

AGENDA

REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF ST. LOUIS COUNTY, MINNESOTA



Tuesday, September 3, 2013, 9:30 A.M.

**County Board Room, Second Floor
St. Louis County Courthouse
100 N. 5th Avenue West
Duluth, Minnesota**

**CHRIS DAHLBERG, Chair
Third District**

**FRANK JEWELL
First District**

**VACANT
Second District**

**MIKE FORSMAN, Vice Chair
Fourth District**

**PETE STAUBER
Fifth District**

**KEITH NELSON
Sixth District**

**STEVE RAUKAR
Seventh District**

County Auditor
Donald Dicklich

County Administrator
Kevin Gray

County Attorney
Mark Rubin

Clerk of the Board
Phil Chapman

The St. Louis County Board of Commissioners welcomes you to this meeting. This agenda contains a brief description of each item to be considered. The Board encourages your participation. If you wish to speak on an item contained in the agenda, you will be allowed to address the Board when a motion is on the floor. If you wish to speak on a matter that does not appear on the agenda, you may do so during the public comment period at the beginning of the meeting. Except as otherwise provided by the Standing Rules of the County Board, no action shall be taken on any item not appearing in the agenda.

When addressing the Board, please sign in at the podium and state your name and address for the record. Please address the Board as a whole through the Chair. Comments to individual Commissioners or staff are not permitted. The St. Louis County Board promotes adherence to civility in conducting the business of the County. Civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issue before the Board. Tools of civility include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility [County Board Resolution No. 560, adopted on September 9, 2003]. Speakers will be limited to five (5) minutes.

****In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify Property Management 72 hours prior to the meeting at (218)725-5085.****

All supporting documentation is available for public review in the County Auditor's Office, 100 North 5th Avenue West - Room No. 214, St. Louis County Courthouse, Duluth, MN, during regular business hours 8:00 A.M. - 4:30 P.M., Monday through Friday. Agenda is also available on our website at <http://www.stlouiscountymn.gov/GOVERNMENT/BoardofCommissioners.aspx>

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9:30 A.M. Moment of Silence
Pledge of Allegiance
Roll Call

*“St. Louis County History: People & Places” – Commissioner Nelson,
Sixth District*

AT THIS TIME CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD ON ITEMS NOT ON THE AGENDA. [Speakers will be limited to 5 minutes each.]

FOR ITEMS LISTED ON THE BOARD AGENDA OR COMMITTEE OF THE WHOLE AGENDA, CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD AT THE TIME A MOTION IS ON THE FLOOR.

9:40 A.M. According to Resolution No. 13-262, adopted May 7, 2013, the St. Louis County Board will consider bids received for the sale of surplus fee owned land located in the City of Duluth and authorize the sale of the land to the party submitting the highest bid. **{13-355}**

9:45 A.M. According to Resolution No. 13-263, adopted May 7, 2013, the St. Louis County Board will consider bids received for the sale of surplus fee owned land located in Normanna Township and authorize the sale of the land to the party submitting the highest bid. **{13-356}**

9:50 A.M. PUBLIC HEARING, pursuant to Resolution No. 13-541, adopted August 13, 2013, to consider the granting of an off-sale intoxicating liquor license to Shane Clemens d/b/a Alborn Rail Station, Alborn Township. **{13-357}**

9:55 A.M. PUBLIC HEARING, pursuant to Resolution No. 13-542, adopted August 13, 2013, to consider allegations of a liquor law violation by Bois Forte Reservation Tribal Council d/b/a Ledge Liquor Store, Vermilion Lake Township. **{13-358}**

Finance & Budget Committee – Commissioner Raukar, Chair

Presentation for proposed bonding for capital improvements to the Northeast Regional Corrections Center.

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CONSENT AGENDA

Approval of business submitted on the consent agenda.

REGULAR AGENDA

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

1. Reallocation of a Resource Management Supervisor position to a Deputy Land and Minerals Director position. {13-353} [Without recommendation.]

ADJOURNED:

NOTE: At the conclusion of the Board meeting, the St. Louis County Housing and Redevelopment Authority (HRA) will convene.

BOARD LETTER NO. 13 - 355

FINANCE & BUDGET COMMITTEE

SEPTEMBER 3, 2013 BOARD AGENDA 9:40 A.M. PUBLIC SALE

DATE: September 3, 2013 **RE:** Sale of Surplus Fee Land,
Norton's Acre Outlots – Howard
Gnesen Road (Duluth)

FROM: Kevin Z. Gray
County Administrator

Tony Mancuso, Director
Property Management

RELATED DEPARTMENT GOAL:

Facilitate county fee land purchase, sale and easement activities.

ACTION REQUESTED:

The St. Louis County Board was requested to consider bid(s) received for the sale of surplus fee owned land and authorize the sale of said land to the person(s) submitting the highest bid. Although there was interest in the property, no bids have been received.

BACKGROUND:

The St. Louis County Board by Resolution No.13-262 dated May 7, 2013, set the time for bid consideration to be at 9:40 A.M. on Tuesday September 3, 2013, at the St. Louis County Board meeting. The property, a 0.8 acre parcel on Howard Gnesen Road in Duluth, was advertised according to the requirements of Minn. Stat. § 373.01, with the minimum bid set at \$11,500. No bids were received for consideration.

RECOMMENDATION:

No further action by the County Board is necessary at this time. The Property Management Department will continue to pursue the sale of this property.

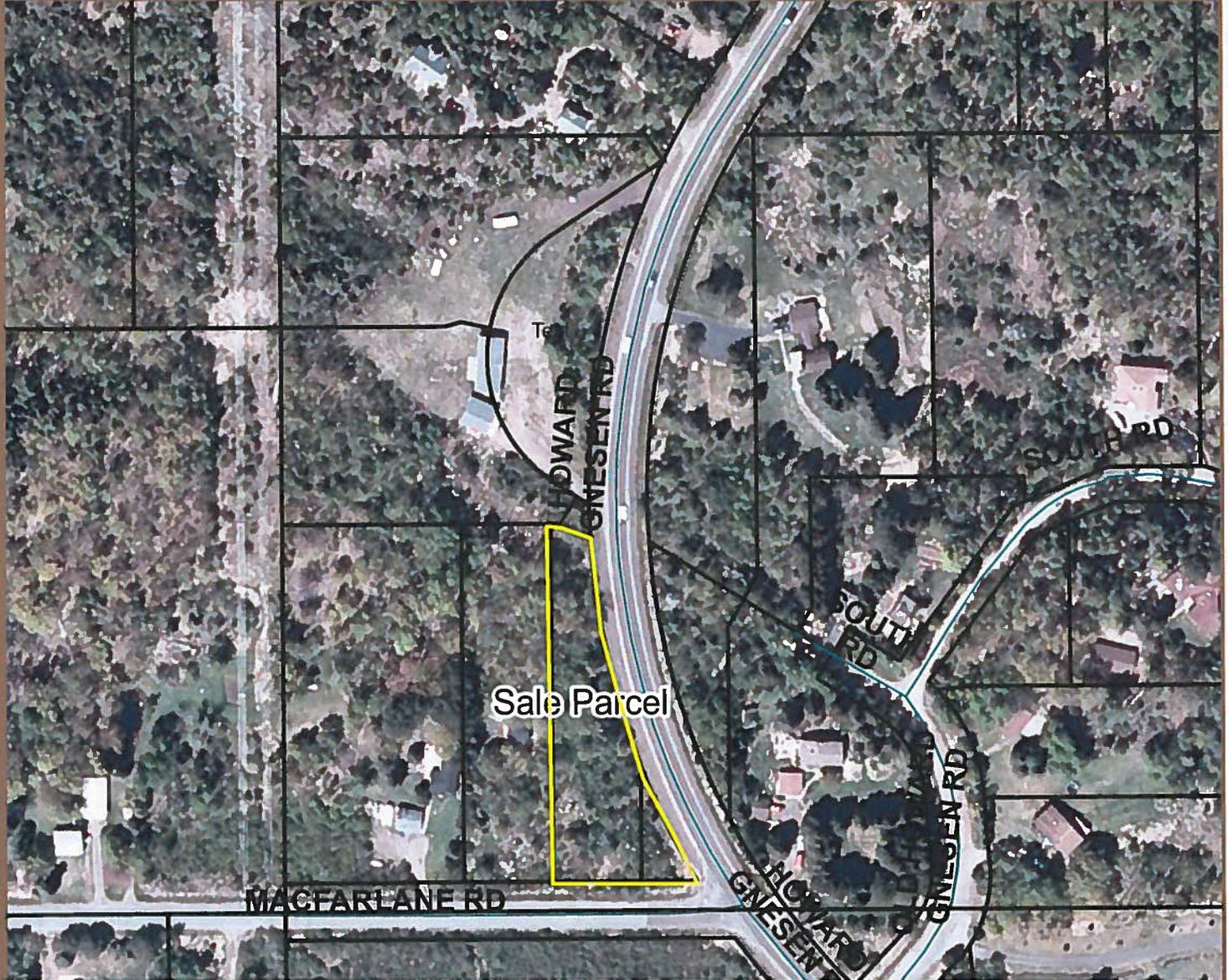


For Sale



Minimum Bid \$11,500, Bids Due August 23, 2013
For Information call 218-725-5085 or 218-343-3505

Parcel 010-3470-01490 & 010-3470-01500 1801 MacFarlane Road
Lots 142 and 143, NORTONS ACRE OUTLOTS lying westerly of Howard Gnesen Road



Parcel is approximately 0.8 acres with frontage on both Howard Gnesen and MacFarlane Roads. Nicely wooded corner lot.

Utilities: Sewer and water are available with fee in lieu of assessments estimated to be \$18,000. Natural Gas service is also available with no assessment. This does not include the cost of connecting to these utilities.

For additional information on utility connections please contact Bill Bergstrom Senior Engineering Specialist City of Duluth 218-730-5078. or email to bbergstrom@DuluthMN.gov

For information visit www.stlouiscountymn.gov under Property Management Department / Fee Land Sale
Or Call 218-725-5085 or 218-343-3505



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Miles

Prepared By: St. Louis County
Property Management

Source: St. Louis County, Minnesota

Map Created: 5/16/2013

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

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BOARD LETTER NO. 13 - 356

FINANCE & BUDGET COMMITTEE

SEPTEMBER 3, 2013 BOARD AGENDA 9:45 A.M. PUBLIC SALE

DATE: September 3, 2013 **RE:** Sale of Surplus Fee Land –
Section 31, T52N (Normanna
Township)

FROM: Kevin Z. Gray
County Administrator

Tony Mancuso, Director
Property Management

RELATED DEPARTMENT GOAL:

Facilitate county fee land purchase, sale and easement activities.

ACTION REQUESTED:

The St. Louis County Board was requested to consider bid(s) received for the sale of surplus fee owned land and authorize the sale of said land to the person(s) submitting the highest bid. Although there was interest in the property, no bids have been received.

BACKGROUND:

The St. Louis County Board by Resolution No.13-263 dated May 7, 2013, set the time for bid consideration to be at 9:45 A.M. on Tuesday September 3, 2013, at the St. Louis County Board meeting. The property is a 40 acre parcel at the SW ¼ of SE ¼, Section 31, Township 53 North, Range 13 West in Normanna Township. The property was advertised according to the requirements of Minn. Stat. § 373.01, with the minimum bid set at \$38,100. No bids were received for consideration.

RECOMMENDATION:

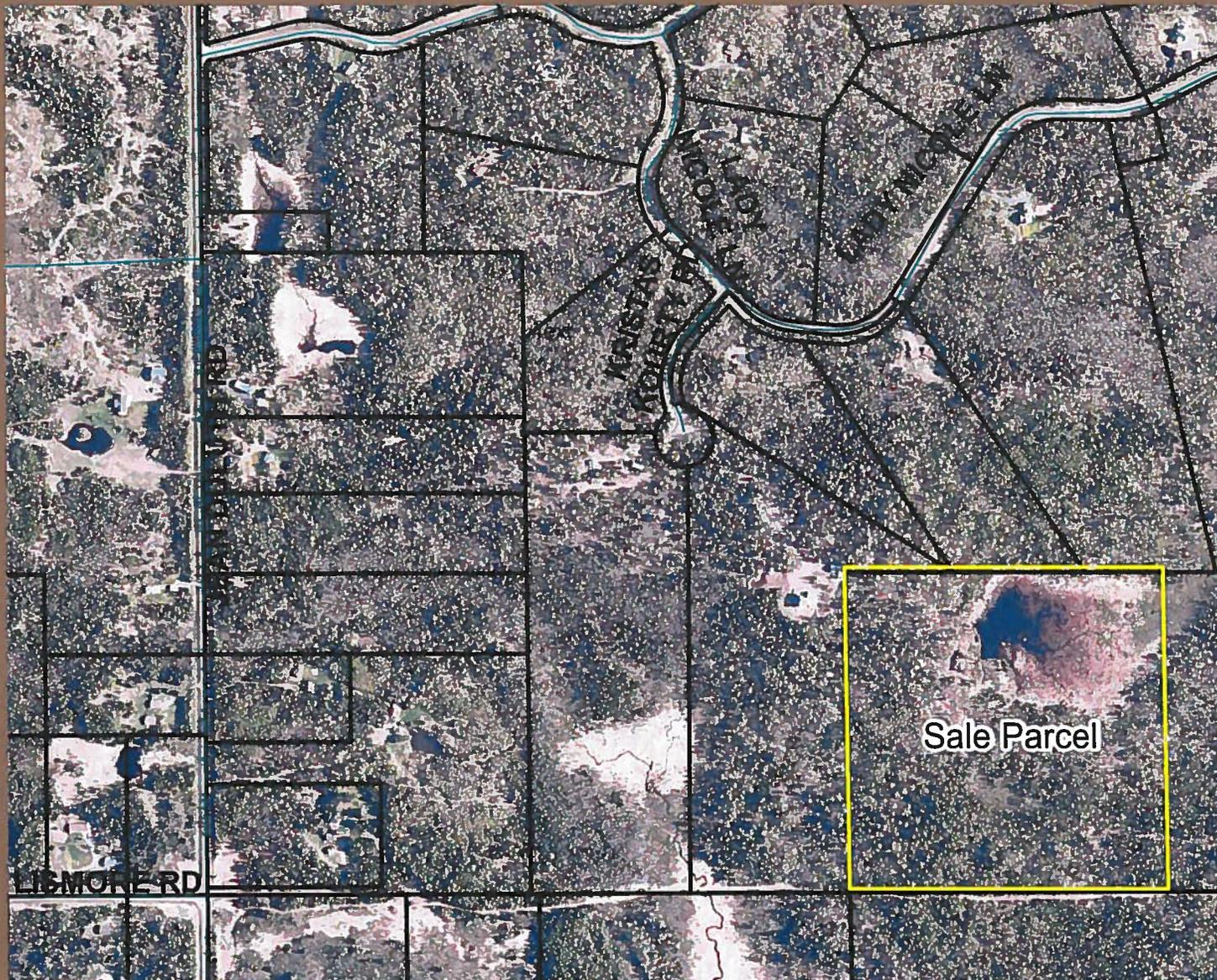
No further action by the County Board is necessary at this time. The Property Management Department will continue to pursue the sale of this property.



For Sale



Minimum Bid \$38,100, Bids Due August 23, 2013
For Information call 218-725-5085 or 218-343-3505
Parcel 485-0010-05250 Normanna Township
SW 1/4 of SE 1/4, Section 31, Township 52, North, Range 13 West.



Parcel is approximately 40 acres in size. There is no legal road access to this parcel. The State of Minnesota has an easement for recreational trail purposes which would allow walk in access. Currently the North Shore State Snowmobile Trail and the Superior Hiking Trail use this corridor.

Parcel is predominately heavily wooded upland on the southern portion and has a wetland pond area in the northeast corner. A small stream flows out of the west side of the pond and flows westerly in the north one half of the parcel.

Utilities: There are no known utilities serving this parcel.

For information visit www.stlouiscountymn.gov under Property Management Department / Fee Land Sale
Or Call 218-725-5085 or 218-343-3505



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Miles

Prepared By: St. Louis County
Property Management

Source: St. Louis County, Minnesota

Map Created: 5/7/2013

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BOARD LETTER NO. 13 - 357

FINANCE & BUDGET COMMITTEE

**SEPTEMBER 3, 2013 BOARD AGENDA 9:50 A.M.
PUBLIC HEARING**

DATE: September 3, 2013 **RE:** Public Hearing to Consider Off-Sale Intoxicating Liquor License (Alborn Township)

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor

RELATED DEPARTMENT GOAL:

Provide mandated and discretionary licensing services in a timely manner.

ACTION REQUESTED:

The St. Louis County Board is requested to consider an off-sale intoxicating liquor license for Shane Clemens d/b/a Alborn Rail Station, Alborn Township.

BACKGROUND:

Shane Clemens has made application for an Off-Sale Intoxicating Liquor License for the establishment known as Alborn Rail Station, Alborn Township. Minn. Stat. §340A.405, subd. 2d, relating to the issuance of off-sale intoxicating liquor licenses provides that "No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, and the character and reputation of the applicant, and the propriety of the location."

The County Liquor Licensing Committee considered and approved the application and recommends Board approval. This establishment is located in Area 3 and the annual license fee is \$150.00.

RECOMMENDATION:

It is recommended that the St. Louis County Board consider the testimony at the public hearing and barring any valid objection, approve the issuance of the off sale license.

**Public Hearing to Consider Off-Sale Intoxicating Liquor License
(Alborn Township)**

BY COMMISSIONER _____

WHEREAS, Shane Clemens d/b/a Alborn Rail Station, Alborn Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minn. Stat. § 340A.405, Subdivision 2(d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and

WHEREAS, A public hearing was held on September 3, 2013, at 9:50 A.M. in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the off-sale intoxicating liquor license; and

WHEREAS, With regard to the application for said license, Alborn Rail Station has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

WHEREAS, The Liquor Licensing Committee of the St. Louis County Board has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application;

THEREFORE, BE IT RESOLVED, That Off-Sale Intoxicating Liquor License (License Number CMB14154) shall be issued to Shane Clemens d/b/a Alborn Rail Station, Alborn Township, located in Area 3, for an annual fee of \$150.00;

RESOLVED FURTHER, That said liquor license shall be effective September 3, 2013, through June 30, 2014;

RESOLVED FURTHER, That said license is approved contingent upon payment of real estate taxes when due;

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

regulations, or provisions of Ordinance No. 28, and, if so, what consequence should be imposed upon the licensee. Ordinance No. 28 permits that a liquor license may be suspended or revoked for up to sixty days, a civil penalty of up to \$2,000 may be imposed for each violation, or a combination of any of these sanctions.

RECOMMENDATION:

It is recommended that the St. Louis County Board receive testimony at the public hearing and consider suspension, revocation, or other sanctions of the liquor license issued to Bois Forte Reservation Tribal Council d/b/a Ledge Liquor Store, including but not limited to, imposition of civil penalties for the violation.

**Public Hearing to Consider Allegations of Liquor Law Violation – Ledge Liquor Store
(Vermilion Lake Township)**

BY COMMISSIONER _____

WHEREAS, The St. Louis County Liquor Licensing Committee met on August 6, 2013, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation, sale to minor on July 13, 2013, against Bois Forte Reservation Tribal Council d/b/a Ledge Liquor Store, Vermilion Lake Township; and

WHEREAS, The Liquor Licensing Committee recommended a ten (10) day suspension and \$1,000.00 civil penalty, with eight (8) days of the suspension and \$900.00 of the civil penalty stayed, for one year with no same or similar violations during that year; and

WHEREAS, After hearing testimony on the matter at a public hearing conducted on September 3, 2013, at 9:55 a.m. in the St. Louis County Courthouse, Duluth, MN, the St. Louis County Board determined the recommendation of the St. Louis County Liquor Licensing Committee to be an appropriate penalty for the liquor law violation;

THEREFORE, BE IT RESOLVED, That the Off-Sale Intoxicating Liquor License No. OFSL1425, issued to Bois Forte Reservation Tribal Council d/b/a Ledge Liquor Store, Vermilion Lake Township, is hereby suspended for ten (10) days and a \$1,000.00 civil penalty is due, with eight (8) days of the suspension and \$900.00 of the civil penalty stayed for one (1) year, with no same or similar violations during that period.

RESOLVED FURTHER, That the dates of suspension of the liquor license will be September 9 and 10, 2013.

RESOLVED FURTHER, That a new violation within the next year (ending September 3, 2014), will result in the imposition of the remainder of the suspension and civil penalty and may also be cause for additional action against the liquor license of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13.

Minutes
August 6, 2013
ST. LOUIS COUNTY LIQUOR LICENSING COMMITTEE MEETING

The meeting was called to order at 8:31 a.m. by Commissioner Keith Nelson, Chair, with the following members present: Phil Chapman, Deputy Auditor, Donald Dicklich, Auditor, James Nephew, Attorney's Office, and Lt. Dave Rolland, Sheriff's Office; Commissioner Chris Dahlberg arrived at 8:35 a.m.

Dicklich/Rolland moved to approve the minutes of the July 2, 2013 meeting. (3-0)

Shane Clemens, applicant, and Kristina Carl appeared for Alborn Rail Station, Alborn Township, requesting transfer of Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor Licenses. Mr. Clemens was asked relevant questions from the Liquor Licensing Checklist. He exhibited familiarity with the rules and regulations on operations. In addition, he was also asked the following:

1. If he had read and understood St. Louis County Ordinance No. 28
2. If he will abide by the rules governing liquor licenses

The applicant answered yes to each question. The application was recommended to the Board for approval, contingent on proof of liquor liability insurance, workers' compensation insurance company name and policy number, Minnesota Tax Identification number and Federal Tax Identification number. A copy of the checklist was added to the applicant's file. A public hearing for the Off-Sale Intoxicating Liquor License will be held on September 3, 2013. (Dicklich/Dahlberg) (4-0)

There was discussion regarding the alleged liquor law violation at Bois Forte Reservation Tribal Council d/b/a Ledge Liquor Store, Vermilion Lake Township, sale to minor on July 13, 2013. Gary Gotchnik, CEO, appeared on behalf of Bois Forte Reservation Tribal Council. Mr. Gotchnik said the alleged violator's employment was terminated, all employees are given training on a regular basis, and that special driver's license scanners have been installed. Commissioner Dahlberg made a motion, supported by Auditor Dicklich, to recommend to the County Board, a ten (10) day suspension and \$1,000.00 fine, eight (8) days and \$900.00, stayed, if no same or similar violations occur within one year, subject to additional penalties that may be imposed by the County Board. A public hearing will be scheduled for September 3, 2013. The motion passed. (4-0)

The meeting was adjourned at 9:10 a.m. (Dicklich/Nelson) (4-0)

Keith Nelson, Chair

Wendy M. Johnson, IS II

BOARD LETTER NO. 13 - 353

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 1

SEPTEMBER 3, 2013 BOARD AGENDA NO. 1

DATE: August 13, 2013 **RE:** Position Reallocation of a
Resource Management
Supervisor to Deputy Land and
Minerals Director

FROM: Kevin Z. Gray
County Administrator

Mark Weber, Director
Land and Minerals

James R. Gottschald, Director
Human Resources

RELATED DEPARTMENT GOAL:

To provide effective, efficient, customer focused services.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize the reallocation of a Resource Management Supervisor position to a Deputy Land and Minerals Director position in the Land and Minerals Department.

BACKGROUND:

As the Land and Minerals Department continues to focus on key initiatives in forest and minerals management, it is also partnering more closely with the county's Planning and Community Development Department to integrate a community development perspective in dealing with tax-forfeited properties. This includes the integration and expansion of technology and geographical information systems (GIS) in business operations to maximize the county's property tax base. Additionally, this partnership allows further exploration of other county, state and federal funding sources available to rehabilitate or remove blighted properties to enhance and strengthen existing community partnerships.

The scope of work performed by the department's 65 employees located throughout St. Louis County has necessitated a re-organization of the department's management team to better position the county to maximize revenues and resources while expanding the

use of technologies and other programs designed to manage natural resources and help to rehabilitate area communities.

Reallocation of a Resource Management Supervisor to a second Deputy Land and Minerals Director will facilitate the day-to-day administrative oversight of resource management programs, including timber and minerals, by one individual and the financial, technology, land administration, and office management functions by the other.

In accord with County Fiscal Policies, each department has the authority to add and delete positions within its staffing complement as long as the total number of full-time equivalents does not exceed the total number of authorized positions approved by the County Board. In addition, the fiscal policies specify that the position added or deleted must be within three pay grades of each other. Since these positions are more than three grades apart (pay grade E26 to pay grade E32), the County Board must approve the reallocation.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the reallocation of a Resource Management Supervisor (Civil Service Supervisory Pay Plan ES, grade E26) to a Deputy Land and Minerals Director (Civil Service Supervisory Pay Plan ES, grade E32). The net budget impact at the classification mid-point wage is \$15,876. Funding is available in the Land and Minerals Department budget (Fund 240, Agency 241001).

**Position Reallocation of a Resource Management Supervisor to
Deputy Land and Minerals Director**

BY COMMISSIONER _____

WHEREAS, Expanded opportunities and responsibilities of the Land and Minerals Department require a realignment of administrative positions; and

WHEREAS, The Land and Minerals Department has determined that a reallocation of a Resource Management Supervisor to a Deputy Land and Minerals Director position will assist in this realignment; and

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

WHEREAS, Funding for this reallocation is available in the Land and Minerals Department budget;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the reallocation of a Resource Management Supervisor (Civil Service Supervisory Pay Plan ES, grade E26) to a Deputy Land and Minerals Director (Civil Service Supervisory Pay Plan ES, grade E32) in the Land and Minerals Department (Fund 240, Agency 241001).