

CONSENT AGENDA
FOR THE MEETING
OF
ST. LOUIS COUNTY BOARD OF COMMISSIONERS

June 14, 2011

County Board Room, Room No. 200, St. Louis County Courthouse, Duluth, Minnesota

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

RESOLUTIONS FOR APPROVAL:

Environment & Natural Resources Committee – Commissioner Jewell, Chair

1. Authorize road and utility easements for the Town of White and Minnesota Power across state tax forfeited land located in Government Lots 4 & 5, Section 5, Township 58 North, Range 15 West; and Government Lots 1 & 12, Section 6, Township 58 North, Range 15 West, upon total payment of \$11,951.
2. Cancellation of contracts for purchase of state tax forfeited lands for David & Shannon McCray, Hibbing, MN; Scott Didrikson, Duluth, MN; Nick Boney, Hanover, MN; Peter & Carolyn Guski, Virginia, MN; G&G Rentals Investments LLC, Virginia, MN; Donlee Pulford, Buhl, MN; and Judy Bechtold, Mt. Iron, MN. (Seven separate resolutions numbered 2a, 2b, 2c, 2d, 2e, 2f, 2g.)
3. Establish a public hearing for the St. Louis County Prescriptive Easement Project to be held on Wednesday, July 27, 2011, beginning at 6:00 p.m. with an open house, at the Mountain Iron Community Center in Mountain Iron, MN.

Public Works & Transportation Committee – Commissioner Forsman, Chair

4. Bid awarded to Redstone Construction Co., Inc., Mora, MN, on their low bid of \$475,793.10 for MP 95-61843, CP 61843 – Approach Grading, Aggregate Surfacing and Bridge No. 69696 on CSAH 95 (Bodas Rd.) in Fayal, MN.

Finance & Budget Committee – Commissioner Nelson, Chair

5. Authorize an amendment to the architectural services contract with Scalzo Architects of Duluth, MN, for additional professional services required for the Duluth Courthouse Window Replacement Project.
6. Application for On-Sale & Sunday On-Sale Intoxicating Liquor licenses approved for Breeze Inn Duluth, LLC, d/b/a The Breeze Inn, Lakewood Township, transfer.

Central Management & Intergovernmental Committee – Commissioner Raukar, Chair

7. Approve the creation of the new Capital Planning Manager class, Grade 26 of the Civil Service Supervisory Unit Pay Plan.

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8. Authorize the reallocation of the Custodian position in the Property Management Department to a Capital Planning Manager and authorize the associated budget changes effective June 18, 2011.
9. Approve the 2010/2011 Civil Service Supervisory Unit contract and authorize county officials to execute the Bargaining Unit Agreement.
10. Appoint Thor C. Underdahl to the Civil Service Commission for a three-year term ending June 14, 2014.
11. Workers' Compensation Report dated June 3, 2011, as submitted by Safety & Risk Management.

**Road and Utility Easements Across State Tax Forfeited Land -
Town of White and Minnesota Power**

BY COMMISSIONER_____

WHEREAS, the Town of White and Minnesota Power (legally incorporated as ALLETE, Inc., a Minnesota corporation) have requested road and utility easements across state tax forfeited land for the Lake Mine Road Project; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the County Auditor to grant the following easements to the Town of White and Minnesota Power:

A 120.00 foot wide easement for highway and utility purposes over, under, and across the following described property:

Government Lot 4 and Government Lot 5, Section 5, Township 58 North, Range 15 West; and Government Lot 1 and Government Lot 12, Section 6, Township 58 North, Range 15 West of the 4th Principal Meridian.

Said easement being 60.00 feet to the right and 60.00 feet to the left of the following described line:

Commencing at east quarter corner of Section 5, Township 58 North, Range 15 West of the 4th Principal Meridian; thence northerly along the east line of said Section 5 on an assigned bearing of North 04 degrees 10 minutes 10 seconds West 677.96 feet; thence South 85 degrees 49 minutes 50 seconds West 145.27 feet to the centerline of Highway 135; thence South 75 degrees 01 minutes 58 seconds West 1323.16 feet; thence westerly along a tangential curve concave to the north having a radius of 920.00 feet for a distance of 159.46 feet, the chord of which bears South 79 degrees 59 minutes 54 seconds West for a distance of 159.26 feet; thence South 84 degrees 57 minutes 49 seconds West 114.08 feet; thence westerly on a tangential curve concave to the north having a radius of 570.00 feet for a distance of 420.66 feet, the chord of which bears North 73 degrees 53 minutes 40 seconds West for a distance of 411.18 feet; thence North 52 degrees 45 minutes 09 seconds West 811.55 feet; thence westerly on a tangential curve concave to the south having a radius of 1180.00 feet for a distance of 373.55 feet, the chord of which bears North 61 degrees 49 minutes 17 seconds West for a distance of 371.99 feet; thence North 70 degrees 53 minutes 25 seconds West 18.61 feet; thence westerly on a tangential curve concave to the south having a radius of 705.00 feet for a distance of 350.40 feet, the chord of which bears North 85 degrees 07 minutes 45 seconds West for a distance of 346.81 feet; thence South 80 degrees 37 minutes 56 seconds West 433.69 feet; thence westerly on a tangential curve concave to the north having a radius of 705.00 feet for a distance of 118.02 feet, the chord of which bears South 85 degrees 25 minutes 41 seconds West for a distance of 117.88 feet to the east line of Government Lot 5 of said Section 5 which is the **POINT OF BEGINNING** of the described line. Thence westerly along the continuation of the curve in the above described line for a distance of 395.66 feet, the chord of which bears North 73 degrees 41 minutes 54 seconds West for a distance of 390.49 feet; thence North 57 degrees 37 minutes 14 seconds West 234.48 feet; thence westerly on a tangential curve concave to the south having a radius of 1000.00 feet for a distance of 84.03 feet, the chord of which bears North 60 degrees 01 minutes 40 seconds West for a distance of 84.01 feet; thence North 62 degrees 26 minutes 06 seconds West 366.98 feet; thence on a tangential curve concave to the south having a radius of 300.00 feet for a distance of 207.04 feet, the chord of which bears North 82 degrees 12 minutes 21 seconds West for a distance of 202.96 feet; thence South 78 degrees 01 minutes 24 seconds West 366.79 feet; thence westerly on a tangential curve concave to the south having a radius of 1000.00 feet for a distance of 214.26 feet, the chord of which bears South 71 degrees 53 minutes 07 seconds West for a distance of 213.85 feet; thence South 65 degrees 44 minutes 50 seconds West 369.43 feet; thence westerly on a tangential curve concave to the north having a radius of 400.00 feet for a distance of 315.40 feet, the chord of which bears South 88 degrees 20 minutes 09 seconds West for a distance of 307.29 feet; thence North 69 degrees 04 minutes 32 seconds West 417.02 feet to the centerline of County Road 138 and there terminating.

Except that part of the above-described property that lies within the State of Minnesota "DNR Tract" as established by the 6th Judicial District by Order File #C2-02-603159.

The sidelines of said easement are prolonged or shortened to terminate on the east line of Government Lot 5 of said Section 5 and on the east right-of-way of County Road 138.

Together with a 40.00 foot wide easement for utility purposes over, under, and across the following described property:

Government Lot 1 and Government Lot 12, Section 6, Township 58 North, Range 15 West of the 4th Principal Meridian.

Said easement being 20.00 feet to the right and 20.00 feet to the left of the following described line:

Commencing at the terminus of the above described line; thence South 69 degrees 04 minutes 32 seconds East 417.02 feet; thence easterly on a tangential curve concave to the north having a radius of 400.00 feet for a distance of 38.62 feet, the chord of which bears South 71 degrees 50 minutes 28 seconds East for a distance of 38.60 feet; thence South 61 degrees 58 minutes 33 seconds West 317.87 feet to the west line of Government Lot 12 of said Section 6 which is the **POINT OF BEGINNING** of the described line; thence North 61 degrees 58 minutes 33 seconds East 540.80 feet; thence South 29 degrees 11 minutes 16 seconds East 45.61 feet to the north line of the above described highway and utility easement and there terminating.

The sidelines of said easement are prolonged or shortened to terminate on the west line of Government Lot 12 of said Section 6 and on the north line of the above described highway and utility easement.

RESOLVED FURTHER, that the granting of these easements is conditioned upon payment of \$11,905 land use fee and \$46 recording fee, for a total of \$11,951 to be deposited into Fund 240 (Forfeited Tax Fund).

**Cancellation of Contract for Purchase of State Tax Forfeited Land -
David & Shannon McCray**

BY COMMISSIONER _____

WHEREAS, the contract with David & Shannon McCray of Hibbing, MN, for the purchase of state tax forfeited land is in default for nonpayment of taxes and/or installments and/or failure to provide proof of insurance; and

WHEREAS, the purchaser was properly served with Notice of Cancellation of Contract by civil process and has failed to cure the default for lands legally described as:

David & Shannon McCray
CITY OF HIBBING
ELY 50 FT OF NLY 120 FT OF LOT: 016 BLOCK: 004
AVIATORS FIELD ADDITION TO HIBBING
Parcel Code: 140-30-860
C22090191

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

**Cancellation of Contract for Purchase of State Tax Forfeited Land -
Scott Didrikson**

BY COMMISSIONER _____

WHEREAS, the contract with Scott Didrikson of Duluth, MN, for the purchase of state tax forfeited land is in default for nonpayment of taxes and/or installments; and

WHEREAS, the purchaser was properly served with Notice of Cancellation of Contract by civil process and has failed to cure the default for lands legally described as:

Scott Didrikson
CITY OF DULUTH
LOT: 0022 BLOCK: 026
GARY FIRST DIVISION DULUTH
Parcel Code: 10-1800-6080
C22080322

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

**Cancellation of Contract for Purchase of State Tax Forfeited Land -
Nick Boney**

BY COMMISSIONER _____

WHEREAS, the contract with Nick Boney of Hanover, MN, for the purchase of state tax forfeited land is in default for nonpayment of taxes and/or installments; and

WHEREAS, the purchaser was properly served with Notice of Cancellation of Contract by civil process and has failed to cure the default for lands legally described as:
Nick Boney

CITY OF DULUTH
E 33 FT OF LOT 89
DULUTH PROPER 1ST DIVISION EAST 6TH STREET
Parcel Code: 10-1030-720
C22080132

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

**Cancellation of Contract for Purchase of State Tax Forfeited Land -
Peter & Carolyn Guski**

BY COMMISSIONER _____

WHEREAS, the contract with Peter & Carolyn Guski of Virginia, MN, for the purchase of state tax forfeited land is in default for nonpayment of taxes and/or installments; and

WHEREAS, the purchaser was properly served with Notice of Cancellation of Contract by civil process and has failed to cure the default for lands legally described as:

Peter & Carolyn Guski
CITY OF VIRGINIA
LOT: 0012 BLOCK: 080
VIRGINIA 2ND ADDITION
Parcel Code: 90-30-1120
C22000118

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

**Cancellation of Contract for Purchase of State Tax Forfeited Land -
G & G Rentals Investments LLC**

BY COMMISSIONER _____

WHEREAS, the contract with G&G Rentals Investments LLC of Virginia, MN, for the purchase of state tax forfeited land is in default for nonpayment of taxes and/or installments and/or failure to provide proof of insurance; and

WHEREAS, the purchaser was properly served with Notice of Cancellation of Contract by civil process and has failed to cure the default for lands legally described as:

G & G Rental Investments LLC
CITY OF VIRGINIA
LOT: 0023 BLOCK: 094
VIRGINIA 2ND ADDITION
Parcel Code: 90-30-5690
C22070162

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

**Cancellation of Contract for Purchase of State Tax Forfeited Land -
Donlee Pulford**

BY COMMISSIONER _____

WHEREAS, the contract with Donlee Pulford of Buhl, MN, for the purchase of state tax forfeited land is in default for nonpayment of taxes and/or installments and/or failure to provide proof of insurance; and

WHEREAS, the purchaser was properly served with Notice of Cancellation of Contract by civil process and has failed to cure the default for lands legally described as:

Donlee Pulford
CITY OF BUHL
LOT: 019 AND 020 BLOCK: 002
BUHL 1ST ADDITION
Parcel Code: 115-20-440, 450
C22090066

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

**Cancellation of Contract for Purchase of State Tax Forfeited Land -
Judy Bechtold**

BY COMMISSIONER _____

WHEREAS, the contract with Judy Bechtold of Mt. Iron, MN, for the purchase of state tax forfeited land is in default for nonpayment of taxes and/or installments and/or failure to provide proof of insurance; and

WHEREAS, the purchaser was properly served with Notice of Cancellation of Contract by civil process and has failed to cure the default for lands legally described as:

Judy Bechtold

CITY OF MT. IRON

LOT: 0013 BLOCK: 004

MERRITTS 1ST ADDITION TO MOUNTAIN IRON

Parcel Code: 175-20-560

C22100086

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

Establish a Public Hearing for the St. Louis County Prescriptive Easement Project

BY COMMISSIONER _____

WHEREAS, pursuant to Minn. Stat. § 89.715, inclusive, the Commissioner of the Department of Natural Resources may adopt a forest road map to record state forest road prescriptive easements; and

WHEREAS, pursuant to Minn. Stat. § 282.041, a county board may adopt a forest road map to record county forest road prescriptive easements on tax forfeited lands according to Section 89.715; and

WHEREAS, the County Board must prepare an official map and set a time, place, and date for a public hearing on adopting a forest road map to record roads; and

WHEREAS, the hearing notice must state that the roads to be recorded will be to the width of the actual use including ditches, backslopes, fills, and maintained rights-of-way, unless otherwise specified in a prior easement of record. The hearing notice must be published once a week for two successive weeks in a qualified newspaper of general circulation that serves the county, the last publication to be made at least ten days before the date of the public hearing. At least 30 days before the hearing, the hearing notice must be sent by certified mail to the property owners directly affected in the county at the addresses listed on the tax assessment notices at least seven days before appearing in the qualified newspaper; and

WHEREAS, after the public hearing is held, the County Board may amend and adopt the forest road map. The forest road map must be dated, signed and filed for recording with the County Recorder within 90 days after the map is adopted; and

WHEREAS, a property owner who is directly affected by a proposed map designation may appeal the map designation to the County Board within 60 days of the map being recorded by filing a written request for review. The County Board shall review the request and any supporting evidence and render a decision within 45 days of receipt of the request for review.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes a public hearing to be held on Wednesday, July 27, 2011, beginning at 6:00 p.m. with an open house, at the Mountain Iron Community Center in Mountain Iron, MN.

RESOLVED FURTHER, that the County Auditor shall cause a notice of hearing to be published in the official county newspaper pursuant to Minn. Stat. § 89.715, Subd. 3.

RESOLVED FURTHER, that the Land Commissioner shall send the hearing notice by certified mail to property owners directly affected by roads to be recorded on tax forfeited lands at least 30 days before the hearing and least seven days before appearing in the qualified newspaper.

Award of Bid for a Bridge Project near Eveleth

BY COMMISSIONER _____

WHEREAS, bids have been received by the County Auditor for the following project:

MP 95-61843, CP 61843 located on CSAH 95 (Bodas Rd.) between CR 615 and CR 336 in Fayal, MN.

WHEREAS, bids were opened in the County Board Room at 10:00 a.m., June 6, 2011, and the low responsible bidder determined.

NOW, 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>
Redstone Construction Co., Inc.	PO Box 218 Mora, MN 55051	\$475,793.10

RESOLVED FURTHER, that the Chairman of the County Board, the County Auditor, and the County Attorney are authorized to approve the Contractor's Performance Bonds and to execute the bonds and contract for the above listed project payable from Fund 200, Agency 203207, Object 652800.

**Duluth Courthouse Window Replacement Project
– Architectural Services Contract**

BY COMMISSIONER _____

WHEREAS, the windows in the Duluth St. Louis County Courthouse were last replaced and the upper window sections filled with insulated panels in the early 1970s; and

WHEREAS, in 2007 architects estimated the replacement of all the existing windows at \$800,000, leaving the insulated panels in place after re-caulking, and the county applied for and was approved for a \$400,000 Federal Stimulus Grant (energy upgrades) for the project; and

WHEREAS, the courthouse is on the National Register of Historic Places, and approval for the project was granted from both the local Heritage and Preservation Commission (HPC) and Minnesota State Historical Preservation Office (SHPO); and

WHEREAS, the SHPO approval required that all insulated panels be replaced with glass, effectively doubling the cost of the project; and

WHEREAS, the original scope of the project included negotiated architectural services fees of \$22,375, based on the 2007 project design and budget, but additional project administration and management fees now total \$52,375.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board authorizes the appropriate county officials to sign an amended agreement with Scalzo Architects of Duluth, Minnesota, increasing the professional services fees by \$30,000 for an agreement total of \$52,375 for the Duluth Courthouse Window Replacement Project, payable from the Capital Improvement Bond Proceeds 2008, Fund 438, Agency 438007.

**On-Sale & Sunday On-Sale Intoxicating Liquor Licenses
(Lakewood Township)**

BY COMMISSIONER _____

RESOLVED, that pursuant to the provisions of Minnesota Statutes, Section 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for an intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 59184.

RESOLVED FURTHER, that said license is approved contingent upon license holder paying real estate or personal property taxes when due.

RESOLVED FURTHER, that said license is approved contingent upon Auditor's Office receipt of certificate of liquor liability insurance, workers' compensation insurance company name, policy number and effective dates and Minnesota Department of Health Food/Beverage Service License application.

RESOLVED FURTHER, that if named license holder sells their licensed place of business, the County Board, at its discretion, may, after an investigation, transfer the license to a new owner, but without pro-rated refund of the license fees to the license holder.

RESOLVED FURTHER, that said license shall be effective July 12, 2011 through June 30, 2012:

Breeze Inn Duluth, LLC d/b/a The Breeze Inn, Lakewood Township, On-Sale Intoxicating Liquor License No. CMB12142 and Sunday On-Sale Intoxicating Liquor License No. SUN12142, transfer.

New Job Class – Capital Planning Manager

BY COMMISSIONER _____

RESOLVED, that the St. Louis County Board adopts the Capital Planning Manager class, Grade 26: \$50,594 – \$71,519 (annual steps and longevities through twenty-four years of service) of the Civil Service Supervisory Unit Pay Plan as approved by the Civil Commission on March 14, 2011.

Reallocation of Custodian position in Property Management

BY COMMISSIONER _____

WHEREAS, the St. Louis County Civil Service Commission approved the new job class of Capital Planning Manager based on the Property Management Department's reorganization strategy and documentation of need; and

WHEREAS, Property Management will have a vacant 1.0 full time equivalent Custodian position and intends to eliminate this position when the incumbent retires; and

WHEREAS, the County's Fiscal Policies specify that any position change greater than three pay grades must go to the County Board for approval; and

WHEREAS, Property Management has sufficient funding within its budget to pay for the difference in these positions through savings generated by other vacant positions.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the reallocation of the Property Management Custodian position to a Capital Planning Manager and authorizes the associated budgetary changes effective June 18, 2011.

Civil Service Supervisory Unit Bargaining Agreement – 2010/2011

BY COMMISSIONER _____

RESOLVED, that the 2010/2011 Civil Service Supervisory Unit contract is approved and the appropriate county officials are authorized to execute the Bargaining Unit Agreement, a copy of which is on file in County Board File No. _____.

Appointment to the Civil Service Commission

BY COMMISSIONER _____

RESOLVED, the St. Louis County Board makes the following appointment to the Civil Service Commission:

Thor C. Underdahl, as a Civil Service Commission member, for a three-year term ending June 14, 2014.

Workers' Compensation Report

BY COMMISSIONER _____

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated June 3, 2011, on file in the office of the County Auditor, identified as County Board File No. 59188, is hereby received and ratified as payable from Fund 730, Agency 730001.