

HRA REVENUES

Code	Description	2013 Budget	2014 Budget	2015 Budget	2016 Budget	2017 Forecast	2018 Forecast	2019 Forecast
251001	HRA Revenue							
	Certified levy	208,940.00	208,940.00	208,940.00	208,940.00	212,074.00	215,255.00	218,484.00

¹HRA Admin. - Salary and fringes reimbursed to St. Louis County based on hours charged to HRA - remaining funds go into fund balance.

²Housing Activities - Funds are taken from fund balance and require HRA Board approval.

2017 \$450,000 Budget item includes:

Hibbing HRA (Res. 15-196)	250,000.00
United Way Child Care Project (Res. 15-198)	50,000.00
Other Possible Housing Activities	150,000.00
	<u>450,000.00</u>

CURRENT FUND BALANCE AVAILABLE 388,370.00

BOARD LETTER NO. 16 – 402

FINANCE & BUDGET COMMITTEE NO. 4

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Fire Protection/First Responder
Services Contracts for
Unorganized Territories - 2017

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENT GOAL:

To provide efficient, effective government.

ACTION REQUESTED:

The St. Louis County Board is requested to approve Fire Protection/First Responder contracts and authorize the County Auditor to spread local levies for the provision of fire protection and first responder services in unorganized territories within the county.

BACKGROUND:

Under state statute (Minn. Stat. § 365.243), the St. Louis County Board has the authority to enter into contractual agreements to obtain fire protection and first responder services for unorganized territories within the county. In addition, the statute authorizes the County Board to levy a tax to finance these services. The attached resolution lists all of the legally organized corporations that have requested to contract with St. Louis County to provide fire protection and/or first responder services to specific unorganized territories for 2017. The County Auditor conducted a review of the proposals and the results are offered as Option A and Option B. The County Auditor will be present at the meeting to discuss the details of the options.

RECOMMENDATION:

It is recommended that the St. Louis County Board choose Option A or Option B and authorize the County Auditor to spread local levies for the provision of fire protection and/or first responder services to identified unorganized territories within the county beginning January 1, 2017 and to authorize the agreements with the listed corporations for the provision of these services. The funds will be accounted for in Fund 148, Agency 148001, Object 699100.

**Fire Protection/First Responder Services Contracts
for Unorganized Territories - 2017**

BY COMMISSIONER _____

WHEREAS, The St. Louis County Board is authorized to act on behalf of unorganized townships for purposes of furnishing fire protection and first responder services, pursuant to Minn. Stat. § 365.243; and

WHEREAS, The following legally organized corporations under the State of Minnesota have notified St. Louis County of their intent to provide fire protection and/or first responder services in said townships for the year 2017;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to sign any associated contract documents;

RESOLVED FURTHER, That the County Auditor is hereby authorized to spread local levies for the furnishing of fire protection and/or first responder services in unorganized townships as follows, to be accounted for in Fund 148, Agency 148001, Object 699100:

<u>City of Babbitt</u> Unorganized Townships 61-12 & 61-13	\$81,885
<u>City of Chisholm</u> Unorganized Township 59-21 (Everything <u>except</u> 13041 Memory Lane through 13099 Memory Lane)	\$15,914
<u>City of Cook</u> Unorganized Townships 62-17 & 63-17	\$14,700
<u>City of Floodwood</u> Unorganized Township 52-21	\$9,863
<u>City of Orr</u> Unorganized Township 63-19 & 66-20	\$10,174
<u>Bearville Township Volunteer Fire Dept.</u> Unorganized Township 62-21	\$5,132
<u>Central Lakes Volunteer Fire Dept.</u> Unorganized Township 56-17	\$43,050

<u>Colvin Volunteer Fire Dept.</u> Unorganized Township 55-15 (Sections 1-21 and 29 & 30)	\$10,500
<u>Ellsburg Volunteer Fire Dept.</u> Unorganized Township 55-15 (Sections 22-28 and 31-36)	\$4,763
<u>Embarrass Region Volunteer Fire Dept.</u> Unorganized Township 61-14	\$6,019
<u>Evergreen Volunteer Fire Dept.</u> Unorganized Townships 60-19 & 60-20	\$23,100
<u>French Volunteer Fire Dept.</u> Unorganized Township 59-21 (13041 Memory Lane through 13099 Memory Lane)	\$1,026
<u>Gnesen Volunteer Fire Dept.</u> Unorganized Township 53-15	\$18,812
<u>Greenwood Township Volunteer Fire Dept.</u> Unorganized Township 63-15	\$8,400
<u>Lake Kabetogama Area Fire Dept.</u> Unorganized Townships 67-20, 67-21, 68-19, 68-20, 68-21 & 69-19	\$31,708
<u>Lakeland Volunteer Fire Dept.</u> Unorganized Township 57-16	\$61,950
<u>Makinen Volunteer Fire Dept.</u> Unorganized Township 56-16	\$46,200
<u>Morse-Fall Lake Rural Protection Assoc.</u> Unorganized Townships 63-14, 64-12, 64-13, 65-13 & 65-14	\$26,250
<u>Northland Volunteer Fire Dept.</u> Unorganized Township 53-16	\$18,900
<u>Palo Regional Volunteer Fire Dept.</u> Unorganized Townships 56-14, 57-14 & 58-14 (Sections 25-36)	\$37,800

<u>Pequaywan Lake Volunteer Fire Dept.</u> Unorganized Township 54-13	\$3,780
<u>Pike-Sandy-Britt Volunteer Fire Dept.</u> Unorganized Townships 59-16 & 60-18	\$48,901
<u>Silica Volunteer Fire Dept.</u> Unorganized Township 55-21	\$47,250

**Fire Protection/First Responder Services Contracts
for Unorganized Territories - 2017**

BY COMMISSIONER_____

WHEREAS, The St. Louis County Board is authorized to act on behalf of unorganized townships for purposes of furnishing fire protection and first responder services, pursuant to Minn. Stat. § 365.243; and

WHEREAS, The following legally organized corporations under the State of Minnesota have notified St. Louis County of their intent to provide fire protection and/or first responder services in said townships for the year 2017;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to sign any associated contract documents;

RESOLVED FURTHER, That the County Auditor is hereby authorized to spread local levies for the furnishing of fire protection and/or first responder services in unorganized townships as follows, to be accounted for in Fund 148, Agency 148001, Object 699100:

<u>City of Babbitt</u>	
Unorganized Townships 61-12 (Sections 19-20 and 22-36) & 61-13	\$73,500
<u>City of Chisholm</u>	
Unorganized Township 59-21 (Everything <u>except</u> 13041 Memory Lane through 13099 Memory Lane)	\$15,914
<u>City of Cook</u>	
Unorganized Townships 62-17 & 63-17	\$14,700
<u>City of Floodwood</u>	
Unorganized Township 52-21	\$9,863
<u>City of Orr</u>	
Unorganized Township 63-19 & 66-20	\$10,174
<u>Bearville Township Volunteer Fire Dept.</u>	
Unorganized Township 62-21	\$5,132

<u>Central Lakes Volunteer Fire Dept.</u> Unorganized Township 56-17	\$43,050
<u>Colvin Volunteer Fire Dept.</u> Unorganized Township 55-15 (Sections 1-21, and 29 & 30)	\$10,500
<u>Ellsburg Volunteer Fire Dept.</u> Unorganized Township 55-15 (Sections 22-28 and 31-36)	\$4,763
<u>Embarrass Region Volunteer Fire Dept.</u> Unorganized Township 61-14	\$6,019
<u>Evergreen Volunteer Fire Dept.</u> Unorganized Townships 60-19 & 60-20	\$23,100
<u>French Volunteer Fire Dept.</u> Unorganized Township 59-21 (13041 Memory Lane through 13099 Memory Lane)	\$1,026
<u>Gnesen Volunteer Fire Dept.</u> Unorganized Township 53-15	\$18,812
<u>Greenwood Township Volunteer Fire Dept.</u> Unorganized Township 63-15	\$8,400
<u>Lake Kabetogama Area Fire Dept.</u> Unorganized Townships 67-20, 67-21, 68-19, 68-20, 68-21 & 69-19	\$31,708
<u>Lakeland Volunteer Fire Dept.</u> Unorganized Township 57-16	\$61,950
<u>Makinen Volunteer Fire Dept.</u> Unorganized Township 56-16	\$46,200
<u>Morse-Fall Lake Rural Protection Assoc.</u> Unorganized Townships 61-12 (Sections 1-18 & 21) 63-14, 64-12, 64-13, 65-13 & 65-14	\$30,188
<u>Northland Volunteer Fire Dept.</u> Unorganized Township 53-16	\$18,900
<u>Palo Regional Volunteer Fire Dept.</u> Unorganized Townships 56-14, 57-14 & 58-14 (Sections 25 - 36)	\$37,800

<u>Pequaywan Lake Volunteer Fire Dept.</u> Unorganized Township 54-13	\$3,780
<u>Pike-Sandy-Britt Volunteer Fire Dept.</u> Unorganized Townships 59-16 & 60-18	\$48,901
<u>Silica Volunteer Fire Dept.</u> Unorganized Township 55-21	\$47,250

BOARD LETTER NO. 16 - 403

FINANCE & BUDGET COMMITTEE NO. 5

BOARD AGENDA NO.

DATE: September 6, 2016

RE: Certification of 2017 Maximum
Property Tax Levy

FROM: Kevin Z. Gray
County Administrator

RELATED DEPARTMENT GOAL:

To ensure that County Board directives are followed and are in full compliance with state laws and regulations.

ACTION REQUESTED:

The St. Louis County Board is requested to move the certification of the 2017 maximum property tax levy to the September 13, 2016, County Board agenda.

BACKGROUND:

Minn. Stat. § 275.065 requires the County Board to adopt a maximum proposed property tax levy for taxes payable in 2017 and certify that amount to the County Auditor on or before September 30, 2016.

RECOMMENDATION:

The 2017 maximum property tax levy recommendation based on a preliminary proposed budget will be provided to the County Board for consideration at the September 13, 2016 County Board meeting.

Certification of 2017 Maximum Property Tax Levy

BY COMMISSIONER _____

WHEREAS, The St. Louis County Board must establish a maximum proposed property tax levy and have this amount certified to the County Auditor by the St. Louis County Board by September 30, 2016;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board certifies the maximum property tax levy for 2017 in the amount of \$_____.

BOARD LETTER NO. 16 - 404

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: September 6, 2016 **RE:** Establishment of a “True
County” Assessor System

FROM: Kevin Z. Gray
County Administrator

Mark Monacelli, Director
Public Records & Property Valuation

Dave Sipila
County Assessor

RELATED DEPARTMENT GOAL:

The County Assessor will meet all state mandates for classifying and valuing taxable parcels for property tax purposes as outlined in Minn. Stat. § 273, and continually improve county wide assessment efficiency.

ACTION REQUESTED:

The St. Louis County Board is requested to establish a “True County” Assessor System to ensure that countywide property assessment functions are timely, uniform and fair.

BACKGROUND:

Assessing property values is an essential component of Minnesota’s property tax system. Property assessments define the tax base and consequently who pays what share of the overall property tax levy. St. Louis County’s Public Records and Property Valuation Director and the County Assessor strive to have a property valuation system that is equitable and fair.

In May, 2011, the County Board established a “Blue Ribbon” Assessment Practices Review Panel charged with doing an extensive analysis of the property assessment function which consisted of private, municipal and county assessors and preparing a comprehensive strategic plan to the County Board that would construct a timely, uniform and fair property valuation model. The Review Panel found the mixed assessment system to be flawed with many properties across the county being under-valued or overvalued, and in the most egregious cases, many were not being assessed at all, potentially keeping tens of millions of dollars out of the property valuation system and

increasing taxes for everyone else. In February 2012, the Review Panel recommended a transition to a “True County” system whereby the County Assessor is responsible for all county assessing.

County Board Resolution No.13-595, dated September 24, 2013, waived assessment fees for cities and townships effective January 1, 2014. Since then, all tax jurisdictions are now currently assessed by the County Assessor staff with the exception of Arrowhead, Culver, Kelsey, Lavell, Meadowlands, Ness and Prairie Lake Townships. Van Buren Township notified the County Assessor in August that it will be switching to county assessing. The remaining contract assessed jurisdictions are scheduled for their quintile (five year revaluation) starting in 2018 and ending in 2020.

According to Minnesota Statute, a county board, by resolution, may elect to provide for the assessment of all taxable property in the county by the County Assessor and that the resolution shall be effective at the second assessment date following the adoption of the resolution, which will be January 1, 2018.

RECOMMENDATION:

It is recommended that the St. Louis County Board establish a “True County” Assessor System to ensure that property is fairly and consistently valued in all jurisdictions, and that the property tax burden is distributed equitably, as defined by the Legislature. Additionally, in order to establish a solid foundation for the future, the transition to a “True County” Assessor System will be effective January 1, 2018, which is the second assessment date following anticipated adoption on September 13, 2016, pursuant to State Statute.

Establishment of a “True County” Assessor System

BY COMMISSIONER _____

WHEREAS, Assessing property values is an essential component of Minnesota’s property tax system, with property assessments defining the tax base, and consequently, who pays what share of the overall property tax levy; and

WHEREAS, The St. Louis County Board of Commissioners believes that the county’s property valuation system must be constructed to be timely, uniform, and fair for all of its citizens; and

WHEREAS, To ensure equitable assessing throughout St. Louis County, the County Board established a “Blue Ribbon” Assessment Practices Review Panel charged with reviewing the mixed assessment practices, and proposing a strategy for the future; and

WHEREAS, The Assessment Practices Review Panel found the mixed assessment system to be flawed with many properties across the county being undervalued or over-valued and some not being assessed at all; and

WHEREAS, In February, 2012, the Review Panel recommended a transition to a “True County” system whereby the County Assessor is responsible for all county assessing;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board establishes a “True County” Assessor System for the County of St. Louis, Minnesota to ensure that property is fairly and consistently valued in all jurisdictions and that the property tax burden is distributed equitably, as defined by the State Legislature;

RESOLVED FURTHER, That the transition to a “True County” Assessor System shall become effective January 1, 2018, which is the second assessment date following adoption of this resolution.

Four members' second terms expired April 30, 2016, who are not eligible for reappointment:

- Alan Stanaway (Small Cities)
- Darlene Saumer (Northern Townships)
- Cynthia Kafut-Hagen (Hibbing)
- Margaret Taylor (At Large - Midway Township)

Two positions were vacant during 2016 and one member resigned due to conflict with work schedules.

CDBG Advisory Committee members are currently paid \$25 for each meeting attended and reimbursed for round-trip mileage at the current conus approved rate. The \$25 per diem has not been adjusted since inception of the committee in 1992. The CDBG Advisory Committee has requested an increase to \$50 for each meeting attended effective January 1, 2017.

RECOMMENDATION:

It is recommended that the St. Louis County Board reappoint:

- Raymond Svatos (St. Louis County Association of Townships),
- Valerie Strukel (Eveleth), John Mulder (Hermantown)
- Ann Taray (At Large - Meadowlands)
- Jessica Rich (At Large - Floodwood)

to serve additional three-year terms, expiring April 30, 2019, on the Community Development Block Grant Citizen Advisory Committee. It is also recommended that the St. Louis County Board authorize the County Auditor to advertise and accept applications for the seven vacancies on the CDBG Advisory Committee. Further, it is recommended that the per diem for CDBG Advisory Committee members be increased to \$50 for each meeting attended, effective January 1, 2017.

Appointments to the CDBG Citizen Advisory Committee

BY COMMISSIONER _____

WHEREAS, The St. Louis County Board of Commissioners appoints citizens to serve on the Community Development Block Grant (CDBG) Citizen Advisory Committee; and

WHEREAS, Five current citizen members have requested to serve another term on the CDBG Citizen Advisory Committee; and

WHEREAS, There are seven vacancies on this committee to be filled through an advertised application process; and

WHEREAS, The per diem for participation on the CDBG Citizens Advisory Committee has not been increased since 1992 and a request has been made to increase this amount to \$50 for each meeting attended and include reimbursement for round-trip mileage at the applicable federal conus rate, effective January 1, 2017.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board reappoints the following citizens to the CDBG Citizen Advisory Committee with terms expiring April 30, 2019:

- Raymond Svatos (St. Louis County Association of Townships)
- Valerie Strukel (Eveleth)
- John Mulder (Hermantown)
- Ann Taray (At Large - Meadowlands)
- Jessica Rich (At Large - Floodwood)

RESOLVED FURTHER, That the County Auditor is authorized to advertise and accept applications until November 15, 2016, for seven vacant positions on the CDBG Citizen Advisory Committee with terms to expire April 30, 2019 as follows:

- One representative of small cities
- One representative of northern townships
- One representative of southern townships
- One representative of Hibbing
- Three at large representatives

RESOLVED FURTHER, That the per diem for participation on the CDBG Citizens Advisory Committee will be increased to \$50 for each meeting attended and reimbursement for round-trip mileage at the applicable federal conus rate, effective January 12, 2017..

