



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

October 8, 2013

Immediately following the Board Meeting, which begins at 9:30 A.M.
Hermantown City Hall, 5015 Maple Grove Road, Hermantown, 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 October 1, 2013

Public Works & Transportation Committee – Commissioner Forsman, Chair

1. Request for Conveyance of State of Minnesota Tax Forfeit Land (Duluth Township) [13-423]
2. Amendment to Road Maintenance Agreement with the City of Duluth [13-424]

Finance & Budget Committee – Commissioner Raukar, Chair

3. Award 2013 Emergency Solutions Grant [13-425]
4. Sale of Fee Land (Solway Township) [13-426]
5. Partial Liquor License Fee Refund – Junction Bar & Grill (Unorganized Township 61-13) [13-427]

ESTABLISHMENT OF PUBLIC HEARINGS:

Finance & Budget Committee – Commissioner Raukar, Chair

6. Establish Public Hearing to Consider Allegations of Liquor Law Violation – Crossroads Convenience and Liquor Store (Clinton Township) – 9:40 a.m., Tuesday, November 5, 2013, St. Louis County Courthouse, Duluth, MN [13-428]
7. Establish Public Hearing to Consider Allegations of Liquor Law Violation – Vermilion Fairways (Beatty Township) – 9:45 a.m., Tuesday, November 5, 2013, St. Louis County Courthouse, Duluth, MN [13-429]

TIME SPECIFIC:

11:00 a.m. Board Meeting Protocol Discussion

Commissioner Nelson has requested a discussion regarding the appropriate protocol for the introduction of specific items by individual Commissioners for full Board consideration and action. The document “*Standing Rules and Bylaws of the St. Louis County Board*” has been included in the Committee of the Whole packet as background information for this discussion.

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.

Public Works & Transportation Committee – Commissioner Forsman, Chair

1. **Extra Work Associated with CSAH 3/Becks Road Project - County Project 8175**
[13-430]
Resolution authorizing extra work on County Project 8175, CSAH 3/Becks Road in Duluth, MN.

Central Management & Inter-Governmental Committee – Commissioner Jewell, Chair

- 1. New Policy – Background Check and Notice of Alleged Criminal Conduct [13-431]**
Resolution to create a uniform background check program on candidates for employment and employees.
- 2. New Policy – Respectful Workplace, Bullying and Workplace Violence [13-432]**
Resolution to create a respectful work environment where bullying behavior and workplace violence are not tolerated.
- 3. Revised Policy – Smoke and Tobacco Free Workplace Policy [13-433]**
Resolution to change St. Louis County Policies on tobacco use and tobacco cessation.
- 4. Revised Policy – Discrimination, Harassment and Retaliation [13-434]**
Resolution to update and reflect a new layout and structure of personnel related county policies.

COMMISSIONER DISCUSSION ITEMS AND REPORTS:

At this time, Commissioners may introduce items for discussion or report on past and future activities.

ADJOURNED:

NEXT COMMITTEE OF THE WHOLE MEETING DATES:

October 22, 2013 **McDavitt Town Hall, 9042 Zim Road, Zim, MN**

November 5, 2013 **Commissioners' Conference Room, Courthouse, Duluth, MN**

November 12, 2013 **Fredenberg Town Hall, 5104 Fish Lake Road, 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

Tuesday, October 1, 2013

Location: St. Louis County Courthouse, Duluth, Minnesota

Present: Commissioners Jewell, Miller, Forsman, Stauber, Nelson, Raukar, and Chair Dahlberg

Absent: None

Convened: Chair Dahlberg called the meeting to order at 10:35 a.m.

CONSENT AGENDA

Forsman/Jewell moved to approve the consent agenda. The motion passed. (7-0)

- Minutes of September 24, 2013
- Health and Human Service Annual Conference Facility Payment [13-412]
- Acceptance of Grant from the Carlton-Cook-Lake-St. Louis Community Health Board for Public Health Emergency Preparedness Funding [13-413]
- Acceptance of Flood Grant for Bridge Project on CR 255 (Duluth Township) [13-414]
- Abatement List for Board Approval [13-415]
- Electronic Format Assessment Fee [13-416]
- Application and Acceptance of 2013 Port Security Grant [13-417]
- Establish Public Hearing to Consider Adoption of the 2014 Fee Schedule – 9:40 a.m., Tuesday, November 5, 2013, St. Louis County Courthouse, Duluth, MN [13-418]

REGULAR AGENDA

Public Works & Transportation

Forsman/Nelson moved that the St. Louis County Board authorizes the purchase of four 2014 Mack GU713 tandem trucks from Twin Cities Mack and Volvo Trucks of Roseville, MN, for a total cost of \$467,054.77. Public Works Director Jim Foldesi discussed the ability to utilize FEMA funds to purchase the trucks. After further discussion, the motion passed. (7-0)

Forsman/Dahlberg moved that the St. Louis County Board authorizes the purchase and installation of four dump bodies with hydraulic systems and snow fighting equipment from Towmaster, Inc., of Litchfield, MN, for \$453,231.89. Public Works Director Jim Foldesi discussed explained equipment features. After further discussion, the motion passed. (7-0)

The Minnesota Inter-County Association gave a presentation on the 2013 Legislative Session and implications for St. Louis County. John Tuma (Public Safety and Corrections), Keith Carlson (Executive Director), Nancy Silesky (Public Health, Human Services), and Steve Novak (Transportation) spoke on behalf of the Minnesota Inter-County Association.

COMMISSIONER DISCUSSION ITEMS

Commissioner Nelson discussed last week's meeting with the House Bonding Committee and said that the Senate Bonding Committee would be touring the area today and tomorrow.

Commissioner Nelson, supported by Commissioner Forsman, brought forward a directive motion that the St. Louis County Board hereby directs the County Agricultural Inspector to comply with Minnesota law and the terms of his contract with St. Louis County with regard to the issuance of permits for the transfer of noxious weeds on highways in a non-arbitrary and non-capricious manner. After further discussion, Commissioner Nelson, supported by Commissioner Forsman, withdrew the directive motion.

Commissioner Nelson exited the meeting at 12:39 p.m.

Commissioner Forsman, supported by Commissioner Raukar, brought forward a directive motion that the St. Louis County Board hereby directs County Administration to ensure that the County Agricultural Inspector complies with Minnesota law and the terms of his contract with St. Louis County with regard to the issuance of permits for the transfer of noxious weeds on highways in a non-arbitrary and non-capricious manner. After further discussion, the directive motion passed (5-1, Miller).

At 1:05 p.m., Jewell/Forsman moved to adjourn the Committee of the Whole meeting. (6-0)

Chris Dahlberg, Chair of the County Board

Phil Chapman, Clerk of the County Board

BOARD LETTER NO. 13 - 423

PUBLIC WORKS & TRANSPORTATION COMMITTEE CONSENT NO. 1

BOARD AGENDA NO.

DATE: October 8, 2013 **RE:** Request for Conveyance of State
of Minnesota Tax Forfeit Land
(Duluth Township)

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 authorize the Public Works Department to seek the conveyance of a small tract of land from the State of Minnesota for road right of way purposes pursuant to Minn. Stat. § 282.01. The property is currently tax forfeited.

BACKGROUND:

The Public Works Department was approached by the Land and Minerals Department regarding the county's interest in a small parcel of forfeit property in Duluth Township. The parcel is located at the intersection of County State Aid Highway (CSAH) 42/Homestead Road and CSAH 43/Korkki Road. The parcel is triangular in shape and provides additional right of way and sight distance at this intersection. The parcel is 0.74 acres in size and is deemed surplus land by the Land and Minerals Department. There is a \$250 application fee for this request and a resolution of support is required as part of the application process.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the Public Works Department to seek the conveyance of this parcel of State Tax Forfeit property, with the application fee of \$250 payable from Fund 200, Agency 203001, Object 636500.

**Request for Conveyance of State of Minnesota Tax Forfeit Land
(Duluth Township)**

BY COMMISSIONER _____

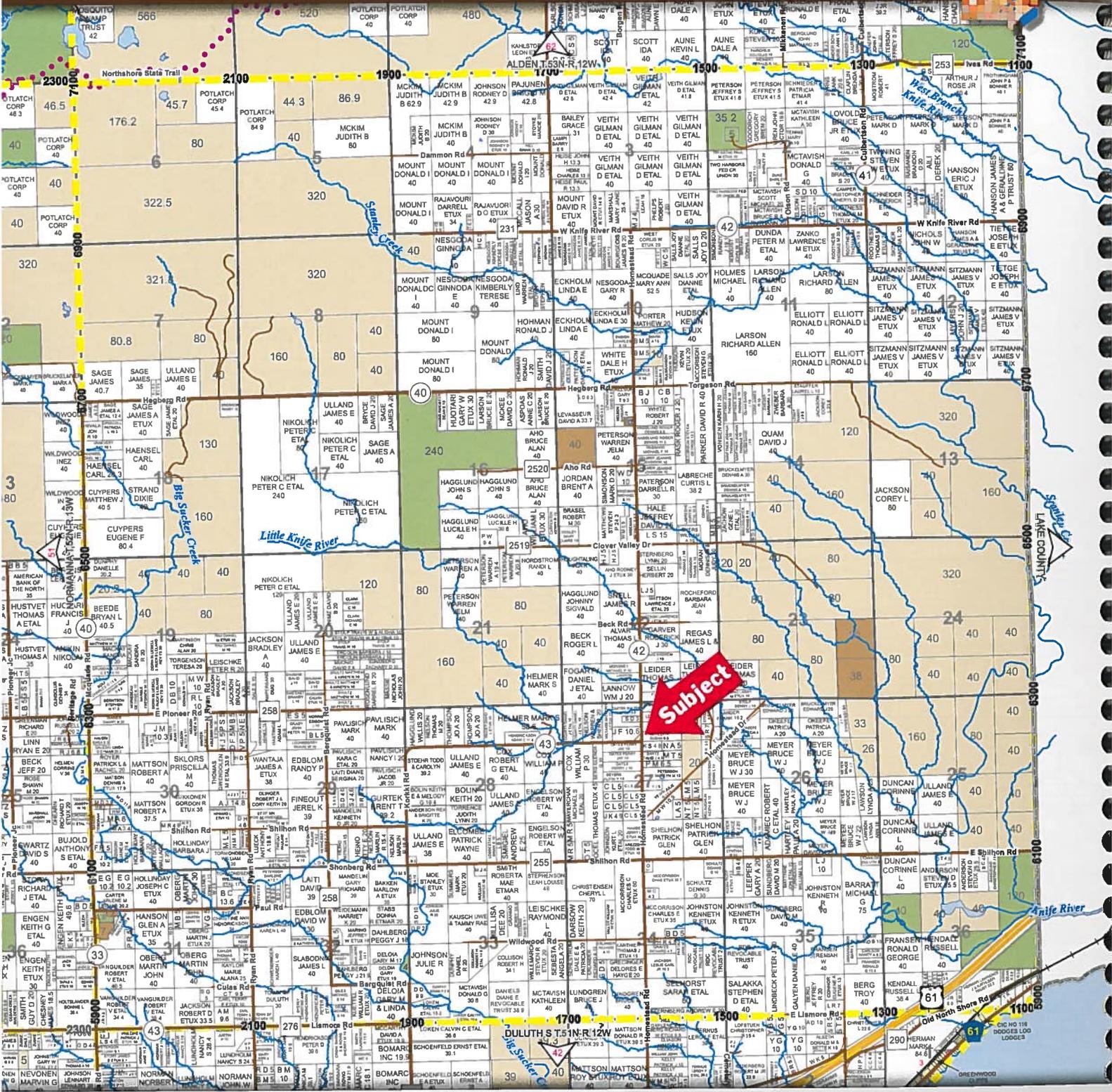
WHEREAS, The St. Louis County Public Works Department requests that a piece of State of Minnesota tax forfeit property be acquired for road right of way purposes. Said parcel is legally described as follows.

Part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27, T52N, R12W beginning 33 feet north and 33 feet west of the Southeast corner; thence North 253.29 feet; thence southwesterly 354.90 feet; thence easterly 253.29 feet to the point of beginning.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Public Works Department to seek ownership of this State of Minnesota Tax Forfeit parcel pursuant to Minn. Stat. § 282.01, with the \$250 application fee payable from Fund 200, Agency 203001, Object 636500.

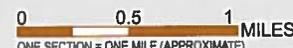
TOWN OF DULUTH (N)

T.52N-R.12W



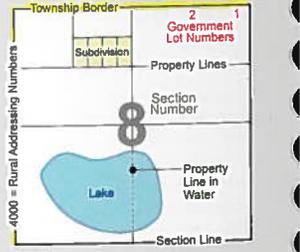
LEGEND

- 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
- PRIVATE
- SUBDIVISION
- TOWNSHIP
- SECTION
- COUNTY
- MUNICIPALITY
- LAKE
- PIT LAKE
- DRY LAKE BED
- RIVER/LAKE
- RIVER/STREAM
- VOYAGEURS NATIONAL PARK
- RESERVATION
- NATIONAL FOREST
- STATE FOREST
- STATE PARK
- BOUNDARY WATERS CANOE AREA WILDERNESS

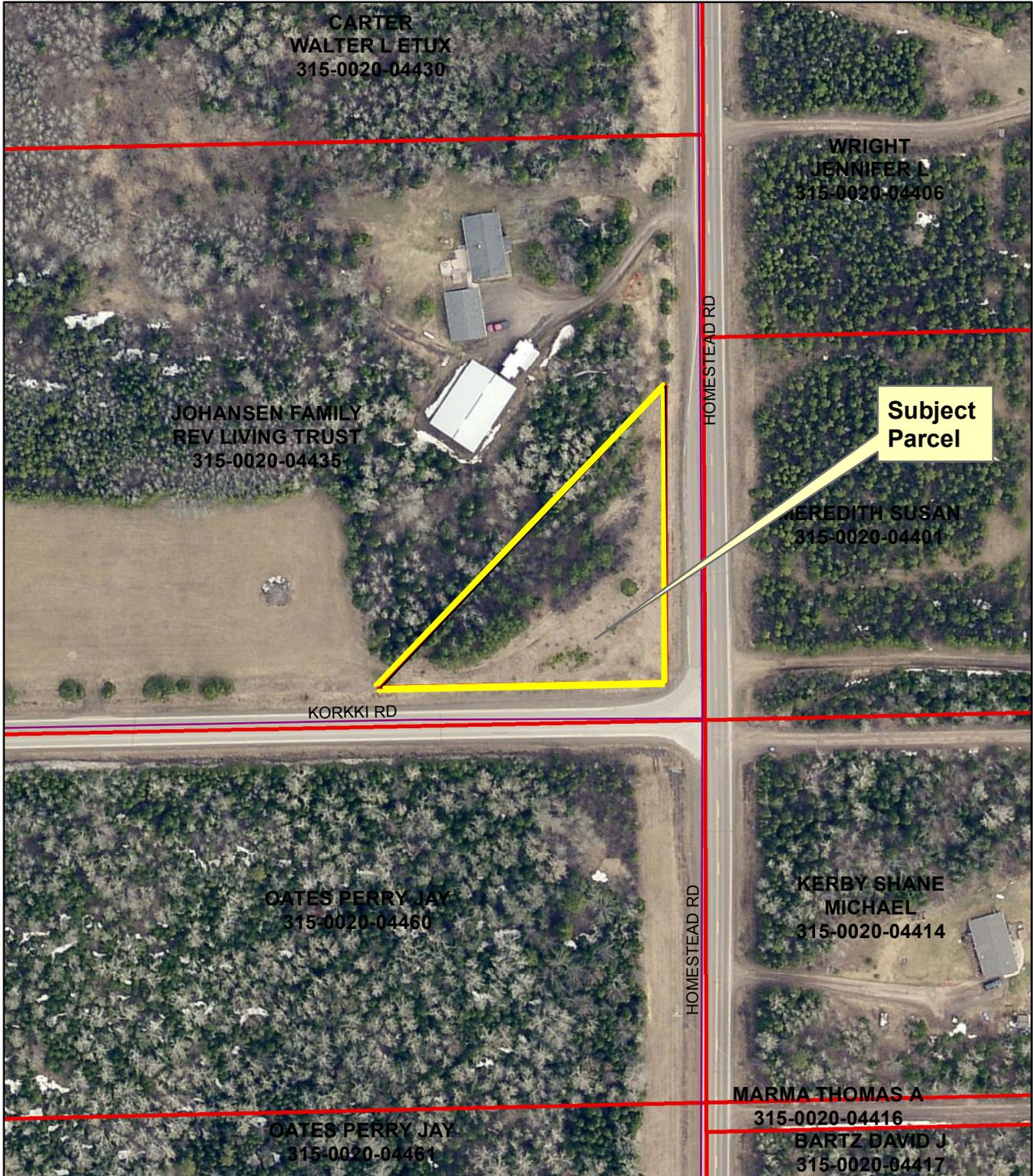


OWNERSHIP ABBREVIATIONS
 ETAL = AND OTHERS TRS = TRUSTEES
 ETUX = AND WIFE TR = TRUST
 ETVR = AND HUSBAND REV TR = REVOCABLE TRUST
 PRTR = PARTNERSHIP IRREV TR = IRREVOCABLE TRUST

ROAD NAME ABBREVIATIONS
 AV = AVENUE EXP = EXPRESSWAY ST = STREET
 BLVD = BOULEVARD HWY = HIGHWAY TER = TERRACE
 CL = CIRCLE LANE TR = TRAIL
 CT = COURT PKWY = PARKWAY PL = PLACE
 DR = DRIVE LP = LOOP RD = ROAD



Intersection of Homestead Rd #42 and Korkki Rd # 43
Parcel 315-0020-04432
Section 27, T52N, R12W
State of Minnesota Forfeit Property



BOARD LETTER NO. 13 - 424

PUBLIC WORKS & TRANSPORTATION COMMITTEE
CONSENT NO. 2

BOARD AGENDA NO.

DATE: October 8, 2013 **RE:** Amendment to Road Maintenance Agreement with the City of Duluth

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 authorize an amendment to the existing Road Maintenance Agreement with the City of Duluth, extending the agreement through September 30, 2014.

BACKGROUND:

The City of Duluth and St. Louis County are responsible for general surface maintenance and snowplowing of certain streets, roadways, and highways within their respective jurisdictions. The location of certain roadways makes it more economical for the parties to perform general surface maintenance and/or winter maintenance on certain roadways which would normally be the responsibility of the other jurisdiction. A Road Maintenance Agreement has been in place between the city and the county since 2003, and both parties would like the agreement to continue.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize an amendment to the existing Road Maintenance Agreement with the City of Duluth, extending the term of the agreement through September 30, 2014.

**Amendment to Road Maintenance Agreement with
the City of Duluth**

BY COMMISSIONER _____

WHEREAS, The City of Duluth and St. Louis County are responsible for general surface maintenance and snowplowing of certain streets, roadways, and highways within their respective jurisdictions; and

WHEREAS, The location of certain roadways make it more economical for the respective parties to perform general surface maintenance and/or winter maintenance on certain roadways which would normally be the responsibility of the other jurisdiction; and

WHEREAS, A Road Maintenance Agreement has been in place between the city and the county since 2003 and both parties would like the agreement to continue; and

WHEREAS, The agreement provides that the county will provide general surface and winter road maintenance on the City of Duluth roads listed in the agreements in Exhibit A, and the city will provide general surface and winter road maintenance on the county roads listed in the agreement in Exhibit A, and whereby the definition of the maintenance of these roads is described in Exhibit B;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to amend the existing agreement with the City of Duluth, extending the term of the agreement through September 30, 2014;

RESOLVED FURTHER, The county portion of \$131,017.48 will be paid from Fund 200, Agency 201005, Object 695100.

Exhibit A Revised 11/16/04

CSAH Streets Maintained by the City

CSAH Streets:	Mileage	Lanes	Lane Miles
Highland St.	0.94	2/3	2.41
57 th Ave. W.	0.48	4	1.92
40 th Ave. W	0.50	4	2.00
E. 4 th St.	1.88	4	7.52
Wallace Ave.	0.76	2	1.52
Woodland Ave.	2.06	4	8.24
Snively Rd.	1.09	3/4	3.93
Superior St.	0.16	4	0.64
Morris Thomas Rd. - Piedmont Ave. to Haines Rd.	0.99	4	3.96
Piedmont Ave. - Skyline to Haines Rd.	1.90	4	7.60
Maple Grove - #53 to Haines Rd.	0.57	3	1.70
Total Miles & Lane Miles	11.33		41.44

City of Duluth City Streets Plowed by County

City Streets:	Lane Miles
Airport Rd.	1.80
Lackland	0.20
Washington	0.20
Malmstrom	0.20
Total Lanes Miles	2.40

Road exchanges for snowplowing

City will do:	Lane Miles
St. Louis River Rd. - CSAH 48 to City Limits (Revised)	.50
Calvary Rd. to Arnold	1.00
Superior St. to McQuade	1.60
Total Lane Miles (Revised)	3.10

County will do:	Lane Miles
Lakewood Rd.	0.90
McDonald Rd.	0.80
Total Lane Miles	1.70

City of Duluth maintains 41.44 lane miles @ \$3212.00/mile = \$133,105.28

St. Louis County maintains an excess of 1.00 lane miles @ \$2087.80/mile = \$2,087.80 (Revised)

Work City performs for St. Louis County has a value of \$133,105.28	\$133,105.28	
Work County performs for the City has a value of \$2,087.80	\$2,087.80	(Revised)
	\$131,017.48	(Revised)

County owes the City \$131,017.48 Annually (Revised 11/16/04)

 Reviewed And Approved City of Duluth 12/2/04 Date
 Reviewed And Approved St. Louis County 12-7-04 Date

**MAINTENANCE TO BE PERFORMED
PURSUANT TO COOPERATIVE AGREEMENT**

1. Maintenance shall consist of surface maintenance summer and winter including bituminous patching, minor frost boil correction, roadside drainage within right-of-way, mowing, shoulder restoral, cleaning gutters and catch basin grates, steaming centerline and entrance culverts, snowplowing, salt and sand ice control and street sweeping.
2. Subdrains: Maintenance of storm sewers, catch basins, and manholes are not covered by this Agreement. Each party's responsibility, pursuant to this Agreement, shall be grate cleaning and other problems shall be reported to the other party.
3. Roadside ditches: Ditch maintenance within the right-of-way is included as a part of this Agreement. Ditch paving and changes in drainage patterns or direction are not included.
4. Off-take ditches: Responsibility for off-take ditches is not transferred as a part of this Agreement.
5. Natural streams and drains: Cleaning or alteration of natural drains or streams is not included as a part of this Agreement.
6. Culverts: Centerline culvert maintenance is a part of this Agreement, but centerline culvert replacement is not.
7. Existing entrance culverts and new entrance culverts: The City and the County each have policies with respect to entrance culverts. When performing work on the other's roadways, work will be performed in accordance with the original jurisdiction's policy.
8. Amendments, modifications, and clarifications of Exhibit A may be made upon agreement between the parties' Public Works directors and shall be reduced to writing.

Exhibit B

BOARD LETTER NO. 13 - 425

FINANCE & BUDGET COMMITTEE CONSENT NO. 3

BOARD AGENDA NO.

DATE: October 8, 2013 **RE:** Award 2013 Emergency Solutions Grant

FROM: Kevin Z. Gray
County Administrator

Barbara Hayden, Director
Planning and Community Development

RELATED DEPARTMENT GOALS:

Assist communities in achieving housing, economic development and community development objectives. Secure and administer federal, state and other funding which implement county policies and maximize local resources.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize agreements for the 2013 Emergency Solutions Grant (ESG) projects.

BACKGROUND:

The U.S. Department of Housing and Urban Development (HUD) has awarded St. Louis County \$124,995 in FY 2013 ESG program funding. Acceptance of the HUD ESG contract was authorized by County Board Resolution No. 13-434 dated July 9, 2013.

The ESG project requests were reviewed by county staff, the Rural Housing Coalition, and the Heading Home Leadership Council through the St. Louis County Homeless Continuum of Care. The funding recommendation that follows is the result of this process. ESG funding supports homeless prevention and rapid re-housing projects, payable from Fund 173.

2013 ESG Program - St. Louis County	
Project	Amount
Arrowhead Economic Opportunity Agency – Homeless Assistance (Shelter Operations)	\$44,063
Arrowhead Economic Opportunity Agency – Flex Fund Administration (Rapid Re-Housing)	\$23,158
Range Transitional Housing – Homeless Assistance (Case Management)	\$25,400
Legal Aid Service of NE Minnesota Virginia Office – Legal Services	\$15,000
Amherst H. Wilder Foundation – HMIS (data collection and reporting)	8,000
St. Louis County – Administration	\$9,374
Total - ESG	\$124,995

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the Planning and Community Development Director and a representative of the County Attorney to execute the agreements for the 2013 ESG projects.

Award 2013 Emergency Solutions Grant

BY COMMISSIONER _____

WHEREAS, The U.S. Department of Housing and Urban Development has awarded St. Louis County \$124,995 in FY 2013 Emergency Solutions Grant (ESG) funding; and

WHEREAS, The ESG project requests were reviewed by county staff, the Rural Housing Coalition, and the Heading Home Leadership Council through the St. Louis County Homeless Continuum of Care process resulting in the funding recommendation to the St. Louis County Board;

THEREFORE, BE IT RESOLVED, The St. Louis County Board allocates the FY 2013 ESG funding to the projects listed below and authorizes the Planning and Community Development Director and a representative of the County Attorney to execute the necessary agreements for the approved projects, and that disbursements related to the ESG agreements are to be made from ESG Fund 173 as follows:

Agency-ESG Fund 173

2013 ESG Program - St. Louis County	
Project	Amount
Arrowhead Economic Opportunity Agency – Homeless Assistance (Shelter Operations)	\$44,063
Arrowhead Economic Opportunity Agency – Flex Fund Administration (Rapid Re-Housing)	\$23,158
Range Transitional Housing – Homeless Assistance (Case Management)	\$25,400
Legal Aid Service of NE Minnesota Virginia Office – Legal Services	\$15,000
Amherst H. Wilder Foundation – HMIS (data collection and reporting)	8,000
St. Louis County – Administration	\$9,374
Total - ESG	\$124,995

BOARD LETTER NO. 13 - 426

FINANCE & BUDGET COMMITTEE CONSENT NO. 4

BOARD AGENDA NO.

DATE: October 8, 2013 **RE:** Sale of Fee Land (Solway
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 is requested to authorize the sale of a portion of fee land by the Property Management Director pursuant to the requirements and procedures of Minn. Stat. § 373.01 and establish a time for bid consideration.

BACKGROUND:

A request to purchase a portion of a depleted gravel pit owned in fee was submitted by Dennis L. Johnson. Mr. Johnson is seeking this land to construct a road to the upland portion of his property and avoid filling wetlands. The County Property Acquisition Team reviewed the request and has approved this sale.

The Public Works Department wishes to retain this depleted gravel pit for use as a disposal site for ditching materials. The portion requested for sale is on the south boundary of the pit and will not impair the continued use by Public Works. Mr. Johnson has agreed to pay for survey work which will identify the limits of both the county gravel pit and the parcel he is planning to purchase which is 0.86 acres in size. The remaining county fee land will remain a conforming parcel should the county wish to sell the parcel in the future. A review of sales and assessed values in the vicinity was performed by Property Management staff with a resulting minimum bid of \$850.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the Property Management Director to offer for sale this parcel of county fee land, and set the time for written bid consideration at 9:40 A.M. on Tuesday, November 12, 2013, at the St. Louis County Board Meeting in the Fredenberg Town Hall, Duluth, MN.

Sale of Fee Land (Solway Township)

BY COMMISSIONER _____

WHEREAS, A request to purchase county fee land was submitted by Dennis L. Johnson and the County Property Acquisition Team has reviewed this request and has no objections to this sale. The property is described as follows.

A part of the following parcel of land transferred by Deed 74488, Office of the County Recorder, St. Louis County, Minnesota described as: beginning at the Northwest corner of the NW ¼ -SW ¼, Sec. 29, Township 50 North, Range 16 West, and running East along the North line of said NW ¼ - SW ¼ for a distance of 650 feet to a point; thence due South at right angles to the North line for a distance of 284.17 feet to a point; thence at an angle of 18° 37' to the right, from the last described line, for a distance of 626.54 feet to a point; thence at an angle of 61° 23' to the right, from the last described line, for a distance of approximately 350 feet to the West line of said NW ¼ - SW ¼; thence North along said West line for a distance of 834.71 feet to the point of beginning. Described as follows:

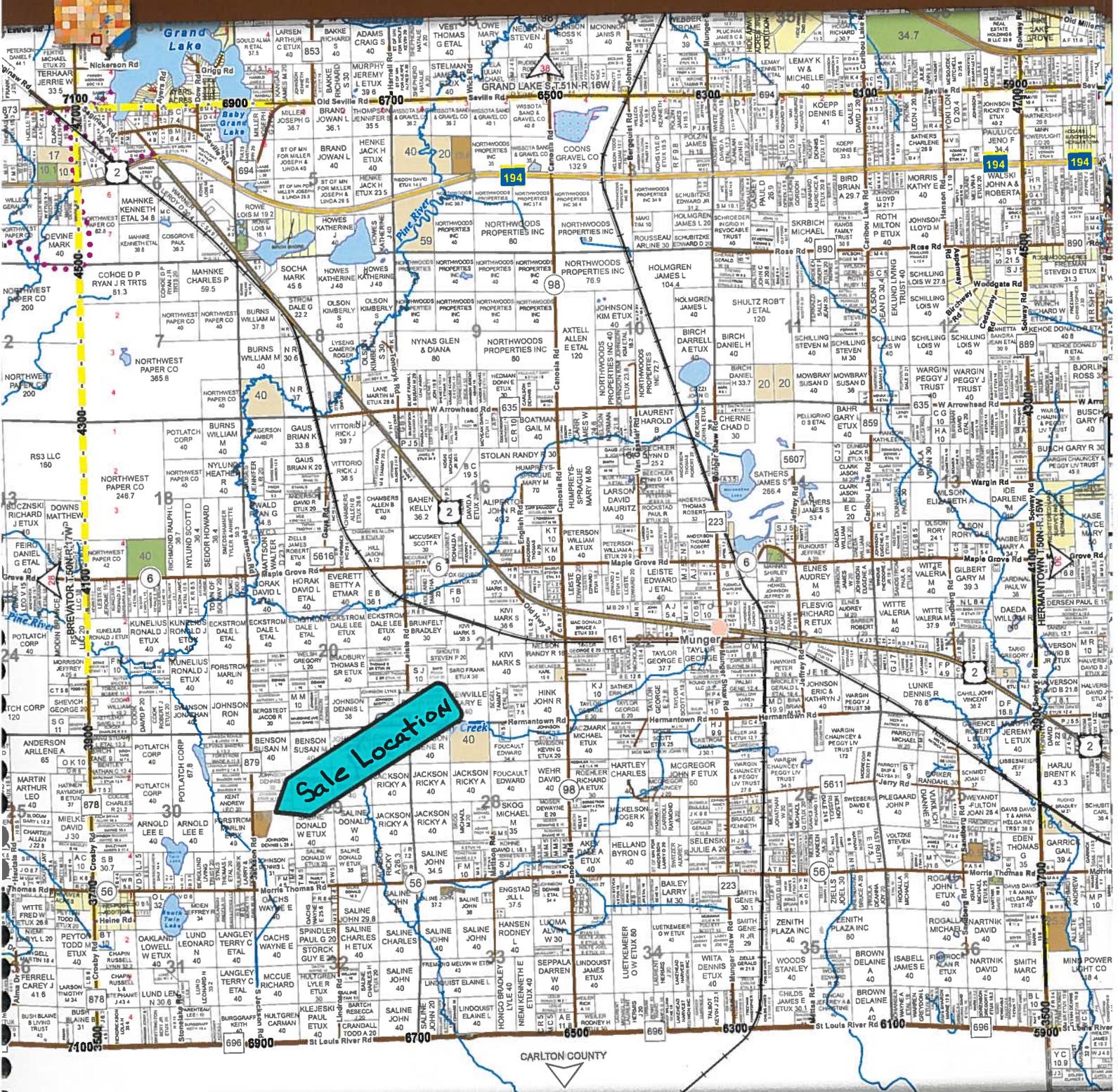
Commencing at the Northwest corner of the Northwest Quarter of the Southwest Quarter, Section 29, Township 50 North, Range 16 West, St. Louis County, Minnesota: thence North 88° 24' 08" East along the east-west quarter line of said Section 29 for a distance of 650.00 feet; thence South 01°35'52" East for a distance of 284.71 feet; thence South 27°01'08" West for a distance of 470.00 feet to the point of beginning; thence continuing South 27°01'08" West for a distance of 156.54 feet; thence South 88°24'08" West for a distance of 371.35 feet to the west line of said Section 29; thence North 00°07'37" West along the west line of said Section 29 for a distance of 53.31 feet; thence North 77°41'45" East for a distance of 452.84 feet to the point of beginning.

AND

That part of the first above described property lying easterly and southerly of the following described line: Commencing at the Northwest corner of the Northwest Quarter of the Southwest Quarter, Section 29, Township 50 North, Range 16 West, St. Louis County, Minnesota: thence North 88° 24' 08" East along the east-west quarter line of said Section 29 for a distance of 650.00 feet to the point of beginning of the line to be described; thence South 01°35'52" East for a distance of 284.71 feet; thence South 27°01'08" West for a distance of 470.00 feet to the point of beginning; thence continuing South 27°01'08" West for a distance of 156.54 feet; thence South 88°24'08" West for a distance of 371.35 feet to the west line of said Section 29.

WHEREAS, A review of assessed value and sales has determined a minimum bid amount for this property to be \$850;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Property Management Director to advertise for written bids for the above described property, a parcel approximately 0.86 acres in size, pursuant to the requirements and procedures of Minn. Stat. § 373.01 and establishes the time for bid consideration to be at 9:40 A.M. on Tuesday, November 12, 2013 at the Fredenberg Town Hall, Duluth, MN.



Sale Location

LEGEND

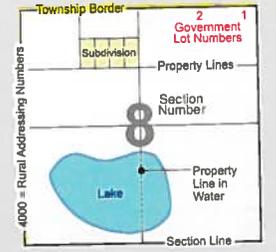
- CITY
- INTERSTATE HIGHWAY
- US HIGHWAY
- MINNESOTA HIGHWAY
- COUNTY ROADS
- LOCAL ROADS
- RAILROADS
- STATE TRAILS
- CARRY-IN
- BOAT LAUNCH
- USA
- STATE OF MINNESOTA
- STATE OF MN TAX FORFEIT
- ST. LOUIS COUNTY
- PRIVATE
- SUBDIVISION
- TOWNSHIP
- SECTION
- COUNTY
- MUNICIPALITY
- LAKE
- PIT LAKE
- 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
 AVE= AVENUE
 BLVD= BOULEVARD
 CL= CIRCLE
 CT= COURT
 DR= DRIVE
 LP= LOOP
 TRS= TRUSTEES
 TR= TRUST
 REV TR= REVOCABLE TRUST
 IRREV TR= IRREVOCABLE TRUST
 PRTN= PARTNERSHIP

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

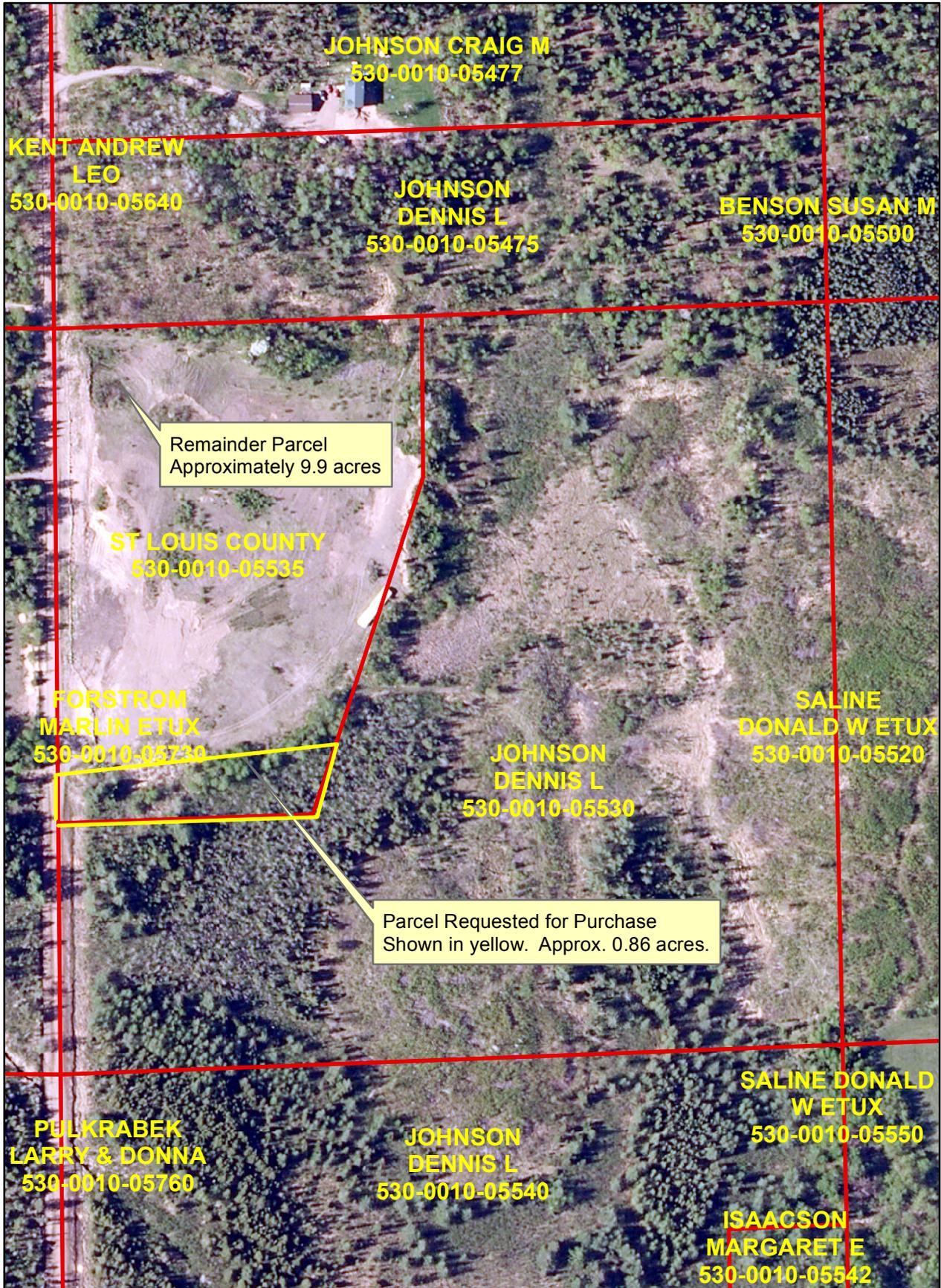


© Copyright St. Louis County, All Rights Reserved. www.stlouiscountymn.gov

Jackson Road Gravel Pit Partial Sale Request

530-0010-05535

Section 29, T50N, R16W





Request to Purchase Real Estate Owned By St. Louis County

Saint Louis County
Property Management Department
100 N. 5th Ave. W., Room 2
Duluth, MN 55802-1209
(218) 725-5085

REQUESTING PARTY'S INFORMATION

FULL NAME: <i>Dennis L Johnson</i>		TODAY'S DATE: <i>Nov 14, 2012</i>	
STREET ADDRESS: <i>3660 Canosa Rd</i>		PHONE NUMBER - DAY: <i>218-624-7713</i>	
CITY: <i>Cloquet</i>	STATE: MN <i>Mn</i>	ZIP CODE: <i>55720</i>	PHONE NUMBER - NIGHT:

PARCEL INFORMATION

PARCEL IDENTIFICATION NUMBER: <i>530-0010-05535</i>	SECTION: <i>29</i>	TOWNSHIP: <i>50.0</i>	RANGE: <i>16</i>
ADDRESS / LOCATION: <i>Jackson Rd (county Rd # 879)</i>	LEGAL DESCRIPTION: <i>Part of NW 1/4 of SW 1/4</i>		

GENERAL INFORMATION AND FREQUENTLY ASKED QUESTIONS

1. State of Minnesota Statute §373.01 allows counties to sell real estate provided:
 - a. The sale is advertised three consecutive weeks in the official newspaper for the county, and once in a newspaper of general circulation in the area where the property is located.
The notice shall state the time and place of considering proposals and contain the legal description
 - b. Unimproved real estate (raw land) may be sold at the County Board meeting in a public auction forum.
 - c. Improved land will be sold by sealed bids only.
 - d. All mineral rights will be reserved by the County.
 - e. The County may set a minimum value, and the County Board may, in the interest of the County, reject all bids.
 - f. All requests for the purchase of tax forfeit lands will be forwarded to the St. Louis County Land Department.

2. Please complete this form including all the information you have on the property and mail to the address listed at the top of the form. All applicable County departments will review the request and if it is deemed that the property has no present or anticipated need by the County, it will be available for sale following the state mandate listed above. Parties submitting requests will be notified of the counties intention for the property within 60 days of receiving the request.

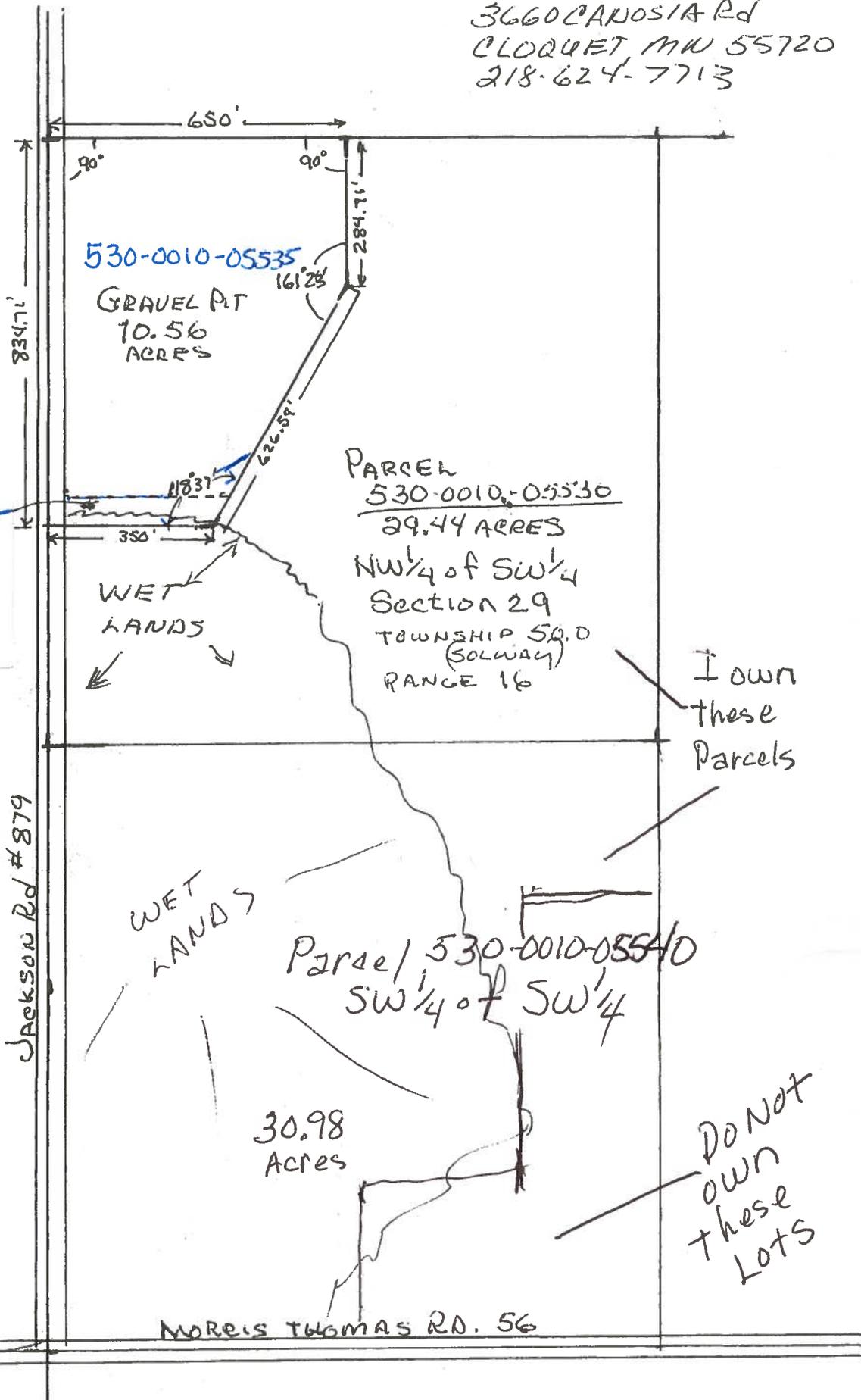
See enclosed drawing: Reason for desire to purchase property is to gain access to my property & avoid wet lands to south of Pt.

SAINT LOUIS COUNTY USE ONLY

- REVIEWED BY ALL COUNTY DEPARTMENTS
- MINIMUM BID VALUE
- RESPONSE LETTER TO PARTY MAKING INQUIRY
- LETTER TO ADJOINING PROPERTY OWNERS

Nov 24, 2002

DENNIS L. JOHNSON
3660 CANOSA RD
CLOQUET MN 55720
218-624-7713



530-0010-05535

GRAVEL PIT
10.56
ACRES

PARCEL
530-0010-05530

39.44 ACRES

NW 1/4 of SW 1/4
SECTION 29
TOWNSHIP 50.0
(SOLWAY)
RANGE 16

Parcel 530-0010-05540
SW 1/4 of SW 1/4

30.98
Acres

MOREIS THOMAS RD. 56

JACKSON RD #879

Parcel Requested
for Purchase

I own
these
parcels

Do Not
own
these
lots

WET
LANDS

WET
LANDS

650'

834.71'

284.71'

350'

626.57'

161.23'

118.37'

90°

90°

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the above refund request in the amount of \$1,098, payable from Fund 100, Agency 115003, Object 510200.

Partial Liquor License Fee Refund - Junction Bar & Grill

BY COMMISSIONER _____

WHEREAS, St. Louis County Ordinance No. 28, Section 4. General Provisions, Subd. 4.07, provides for license fee refunds as follows: "If, during the term of any liquor license, the place of business of any licensee shall be destroyed or so damaged by fire or otherwise, that the licensee shall cease to carry on the licensed business, or in case the business of the licensee shall cease by reason of the licensee's illness or death, or it shall become unlawful for the licensee to carry on the licensed business under the license, except when such license is revoked, the County Board may refund to the licensee or to the estate such part of the license fee paid by the licensee as corresponds to the time such license had yet to run;" and

WHEREAS, The establishment known as Junction Bar & Grill, located at 2667 County Road 70, Babbitt, MN, Parcel Code: 625-0011-05010, was annexed into the City of Babbitt, effective September 10, 2013, and is now required to obtain liquor licensing through the City of Babbitt;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes a refund of Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor License fees paid by Gary V. Burow, CEO, Vaughn, Inc. d/b/a Junction Bar & Grill, Unorganized Township 61-13;

RESOLVED FURTHER, That the refund will be as follows:

On-Sale Intoxicating Liquor	\$ 756.00
Off-Sale Intoxicating Liquor	\$ 189.00
<u>Sunday On-Sale Intoxicating Liquor</u>	<u>\$ 153.00</u>
Total	\$1,098.00

Payable from Fund 100, Agency 115003, Object 510200

September 23, 2013

Wendy M. Johnson
Information Specialist II
St. Louis County Auditor
100 N. 5th Ave. W. – Room 214
Duluth, MN. 55802 -1293

RE: Liquor License Refund Request

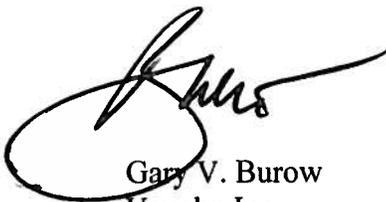
Dear Wendy,

As follow-up to your attached e-mail, I am enclosing my two liquor licenses issued by St. Louis County for Unorg. 61-13 and requesting the County Board for consideration to issue a refund under Ordinance No. 28, Section 4.07 for the unused portion which would be October 2014 through June 2014, a total of nine months.

This request falls under “where it would become unlawful for the license to carry on the licensed business under the license.” Effective September 10, 2013 the subject property was annexed into the City of Babbitt and had to apply to the City of Babbitt for new liquor licenses for operation. This annexation is due to the new construction of a 20 unit hotel in which the City of Babbitt extended city utilities to the property.

I thank you in advance for your support,

Best regards,



Gary V. Burow
Vaughn Inc
P.O. Box 388
Makinen, MN. 55763

DRAFT

**Minutes
October 1, 2013
ST. LOUIS COUNTY LIQUOR LICENSING COMMITTEE MEETING**

The meeting was called to order at 8:30 a.m. by Commissioner Keith Nelson, 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 September 10, 2013 meeting. (4-0)

There was discussion regarding the alleged liquor law violation at Belo Enterprises, Inc. d/b/a Crossroads Convenience and Liquor Store, Clinton Township, sale to minor on September 12, 2013. Gary Bielejeski and Kent Bielejeski appeared for Belo Enterprises, Inc. d/b/a Crossroads Convenience and Liquor Store, Clinton Township. Auditor Dicklich made a motion, supported by Lt. Rolland, to recommend to the County Board, a ten (10) day suspension and \$1,000.00 fine, eight (8) days and \$800.00, 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 November 5, 2013. After further discussion, the motion passed. (5-0)

There was discussion regarding the liquor license fee refund request from Gary V. Burow, CEO, Vaughn, Inc. d/b/a Junction Bar & Grill, Unorganized Township 61-13. Effective September 10, 2013, the subject property was annexed into the City of Babbitt, requiring Mr. Burow to obtain a liquor license through the City of Babbitt. Commissioner Dahlberg made a motion, supported by Auditor Dicklich, to recommend to the County Board that a refund of the prorated license fee, in the amount of \$1098.00, be issued to Gary V. Burow, CEO, Vaughn, Inc. d/b/a Junction Bar & Grill, Unorganized Township 61-13. The motion passed. (4-0)

At the request of Chair Nelson, the committee re-opened the discussion of the alleged liquor law violation at Vermilion Fairways, Inc. d/b/a Vermilion Fairways, Beatty Township, sale to minor, on August 24, 2013. After further discussion, Auditor Dicklich made a motion supported by Commissioner Dahlberg to amend the date of the public hearing to November 5, 2013, and the suspension date to May 5, 2014. The motion passed. (5-0)

There was discussion regarding a civil penalty for lapse in liquor liability insurance. Chair Nelson asked that the discussion be tabled to a future Liquor Licensing Committee meeting.

The meeting was adjourned at 9:22 a.m. (Dahlberg/Dicklich) (5-0)

Keith Nelson, Chair

Wendy M. Johnson, IS II

BOARD LETTER NO. 13 - 428

FINANCE & BUDGET COMMITTEE CONSENT NO. 6

BOARD AGENDA NO.

DATE: October 8, 2013

RE: Establish Public Hearing to
Consider Allegations of Liquor
Law Violation – Crossroads
Convenience and Liquor Store
(Clinton Township)

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor

Mark Rubin
County Attorney

RELATED DEPARTMENT GOAL:

Provide mandated and discretionary licensing services in a timely manner.

ACTION REQUESTED:

The St. Louis County Board is requested to establish a public hearing to consider penalties and/or suspension of the liquor license issued to Belo Enterprises, Inc. d/b/a Crossroads Convenience and Liquor Store, Clinton Township, for alleged liquor law violation.

BACKGROUND:

St. Louis County Ordinance No. 28, Section 13.01, provides that any liquor license issued pursuant to this Ordinance may be suspended or revoked for up to sixty (60) days, a civil penalty of up to \$2,000 imposed for each violation, or a combination of any of these sanctions may be imposed by the County Board upon cause shown after a hearing. A hearing shall be held pursuant to the provisions of these subdivisions and any other uniform rules for hearings promulgated by the County Board. Cause for revocation or suspension or civil penalty or any combination of these sanctions includes, but is not limited to, the filing of false information on a license application, violation of any liquor laws, regulations or provisions of the Ordinance, or failure to maintain any licenses issued by the Minnesota Department of Health as may be required.

RECOMMENDATION:

It is recommended that a public hearing on the matter be scheduled for November 5, 2013, at 9:40 a.m., in the St. Louis County Courthouse, Duluth, Minnesota.

**Establish Public Hearing to Consider Allegations of Liquor Law Violation –
Crossroads Convenience and Liquor Store (Clinton Township)**

BY COMMISSIONER _____

RESOLVED, That a public hearing will be held at 9:40 a.m. on Tuesday, November 5, 2013, in the St. Louis County Courthouse, Duluth, Minnesota, for the consideration of the allegations and, if proven, the suspension or revocation of the liquor license issued to Belo Enterprises, Inc. d/b/a Crossroads Convenience and Liquor Store, Clinton Township, and/or the imposition of civil penalties for the violation.

BOARD LETTER NO. 13 - 429

FINANCE & BUDGET COMMITTEE CONSENT NO. 7

BOARD AGENDA NO.

DATE: October 8, 2013

RE: Establish Public Hearing to Consider Allegations of Liquor Law Violations – Vermilion Fairways (Beatty Township)

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor

Mark Rubin
County Attorney

RELATED DEPARTMENT GOAL:

Provide mandated and discretionary licensing services in a timely manner.

ACTION REQUESTED:

The St. Louis County Board is requested to establish a public hearing to consider penalties and/or suspension of the liquor licenses issued to Vermilion Fairways, Inc. d/b/a Vermilion Fairways, Beatty Township, for alleged liquor law violation.

BACKGROUND:

St. Louis County Ordinance No. 28, Section 13.01, provides that any liquor license issued pursuant to this Ordinance may be suspended or revoked for up to sixty (60) days, a civil penalty of up to \$2,000 imposed for each violation, or a combination of any of these sanctions may be imposed by the County Board upon cause shown after a hearing. A hearing shall be held pursuant to the provisions of these subdivisions and any other uniform rules for hearings promulgated by the County Board. Cause for revocation or suspension or civil penalty or any combination of these sanctions includes, but is not limited to, the filing of false information on a license application, violation of any liquor laws, regulations or provisions of the Ordinance, or failure to maintain any licenses issued by the Minnesota Department of Health as may be required.

RECOMMENDATION:

It is recommended that the St. Louis County Board schedule a public hearing on the matter November 5, 2013, at 9:45 a.m., in the St. Louis County Courthouse, Duluth, Minnesota.

**Establish Public Hearing to Consider Allegations of Liquor Law Violations –
Vermilion Fairways (Beatty Township)**

BY COMMISSIONER _____

RESOLVED, That the St. Louis County Board establishes a public hearing at 9:45 a.m. on Tuesday, November 5, 2013, in the St. Louis County Courthouse, Duluth, Minnesota, for the consideration of the allegations and, if proven, the suspension or revocation of the liquor licenses issued to Vermilion Fairways, Inc. d/b/a Vermilion Fairways, Beatty Township, and/or the imposition of civil penalties for the violation.

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

**STANDING RULES AND BYLAWS ST. LOUIS COUNTY BOARD OF
COMMISSIONERS**

Amended by: Res #607 of 9/28/87; Res #777 of 12/14/87; Res #32 of 1/12/88;
Res #762 of 10/4/88; Res #1 of 1/8/91; Res #99 of 1/21/97
Res #809 of 10/21/97; Res #980 of 12/23/97

ARTICLE I. INTRODUCTION

Section 1. Purpose

The St. Louis County Board of Commissioners desires to conduct its business and perform all of its responsibilities and duties in an orderly, efficient, uniform, fair and lawful manner. These Rules and Bylaws are established for that purpose. The County Board also desires that the general public have available to it the Rules and Bylaws that will be in force at County Board meetings and hearings.

Section 2. Application of Rules and Bylaws

Unless otherwise specifically indicated, these Rules and Bylaws shall apply to the transaction and administration of all County Board meetings and hearings.

Section 3. Compliance with Applicable Law

It is the specific intent of the St. Louis County Board of Commissioners to perform its duties and conduct its hearings and meetings in accordance with all applicable law, and these Rules and Bylaws and all actions of the Board of Commissioners shall be in accordance with all relevant law. These Rules are specifically designed to be in accordance with Minn. Stat. ch. 13, et seq. (The Government Data Practices Act), Minn. Stat. § 375.51 (The County Ordinance Enactment and Publication Law), and Minn. Stat. § 471.705 (The Open Meeting Law). The following statutes were also consulted, and it is the specific intent of the County Board to comply with all of the hearing and notice provisions of these statutes: § 94.344 (Class B Land Exchanges), § 163.11 (County Highway Establishment, Alteration, Vacation and Revocation Hearings), § 163.13 (Petitions for Highways or Portages), § 163.16 (Impassable Road Complaints and Hearings), § 164.08, subd. 2, with reference to § 164.07 (Cartway Petitions), § 282.241 (Repurchase After Forfeiture for Taxes), ch. 340A (Liquor Act), ch. 378 (Naming Bodies of Water), ch. 379 (Organization, Formation, and Partition of Towns, and Alteration of Their Boundaries), ch. 381 (Township or Section Survey Petitions), § 394.26 (Public Hearings for Zoning Matters), and any equivalent provisions of subsequent law. These Rules are also specifically designed to be in

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

accordance with all hearing and notice provisions of St. Louis County Ordinances.

Section 4. Non-Exclusivity of Rules and Bylaws

These Rules and Bylaws are not and cannot be the totality of all regulations of St. Louis County Board activity. Federal law, state law and relevant County ordinances may also be applicable to County Board matters.

Section 5. Adoption, Amendments

These Rules and Bylaws may be amended by a five-sevenths (5/7) vote of the members of the County Board at a public meeting. All proposed Rules and Bylaws and amendments thereto shall be presented in writing to all Commissioners. All Commissioners shall have a minimum of five (5) days to review the proposed Rules and Bylaws and amendments thereto. These Rules shall become effective immediately after a public meeting and approval by the Board.

Section 6. Available to the Public

Copies of these Rules and Bylaws shall be available for public review at the Commissioners' offices in Duluth, Hibbing, Virginia, and Ely.

ARTICLE II. MEETING RULES AND BYLAWS

Section 1. Time and Place of Meetings

The St. Louis County Board shall meet as required by Minn. Stat. § 375.07 on the first Tuesday after the first Monday in January, at 9:30 a.m., and if a special board of equalization is not appointed, during the month of June as required by Minn. Stat. § 274.14, at the County Board Room, Courthouse, Duluth, Minnesota. Regularly scheduled board meetings will be held on the first, second, third and fourth Tuesdays of the month in any facility located in the County so long as the facility is open to the public, pursuant to Minn. Stat. § 471.705. Additional meetings may be scheduled upon approval of the Board.

All County Board meetings, including Committee of the Whole meetings, shall be held upon notice given in accordance with Minn. Stat. § 471.705 (Open Meeting Law).

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

Section 2. Agenda

2.01. General

Every resolution or matter considered by the County Board shall be in writing with an accompanying explanation of its purpose from the County Administrator. All resolutions will be read in their entirety at the Board meeting, except that any resolution transmitted to the Board with the formal agenda need only be read by title. No matter or resolution shall be placed upon the agenda of business for routine consideration at any regularly-held meeting of the Board unless the same has been considered by the Committee of the Whole at their regular meetings. Resolutions and other agenda items may be referred by the Committee of the Whole to the Board meeting with or without recommendation for passage.

Any agenda resolution or matter not considered by the Committee of the Whole may be considered by the Board if it is included in the agenda transmitted to the Board no later than the previous Thursday, and upon consent of five-sevenths (5/7) of the Board members present and voting. The resolution or matter shall be in writing with an accompanying explanation of its purpose from the County Administrator.

Any agenda resolution or matter not included on the agenda may be considered by the Board if it is presented in writing and upon consent of five-sevenths (5/7) of the Board members present and voting.

The Committee of the Whole agenda will be prepared by the County Administrator and transmitted to the Board on the Thursday prior to the Board meeting. The agenda items will be presented in order under the appropriate committee. After consideration by the committee, it will be recommended for approval by the Board, or it may be transmitted to the Board with no recommendations. Items which do not receive a favorable consideration by the committee will not be transmitted to the Board. If the entire committee supports a resolution, then it shall be sponsored by the chair of the committee. If a resolution is approved by a majority of a committee, but the chair of the committee does not approve it, then the majority of the committee shall select a sponsor for the resolution.

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

2.02. Consent Agenda

A consent agenda shall be prepared by the Clerk in consultation with the County Administrator and consist of routine noncontroversial actions that can be grouped together and handled in one motion by the Board. Any consent agenda items considered by the Committee of the Whole do not require an accompanying explanation of purpose. The agenda will then be scheduled as one item of business at the next regular Board meeting. The consent agenda items shall be considered as one item of business. In the minutes of the meeting, the actions passed in the consent agenda motion shall be recorded individually and in full. Consent agenda items shall not be discussed separately. If, at the Board meeting, any Commissioner so requests, an item shall be removed from the consent agenda and considered separately.

Section 3. Officers

3.01 Election of Officers

The Board shall elect a Chair and a vice Chair each year at the meeting on the first Tuesday after the first Monday in January.

Section 4. Presiding Officer

The Chair shall preside at meetings of the Board, and in case of nonattendance, the Vice Chair shall preside. If both are absent, the Board shall appoint a chair from the Commissioners present.

Section 5. Quorum

At all meetings of the Board, four Commissioners shall constitute a quorum.

Section 6. Roll Call

At the hour appointed for any meeting, the presiding officer shall call the meeting to order, and the Clerk shall proceed to call the roll, note the absentees, and announce if a quorum is present. The Clerk shall note in the minutes the time and point in the proceedings when any Commissioner absent for roll call takes a seat in the Board Room, or when any Commissioner leaves prior to adjournment.

Section 7. The Clerk shall furnish the Board members with all petitions and communications received since the last Board meeting.

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

Section 8. Order of Business

Upon the appearance of a quorum, the Board shall then proceed to the business before it in the following order:

1. Roll Call
2. Approval of minutes of previous meeting by motion
3. Opportunity for citizens to be heard
4. Consent Agenda
5. Reports of Boards and Standing Committees
6. Reports of officers, special committees and others

Any citizen desiring to be heard on an appropriate Board matter may be given a reasonable amount of time for such purpose to present the official position of a group or organization or a personal opinion. Hearings and other issues may be set at specific times by the Board. Citizen testimony will be allowed on an agenda item and may be included on the agenda for a specific time, or by a motion carried to suspend the rules to allow citizen participation.

Section 9. Duties and Privileges of the Chair

The Chair shall preserve order and decorum, and shall decide questions of order, subject, however, to an appeal to the Board.

Section 10. Restriction on Private Discussion

When a Commissioner is speaking, no other Commissioner shall engage in private discussions.

Section 11. Calls to Order

A Commissioner called to order shall immediately suspend remarks unless permitted to explain. If no appeal is made, the decision of the Chair shall be deemed conclusive; but if the Commissioner chooses to appeal from the decision of the Chair, the Board shall decide the point without debate.

Section 12. Precedence of Motions

The motions upon the subject under consideration shall have precedence in the following order:

1. To lay on the table
2. To postpone
3. To commit, that is, to refer to committee
4. To amend

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

5. To adopt or reject

12.01. Adjournment

A motion to adjourn shall be entertained only after the completion of the formal agenda and shall be decided without debate.

Section 13. Appropriations by Resolution

Every resolution appropriating any amount of money must also contain a statement indicating the amount of the appropriation from the proper fund and item for the payment of the resulting obligation, pursuant to Minn. Stat. § 383C.013. Such resolutions shall be verified and approved by the County Auditor as to sufficiency of funds. All such resolutions and all resolutions as to contracts by St. Louis County shall also bear the approval of the County Attorney.

Section 14. Reconsideration

Any Commissioner who voted with the prevailing side may move a reconsideration of any action of the Board, provided that the motion be made no later than the next regular meeting after such action was taken, and no property rights that have vested will be jeopardized. A motion to reconsider shall be in order at any time except when a motion on some other question is pending. A motion to reconsider being laid upon the table may be taken up and acted upon at any time when the Board is engaged in the transaction of miscellaneous business. No motion to reconsider shall be made more than once on any matter or subject, and the same number of votes shall be required to reconsider any action as is required to pass or adopt the same.

Section 15. Voting

The manner in which each Commissioner votes upon all propositions shall be entered in the journal of the proceedings of the Board, but it shall not be necessary to call for the yeas and nays on every proposition unless a Commissioner shall then and there demand such roll call. If no such roll call is demanded, the Chair or other presiding officer of the Board shall direct the Clerk of the Board to enter in the journal of the proceedings that the vote on any such proposition was taken.

A Commissioner may be excused from voting on a question by a majority of the Board in case of a demonstrated possible conflict of interest, any such request being made before the vote is taken. No further discussion shall be permitted during the taking of a vote on any question.

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

Section 16. Committees

The Standing Committees of the County Board of Commissioners shall be as follows:

1. Central Management and Inter-Governmental Committee. The Committee shall consider methods of centralizing county administration, deal with labor relations and litigation, and provide for communication and cooperation between the Board, the County Administrator, and departments in line with the organizational structure resolution adopted by the County Board. Further, this Committee shall consider all matters relating to state and federal legislation, administrative rules, and government operations and any impact these may have on the County and its administration.
2. Finance and Budget Committee. The Committee shall consider budget and finances, taxes, abatement applications, levies, assessments, licenses, and the purchase and sale of all property, buildings, supplies and equipment.
3. Environment and Natural Resources Committee. The Committee shall consider all matters relating to environmental services, solid waste, land, zoning, land-use planning, plats, tax-forfeited lands, forestry, and agriculture.
4. Public Works and Transportation Committee. The Committee shall consider all matters relating to fairs, construction, repair and maintenance of highways, and all buildings, vehicles, transportation, supplies, and equipment.
5. Health and Social Service Committee. The Committee shall consider all matters relating to public health, income maintenance programs, social service programs, jobs and employment training efforts, nursing home and laundry issues.
6. Public Safety and Corrections Committee. The Committee shall consider the increasing demands on the County to provide correction services and the need to guarantee adequate public safety within the existing resources. The County has a unique relationship to other counties in the region in the area of corrections and this committee shall provide a structure for working with the ARC Board and setting policy by the St. Louis County Board.

All Standing Committees of the Board shall consist of all seven Commissioners. Each Commissioner shall be limited to the Chair of one standing committee. The County Board Chair will not serve as the Chair of any standing committee. The committee chairs, shall serve as the liaison between the Board and Departments, shall be appointed by the Chair of the County Board of Commissioners, and shall report to the Committee of the Whole. The committee chairs shall sponsor resolutions of their committee, and if they refuse to do so, the Chair shall designate

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

another member to sponsor that particular resolution. A Committee Chair who refuses to sponsor a resolution shall so notify the Board Chair at the Committee of the Whole prior to the regular Board meeting.

16.01. Committee of the Whole Meetings

The County Board shall schedule regular times for Committee of the Whole meetings. The Chair of the Board shall preside over Committee of the Whole meetings, or designate individual chairs of standing committees to chair their respective committee. The schedule of Committee of the Whole meetings shall be adopted by resolution of the County Board. The Standing Committees of the County Board will meet at the Committee of the Whole meeting.

Section 17. Special Committees

Special Committees may be created by the Board Chair for a term of one year; the Chair and members shall be appointed by the Chair of the Board or by majority vote of the Board. Special committees shall in all cases report to the County Board at a Committee of the Whole meeting. All reports by committees shall be presented in writing at a Committee of the Whole meeting. Matters referred to special committees shall be acted upon without undue delay.

Section 18. Division of Question

If a question in debate contains several distinct propositions, any Commissioner may have the same divided.

Section 19. Roberts Rules of Order to Govern

In the absence of any rule upon any matters of business, the Board shall be governed by Roberts Rules of Order.

Section 20. Suspension of Rules

These rules may be suspended by a five-sevenths (5/7) vote of the members of the Board, present and voting, except to those matters that are provided for by law.

Section 21. Use of Speaker Phones

It is necessary for individual members of the St. Louis County Board of Commissioners to be physically present at its statutory meetings at the county seat on the first Tuesday after the first Monday in January in order for their attendance to be counted for quorum purposes and in order for them to participate and vote at these statutory meetings.

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

Individual Commissioners may attend other regular meetings of the Board and Committee of the Whole meetings by means of a speaker phone system. In the event a Commissioner chooses to attend by such means, the Commissioner will for all purposes be considered a part of the assembled Commissioners and be allowed to participate and vote in all matters before the Board of Commissioners. The use of speaker phones by Commissioners at these meetings is subject to the following conditions and limitations:

- a. A quorum of the Board must be present at the scheduled meeting location.
- b. The Chair of the meeting at which a speaker phone is to be utilized by any Commissioner shall at the commencement of the meeting announce the use of the speaker phone, by whom it is being used and the location of the Commissioner using the speaker phone system, together with a statement that any member of the public is welcome to observe the Commissioner using the speaker phone system.
- c. The Commissioner using the speaker phone system away from the situs of the meeting must be available to public observation during the course of the County Board meeting in which he or she is using the speaker phone to attend the meeting.
- d. The speaker phone system being used by the Commissioner away from the situs of the meeting must be located at a facility open to the public.
- e. The speaker phone system must be of satisfactory operating condition in order to make audible to the general public all the participation by the Commissioner using the speaker phone system.

Section 22. Interactive Television

- 22.01. A County Board meeting may be conducted by interactive television so long as:
- a. All members of the Board participating in the meeting, wherever their physical location, can hear and see one another, and can hear and see all discussion and testimony presented at any location at which at least one member is present.
 - b. Members of the public present at the regular meeting location of the Board can hear and see all discussion and testimony and all votes of members of the Board.
 - c. At least one member of the Board is physically present at the regular meeting location.

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

- 22.02. Each member of the Board participating in a meeting by interactive television is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.
- 22.03. If interactive television is used to conduct a meeting to the extent practical, the Board shall allow a person to monitor the meeting electronically from a remote location. The Board may require the person making such a connection to pay for documented marginal costs that the Board incurs as a result of the additional connection.
- 22.04. If interactive television is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any site where a member of the public body will be participating in the meeting by interactive television. The timing and method of providing notice must be as described in Minn. Stat. § 471.705, subd. 1c.

ARTICLE III. HEARING RULES AND BYLAWS

Section 1. Notice

Notice of all hearings of the County Board shall be made in a manner in accordance with all statutory and ordinance notification requirements by the Clerk of the Board. If the County Attorney determines that additional notice is necessary to comply with constitutional procedural due process requirements, the Clerk will provide whatever additional notice is recommended.

Section 2. Hearing Records

2.01. Open Hearings

All hearings of the St. Louis County Board shall be open to the public. The votes of the members of the Board on any matter shall be recorded and shall be available to the public.

2.02. Exhibits

All exhibits submitted to St. Louis County for hearing purposes become the property of St. Louis County.

2.03. Record Maintenance

The Clerk shall be required to maintain all records created at public hearings. The Clerk shall preserve or dispose of the records in accordance with state law.

2.04. Hearing Records

A verbatim record of all public hearings will be made by means of tape recording or electronic means, or if deemed appropriate by the Chair, by means of a court reporter. The public is specifically

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

allowed to preserve and record the proceedings of the County Board at any of its hearings by using voice recording instruments, court reporters, stenographers, or other reasonable means of record preservation. An individual may receive a transcript of County Board hearings from the Commissioner's Office by making arrangements with the Clerk of County Commissioners. The Clerk is authorized and directed to require parties requesting transcripts to pay the reasonable costs associated with the preparation of the transcript in advance.

Section 3. Hearing Continuances and Postponements

3.01. Postponements

Postponements after personal or published notice will not be permitted.

3.02. Continuances

The County Board may continue a hearing if it determines a need exists for additional information or if fairness dictates the need for additional time.

Section 4. Conduct of Hearing

4.01. General

The Chair of the Board shall commence and direct the hearing. All parties shall have the right to present evidence, rebuttal testimony, and argument with respect to the issues, and to cross-examine witnesses.

4.02. Quorum Needed for Hearing

There shall be no fewer than five Commissioners in attendance to hold any public hearing.

4.03. Order of Hearing

The following procedure shall govern the order of persons appearing before the Board:

1. The County department staff report, if any, shall be given and include, but not be limited to, a description of the request or issue, analysis of the facts, communications received, conclusions, and recommendations. All appropriate County departments may present information relevant to the matter at this time.
2. The party to be affected or a representative.
3. Representatives of other governmental units or agencies that may be appropriate, such as the local town or state agency.
4. Others in favor of the proposal.

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

5. Others opposed to the proposal.
6. Other comments or evidence from the public.

4.04. Evidence

a. Admissibility

The County Board may admit and consider all evidence which possesses probative value and may exclude incompetent, irrelevant, immaterial and repetitious evidence.

b. Record

All information which is offered and accepted into evidence by any party to the hearing shall be made a part of the hearing record. No factual information or evidence shall be considered in the determination of any matter unless it is part of the record.

c. Documentary Evidence

Any witness offering written materials such as letters, records, reports, plans, studies or any other documents must provide a sufficient number of copies for each Commissioner, the Clerk and other parties. Where copies of evidence are not practically available, the Chair of the Board, in its discretion, may accept one copy and make it available for inspection or allow a witness to read a document into the record.

d. Official Notice

The Board may take notice of general facts within its knowledge by a unanimous vote but any party shall have the right to contest the facts so noticed. The Commissioners may utilize their experience and knowledge in the evaluation of the evidence in the hearing record.

4.05. Examination of Witnesses

a. Commissioners may question any witness at the termination of that witness's testimony or at the end of all testimony.

b. Any individual may make a request to cross-examine a witness. If possible, this should be accomplished by directing suggested examination questions to the Chair. If specifically requested, the Chair may allow individuals to personally cross-examine witnesses. The Chair may act to prevent repetitive, argumentative or irrelevant questions and to expedite the cross-examination to the extent consistent with disclosure of all relevant testimony and information.

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

Section 5. Deliberations

5.01. General

Deliberations shall be made in public. However, no additional testimony may be offered after the close of the public hearing. County Board members may ask specific questions, provided that the question is intended to clarify information that is already in evidence. The Chair shall not allow any new information or arguments to be offered at this time. The County Attorney, acting as legal advisor and parliamentarian, shall be permitted to ask questions to clarify motions or information that is in the record.

5.02. Timing

Unless the hearing is continued or reopened, deliberations on a matter shall take place after the close of all of that meeting's scheduled public hearings.

5.03. Continued Deliberations

If the County Board desires to continue deliberations, it may do so. However, no additional testimony or information may be provided to the County Board unless the public hearing is reopened. County Board members may inspect any relevant geographical site or evidence without reopening the hearing.

5.04. Voting

Only those Commissioners attending the hearing may deliberate and vote.

5.05. Conflict of Interest

No member of the County Board is permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. A member who has a conflict of interest may not testify relative to the matter, nor discuss, deliberate, or communicate with the voting Commissioners.

Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a Commissioner from voting thereon shall be decided by majority vote of all Commissioners except the Commissioner who is being challenged.

Section 6. Findings of Fact

Findings of fact shall be approved and made a part of the County Board file in all cases when deemed necessary by the County Attorney.

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

Section 7. Notice Guidelines

The following guidelines are to be used by the Clerk of the County Board in providing notice of hearing unless different notice requirements are provided by the County Attorney.

ST. LOUIS COUNTY BOARD POLICIES
 RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
 CHAPTER 1

TYPE OF HEARING	STATUTE	PUBLICATION	POSTING	SERVICE
Townships				
Change of Boundaries	379.02, et seq		30 days	Clerk of each town
Change of Name	379.08	3 weeks at least, 30 days prior to hearing		
Cartways	164.08 164.07		10 days	Personal service to each occupant of land to be crossed. Written notification within 7 days of filing award of damages to each owner and occupant
County Highways				
Vacation	163.11, subd. 4		10 days	Personal service on occupants
Revocation/Reversion	163.11, subd. 5a			30 days' notice served on members of Town Board
Acquisition of land	163.21		10 days	10 days prior service on occupants. Written notice of award to owners and occupants within 7 days of filing award.
Petition for highway or portage	163.13		Reasonable	
Complaint of impassable town road	163.16			Mail notice to town clerk and persons signing complaint
Zoning				
Plan adopted by ordinance and amendments	375.51 394.26	10 days before hearing; once after enactment		

ST. LOUIS COUNTY BOARD POLICIES
 RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
 CHAPTER 1

Official controls adopted by ord. and amendments	375.51 394.26	10 days before hearing; once after enactment		Written notice sent to governing bodies of towns & municipalities in the County
Conditional use permit		10 days before hearing in official paper and a local paper		Incorporated area- Mail notice to all property owners of record within 500 feet of affected property Unincorporated area - Mail notice to owners of record within 1/4 mile of affected property or the 10 properties nearest to the affected property, whichever would provide notice to the greatest number of owners
Variances		10 days before in official paper and a local paper		Mail notice to all property owners of record within 500 feet of affected property
All other official controls, including subdivision and zoning regulations				Incorporated area- Mail notice to all owners of record within 500 feet of affected property Unincorporated area - Mail notice to all property owners 1/2 mile of affected property
Board of Equalization	274.13			Notice to taxpayers whose property may have value raise
Land Exchange				
Class B Land	94.344	Once, two weeks before hearing	Two weeks	

ST. LOUIS COUNTY BOARD POLICIES
RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS
CHAPTER 1

ADA COMPLIANT MEETING FACILITIES

RESOLUTION NO. 215

April 13, 2004

RESOLVED, that all meetings of St. Louis County boards, committees, and commissions shall be held in ADA compliant facilities, with consideration given to distance from parking, elevators, and accessibility ramps.

BOARD LETTER NO. 13 - 430

PUBLIC WORKS & TRANSPORTATION COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: October 8, 2013 **RE:** Extra Work Associated with CSAH
3/Becks Road Project – County
Project 8175

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 ridge system.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize extra work related to County Project 8175/SAP 69-603-011 on County State Aid Highway (CSAH) 3/Becks Road for rehabilitation of surrounding CSAH roads.

BACKGROUND:

A Supplemental Agreement was processed in the amount of \$234,867 for rehabilitation of surrounding roads due to damages caused by construction activities in the area. The prime contractor on this project subcontracted with Fahrner Asphalt Sealers, LLC, a specialty contractor for this work. The subcontractor was also under contract with St. Louis County for special sealing work, and was considered to be a sole source provider for this work in the surrounding area. The attached "Sole Source Procurement Justification" further explains the reasons for the Supplemental Agreement.

By combining this rehabilitation work with the existing contract, the county was able to leverage the opportunity of having the subcontractor perform the rehabilitation work to preserve the recent (2007) upgrade to the CSAH 13/Midway Road surface. The Supplemental Agreement has been approved by the Minnesota Department of Transportation and is eligible for St. Louis County State Aid Funding.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the extra work detailed in Supplemental Agreement No. 8 for County Project 8175/SAP 69-603-011 in the amount of \$234,867, payable from Fund 220, Agency 220168, Object 652700.

Extra Work Associated with CSAH 3/Becks Road Project – County Project 8175

BY COMMISSIONER _____

WHEREAS, A Supplemental Agreement was processed in the amount of \$234,867 for County Project 8175/SAP 69-603-011 on County State Aid Highway 3/Becks Road for rehabilitation of surrounding roads by Fahrner Asphalt Sealers, LLC; and

WHEREAS, The Supplemental Agreement has been approved by the Minnesota Department of Transportation and is eligible for St. Louis County State Aid Funding;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes extra work related to work on County Project 8175/SAP 69-603-011 in the amount of \$234,867 for rehabilitation of surrounding CSAH roads performed by Fahrner Asphalt Sealers, LLC, payable from Fund 220, Agency 220168, Object 652700.

APPENDIX C

St. Louis County Sole 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 to be purchased..."

This form must be approved by the Director of Purchasing 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 \$ 234,867 Contract period _____

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

1. What is it about this purchase that makes it unique? (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.)
2. What steps have you undertaken to determine that this is the only product/service that will meet your particular needs? (professional opinions/correspondence, trade publications, trade shows, visits to, or correspondence with, other institutions that have installed the same product, other site visitations, etc.)
3. Will this purchase tie us to a 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?)
4. 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.

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.

Director of Purchasing GARY ECKENBERG

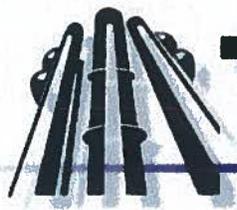
Signature of Director of Purchasing GARY ECKENBERG

Contact person and phone number X 26677

Buyer assigned to project DONNA VISKOE

Date: 10/2/13

- 1) Reclamite rejuvenating emulsion is a product produced in Bakersfield California by Tricor Refining, LLC and distributed by their Midwest Representative Fahrner Asphalt Sealers LLC. Fahrner Asphalt is the regional distributor for the Reclamite product. If the product was put out for bid, a distributor from another region would pass because of the substantial mobilization cost which would put them at a competitive disadvantage.
- 2) Public Works has been searching for a product to utilize on high volume roads that would preserve the pavement surface while minimizing the impact to the roadway and the public. Reclamite is a penetrating emulsion that can be place on the road surface and allowed to penetrate 3/8" into the pavement. It perpetuates the existing center and edgline striping because the emulsion sheds off of the impenetrable painted surface. Reclamite also minimizes the impact to traffic by re-opening to traffic sooner. A Reclamite treated roadway requires minimal drying time (less than 30 minutes with correct weather) and once sanded can be open to traffic.
- 3) The purchase of this product does not obligate Public Works to any future purchases. Only if the product performs as stated would future purchase be considered for other high volume roads.
- 4) No other vendor can supply the same product at a competitive price.



TRICOR REFINING, LLC

PRODUCERS of GOLDEN BEAR PRESERVATION PRODUCTS

ECONOMICAL SOLUTIONS FOR PAVEMENT PRESERVATION AND ROAD BUILDING

Reclamite[®]

Rejuvenating emulsion
and preservative seal

CRF[®]

Restorative/Rejuvenating
emulsion and cold pour
crack filler

Cyclogen[®]

Asphalt recycling
oils and emulsions

Coherex[®]

Dust retardant
and Soil stabilizer

**Rejuvenate
Repair
Recycle**

Three ways Tricor helps
shrink your maintenance costs.

Tricor can help you keep your road building and pavement preservation programs in the black with the use of time proven and field tested products. Tricor has been advancing asphalt technology for over 40 years. Whether your needs are emulsions for rejuvenation of asphalt, or oils for hot in place, cold in place or fixed plant recycling, Tricor has the right product for the right road at the right time.

Pavement Preservation

Reclamite® Rejuvenating Emulsion... extends the life of asphalt pavement at a low cost. How does it do this? Reclamite® stops pavement deterioration where it begins, at the top. Dry and brittle pavements exhibiting signs of oxidation, raveling or cracking can be rejuvenated to reverse these characteristics with a spray application of Reclamite®. Reclamite® will increase penetration values and reduce viscosity values, providing flexibility to the asphalt binder. It fluxes with and densifies the asphalt binder as it co-mingles with the asphalt binder.

CRF® Restorative Seal... specifically designed for asphalt surfaces exhibiting more severe deterioration than would normally be treated with Reclamite®. Pavements that have too many cracks for crackfilling and yet are candidates for conventional chip seal, slurry seal or overlay should be considered for CRF® treatment. CRF® remains flexible and resilient in most climates to create a "seal in depth". CRF® is applied in conventional surface spray applications, including "scrub seals".

CRF® Cold Pour Crackfiller... economical and safe. An easy to use crackfiller or spray patch emulsion. CRF® will not become brittle or crack, remaining resilient and effectively providing a long lasting seal even through freeze/thaw cycles in colder climates. There is no need for jacket kettles or costly equipment for application. Just pour and sand. A simple process that provides comprehensive results. CRF® is a one component product used undiluted as a Crackfiller and as a Restorative Seal when diluted.

Reclamite® Preservative Seal... Use it as an in-depth penetrating seal for all freshly laid asphalt surfaces. Results include tight waterproof asphalt, better compaction, stronger cold joints and sealed segregated areas, as well as improved flexibility.

Cyclogen® Recycling Oils and Emulsions... Used in hot in place recycling, fixed plant recycling, cold in place recycling and for RAP milling rejuvenation. An aggressive rejuvenator providing exceptional results. Cyclogen Oils are solvent-free products providing high natural solvency, yielding excellent fluxing and dispersion in the mix. Available in both hot oil and emulsion grades. Contact Tricor or your distributor for more information specific to your recycling application.

Coherex Dust Retardant... Coherex® creates cohesive "agglomerates". Dust retardant is an important part of pavement preservation when sprayed on road shoulder and ditch banks. By consolidating these areas with a non-leaching soil stabilizer, water is sent directly to run off areas with no opportunity to enter the road base or erode the shoulder and ditch areas.

Coherex® Base Stabilizer... Used as a soil stabilizer in the base construction of road beds. Added to your compaction/dust control water, Coherex® will create a solid, dense, waterproof road base. Longer lasting roads start with a better built road base.

Road Building Applications

Soil Treatment



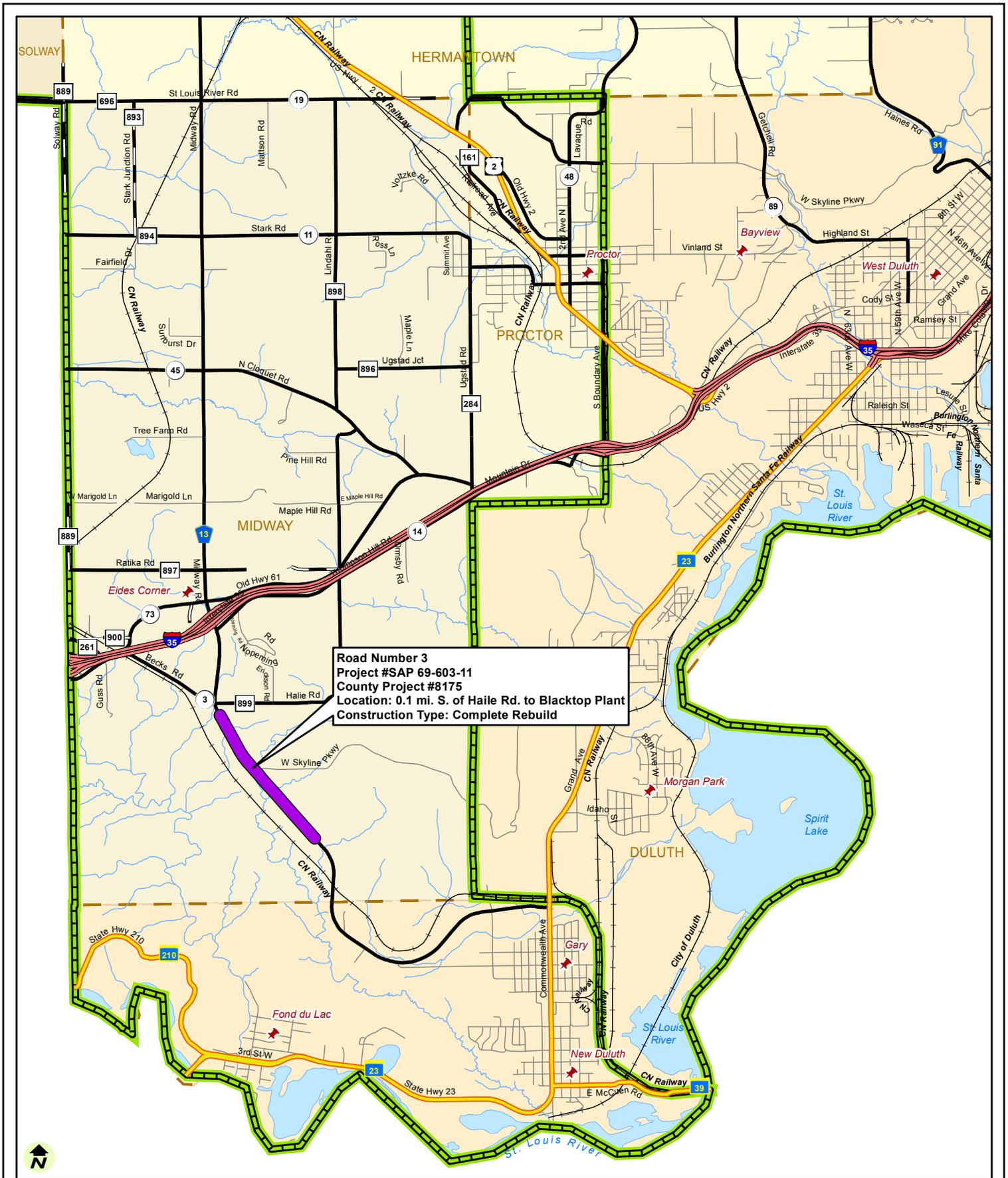
TRICOR REFINING, LLC
PRODUCERS of GOLDENBEAR PRESERVATION PRODUCTS

www.tricorrefining.com

Phone: 661.393.7110
P.O. Box 5877
Bakersfield, CA 93388-5877

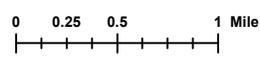
Your Authorized Tricor Distributor:





Road Number 3
Project #SAP 69-603-11
County Project #8175
Location: 0.1 mi. S. of Haile Rd. to Blacktop Plant
Construction Type: Complete Rebuild

St. Louis County 2011 Road & Bridge Construction



Map Components

- | | | |
|--------------------|----------------------------------|-------------------|
| Complete Rebuild | County/Unorg. Twp. Road - Paved | Township Boundary |
| Interstate Highway | County/Unorg. Twp. Road - Gravel | City/Town |
| U.S./State Highway | Railroad | Lake |
| | Commissioner District | River/Stream |

BOARD LETTER NO. 13 - 431

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: October 8, 2013 **RE:** New Policy – Background
Check and Notice of Alleged
Criminal Conduct

FROM: Kevin Z. Gray
County Administrator

James R. Gottschald, Director
Human Resources

RELATED DEPARTMENT GOAL:

A strong county infrastructure through innovation, responsible stewardship of county resources, and cost-effective and efficient programs.

ACTION REQUESTED:

The St. Louis County Board is requested to approve the proposed Background Check & Notice of Alleged Criminal Conduct Policy.

BACKGROUND:

Prior to 2009, the county routinely solicited information from interested applicants if they had ever been convicted of an offense other than a minor traffic violation. Affirmative responses were reviewed according to standards set forth in Minn. Stat. § 364 for possible disqualification from employment. In 2009, Minn. Stat. § 364.021(a) was amended so that a public sector employer may not inquire into or consider the criminal record or criminal history of an applicant for public employment until the applicant has been selected for an interview by the employer. This standard was further expanded to Minnesota private sector employers during the 2013 legislative session.

Following the change in Minnesota law in 2009, procedures across departments for collecting, reviewing and considering alleged criminal conduct of applicants have been varied—with the exception of new hires in the Sheriff's Office and specified positions within Public Health and Human Services. Adopting the proposed Background Check & Notice of Alleged Criminal Conduct Policy will not only ensure consistency across departments for new hires, and in some cases promotions, but will also ensure that background checks are held in compliance with all federal and state laws.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the proposed Background Check & Notice of Alleged Criminal Conduct Policy.

New Policy – Background Check and Notice of Alleged Criminal Conduct

BY COMMISSIONER _____

WHEREAS, St. Louis County desires to ensure compliance with all federal and state laws with respect to inquiring into and considering the criminal record or criminal history of an applicant for public employment;

THEREFORE, BE IT RESOLVED, The St. Louis County Board approves the adoption of the Background Check & Notice of Alleged Criminal Conduct Policy as contained in Board File No. _____;

RESOLVED FURTHER, The County Board directs the Human Resources Department to develop and administer procedures necessary to conduct pre-employment background checks consistent with the provisions of the 2013 Criminal Offenders/Rehabilitation Act.

St. Louis County
Background Check & Notice of Alleged Criminal Conduct Policy

Policy

It is the policy of St. Louis County to conduct pre-employment background checks in an effort to promote a safe and secure work environment for clients and employees and to ensure protection of St. Louis County property, finances and information.

Scope

This policy applies to all prospective new hires. Background checks on promotional, transfer, temporary, volunteer and contract positions will be conducted as deemed necessary.

Definitions

Background Check: A background check is the process of authenticating information supplied by an applicant in their application, interview and resume. It is intended to ensure that the candidate has the background and experience they claim and does not have a criminal conviction which would preclude them from employment in accord with state and federal law. The background check may include, but is not limited to tools to verify criminal history, academic credentials, employment history, credit standing, driving record or other verification tools appropriate to the responsibilities of the position.

Responsibilities

Employer

St. Louis County will ensure that background checks are held in compliance with all federal and state statutes such as the 1974 Criminal Offenders Rehabilitation Act Minn. Stat. 364, Minnesota's "Ban the Box" Minn. Stat. § 364.021, Human Services Background Studies Minn. Stat. 245C.03, Minn. POST Board Administrative Rules Minn. Stat.6700.0700, Fair Credit Reporting Act, the Americans With Disabilities Act, Title VII of the Civil Rights Act of 1964, and any other related statutes.

Employee Responsibility to Report

1. Employees must notify their supervisor or Human Resources immediately if they are subject to a misdemeanor, gross misdemeanor, or felony arrest, charge, and/or conviction or is incarcerated for any reason.
2. Notification must be a direct telephone call or written communication and must include the offense for which one is arrested or charged, date, time, jurisdiction of the alleged occurrence, and any other relevant information.
3. The Department, if applicable, must notify the Human Resources Director in the event that one of their employees is the subject of a misdemeanor, gross misdemeanor, or felony charge, arrest, and/or conviction or is incarcerated for any reason.

4. Failure to notify their supervisor or Human Resources immediately may result in disciplinary action up to and including discharge.
5. The Human Resources Department may seek input from the Department in reviewing the information and making decisions with regard to the employee's employment status in accordance with all applicable laws.

Procedure for Pre-employment Screening

1. The hiring authority determines the finalist(s) for the vacancy and contacts previous employers for employment reference checks and where applicable, the state licensing board to verify the status of an occupational license: i.e. the State Board of Nursing for a Public Health Nurse. If these references are favorable, the hiring authority will make a conditional job offer of employment to the candidate contingent on them meeting the requisite job-related, pre-employment screening(s).
 - a. When practical, written conditional job offers are recommended. It may contain position title, starting salary, post-conditional requirements such as criminal background check, medical exam, drug and/or alcohol test, driving record, etc.
 - b. The hiring authority will notify the Human Resources Department of the conditional job offer extended.
 - c. Pre-employment screening will be conducted for re-employments where the individual was off work for 6 months or longer or where they are re-employed to a classification requiring different screenings than the position from which they left.
2. The Human Resources Department is responsible for coordinating the pre-employment screening(s), which will be done concurrently and will maintain related documents.
3. The Human Resources Department or its designated service provider will provide the applicant with required advisory, consent notice and authorization forms. The applicant is required to return the necessary forms within 48 hours. Failure to complete and return the forms may result in withdrawal of the conditional employment offer.
4. The Human Resources Department will submit the required application, release and authorization forms to the service provider within three (3) business days.
5. The service provider will provide the Human Resources Department with a summary report.
6. If the applicant passes all pre-employment screenings, the Human Resources Department will notify the appointing authority, who will establish a start date with the applicant,
7. If the pre-employment screenings identify a potential disqualifier, the Human Resources Department will conduct an individual assessment and will consider the findings in accordance with applicable laws. Information considered must be job-related and consistent with business necessity.
 - a. The Human Resources Department will notify an applicant that they are considering their criminal history in making an employment decision and provide them with a Pre-Adverse Action Notice. Human Resources will also provide them with a summary of their rights and an opportunity to submit a response. The Human Resources Department will then consider whether an exception is warranted based on an individualized assessment including review of the applicant response if submitted.

- b. In the event it is necessary to withdraw a conditional job offer as a result of the pre-employment screening, the Human Resources Department will provide the applicant with a Post-Adverse Action Notice.

Records

All documents pertaining to this process will be maintained by Human Resources in accord with Minn. Stat. § 13.43, the Minnesota Government Data Practices Act.

Forms and Documentation

Sample Conditional Offer of Employment letter

Sample Pre-Adverse Action Notice

Sample Post-Adverse Action Notice

Sample Final Offer of Employment Letter

Sample Letter for Unsuccessful Candidate

**BACKGROUND CHECK & NOTICE OF ALLEGED CRIMINAL CONDUCT POLICY
RESOLUTION NO.**

BOARD LETTER NO. 13 - 432

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 2

BOARD AGENDA NO.

DATE: October 8, 2013 **RE:** New Policy – Respectful
Workplace, Bullying and
Workplace Violence

FROM: Kevin Z. Gray
County Administrator

James R. Gottschald, Director
Human Resources

RELATED DEPARTMENT GOAL:

A strong county infrastructure through innovation, responsible stewardship of county resources, and cost-effective and efficient programs.

ACTION REQUESTED:

The St. Louis County Board is requested to approve the new Respectful Workplace, Bullying and Workplace Violence Policy.

BACKGROUND:

St. Louis County has presented respectful workplace training to its employees since 2009. The training was initially mandatory for all employees and supervisors, and it continues to be delivered to all new hires via the new employee orientation process.

The county wishes to further its commitment to respect in the workplace by making it the policy of St. Louis County to provide a respectful work environment where bullying behavior and workplace violence are not tolerated. The new policy applies to interactions between employees and their colleagues, volunteers, constituents, customers, contractors and visitors.

To ensure a healthy, safe and supportive workplace, the policy outlines the expectations of covered individuals to not engage in behaviors characterized as having a malicious mix of humiliation, intimidation and hostility. The policy also specifies a formal procedure for reporting alleged violations. Human Resources will supplement the current respectful workplace training curriculum with information on both bullying and workplace violence.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the new Respectful Workplace, Bullying and Workplace Violence Policy.

New Policy – Respectful Workplace, Bullying and Workplace Violence

BY COMMISSIONER _____

RESOLVED, The St. Louis County Board adopts the new Respectful Workplace, Bullying and Workplace Violence Policy as contained in Board File No. _____;

RESOLVED FURTHER, The County Board directs the Human Resources Department to develop and administer employee training on respectful workplace, bullying and workplace violence to employees of St. Louis County.

St. Louis County
Respectful Workplace, Bullying and Workplace Violence Policy

Policy

It is the policy of St. Louis County to provide a respectful work environment where bullying behavior and workplace violence are not tolerated. All individuals covered by this policy are prohibited from engaging in any conduct that constitutes bullying or workplace violence.

Scope

This policy applies to all County employees, volunteers, consultants, contractors, vendors, customers and visitors to any county facility and all locations where county business is being conducted.

Definitions

Respectful Workplace: A respectful workplace is one that is healthy, safe and supportive and values diversity and dignity. It is a place where people are treated with respect, employees are valued and communication is polite and courteous. If there is conflict or inappropriate behavior, it is addressed in a positive and respectful manner.

Bullying: Repeated mistreatment of one or more employees with a malicious mix of humiliation, intimidation and sabotage of performance. Bullying is often characterized by insulting, hurtful, hostile, vindictive, cruel or malicious behaviors which undermine, disrupt or negatively impact another's ability to do his or her job and results in a harmful work environment for the employee(s). Examples include:

- Verbal: calling names, insulting, teasing, yelling or profane language
- Physical: hiding or damaging someone's personal possessions
- Social: gossiping, isolation, spreading rumors, cyber bullying or disregarding a person
- Psychological: stalking, scaring or intimidating someone
- Work specific: always giving someone 'the undesirable jobs', continuously having unreasonable expectations, withholding the necessary tools to do the job properly and then chastising the employee for not performing

Workplace Violence: Workplace violence is an act of aggression, physical assault or threatening behavior that occurs in a work setting and causes physical or emotional harm to another person. Examples include: unwanted touching, pushing or hitting.

Retaliation: Retaliation is adverse treatment because a person filed a charge or cooperated in an investigation. Example: Refusing to grant time off to an employee who was a witness to a complaint would be retaliation.

Responsibilities

All individuals covered by this policy are expected to become familiar with it, comply with it and report violations in accordance with the complaint procedure. Where appropriate, an individual may confront the inappropriate behavior.

Complaint Procedure

- A. All complaints must be filed within 30 days after the initial occurrence of the alleged violation, unless the alleged violation is of an ongoing nature at the time of the filing of the complaint. A complaint can be filed with a supervisor, department head, or an appropriate Human Resources Department staff member.
- B. All individuals covered under this policy must fully cooperate and provide honest and complete information. False accusations or abuse of this policy will not be tolerated. Complaints which are made in good faith, even if they are unsubstantiated, are not a violation of this policy. Disciplinary action may be taken as necessary, up to and including termination of employment. St. Louis County will not tolerate retaliation or intimidation directed toward anyone who reports suspected violations of this policy or participates in an investigation of a complaint.
- C. Upon receipt of a complaint, if criminal conduct is suspected or formal charges have been filed, the matter will be turned over to law enforcement officials and the County Attorney's Office for further handling.
- D. If no criminal conduct is suspected, information will be gathered to determine whether the allegations violate any County policies.
- E. The information gathered will depend on the specifics of each complaint and may include receiving statements from individuals who may have witnessed the alleged behavior, reviewing relevant documentation and researching available records. Before conducting any interview, the interviewer will provide the interviewee the appropriate Tennessee Warning. Human Resources Department staff will advise any employee who may have allegedly engaged in inappropriate activity that they have a right to union representation when they meet with Human Resources Department staff for an investigatory interview that may result in disciplinary action.
- F. Upon completion of an investigation, the Human Resources Department staff member will submit a summary investigation report to the Human Resources Director which will include recommendations for resolution. The Human Resources Director or designee shall communicate with the Department Head of the department where the complaint was made, the results and recommendations. Within 10 days, the Department Head shall proceed with the recommendations and notify the Human Resources Department of the action taken; or, if the Department Head disagrees, notify Human Resources the reason for the disagreement. Such notification will be forwarded to the County Administrator for review and resolution. The Human Resources Director will periodically inform the County Administrator of the status of all complaints, investigations and resulting corrective action taken. Human Resources Department staff will notify all individuals

participating in an investigation that they are protected by state and federal law and County policy against retaliation.

- G. All information gathered during an investigation will be kept confidential, to the extent allowed by law, and made available for review only by those with a legitimate need to know, unless required to be divulged as part of the investigation or pursuant to law. Any individual desiring information about an investigation must submit a Data Practice Request to Administration.

Forms and Documentation

SLC Complaint Form

**RESPECTFUL WORKPLACE, BULLYING AND WORKPLACE VIOLENCE POLICY
RESOLUTION NO.**

BOARD LETTER NO. 13 - 433

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 3

BOARD AGENDA NO.

DATE: October 8, 2013 **RE:** Revised Policy – Smoke and
Tobacco Free Workplace
Policy

FROM: Kevin Z. Gray
County Administrator

James R. Gottschald, Director
Human Resources

RELATED DEPARTMENT GOAL:

A strong county infrastructure through innovation, responsible stewardship of county resources, and cost-effective and efficient programs.

ACTION REQUESTED:

The St. Louis County Board is requested to approve the revised Smoke and Tobacco Free Workplace Policy.

BACKGROUND:

The St. Louis County Board adopted County Board Resolution No. 88-148 on February 23, 1988, establishing a policy which prohibited county employees or anyone else from smoking in any county building, any space rented by the county or in any county vehicle. On April 12, 1994, the County Board adopted Resolution No. 94-271 which authorized reimbursement up to \$150 from the county's self-insured health insurance fund for those employees who wanted professional tobacco-use cessation assistance.

The Minnesota Clean Indoor Air Act, Minn. Stat. §144.411 - §144.417, was amended in 2007 to protect employees and the general public from the hazards of secondhand smoke by eliminating smoking in public places, places of employment, public transportation and at public meetings. Since that time, there has been an increasing presence of devices which simulate the act of smoking, including e-cigarettes, personal vaporizers and other devices which use cartomizers or atomizers.

While these types of devices do not fit the definition of smoking, they are not a Food & Drug Administration (FDA) approved method of smoking cessation. Further, the act of using an e-cigarette or similar device resembles the act of smoking and the health risks

are unknown. Therefore, the Smoke and Tobacco Free Workplace Policy has been updated to prohibit the use of e-cigarettes and similar devices in the workplace.

The county's self-insured health plan now provides for smoking cessation drugs, including over-the-counter nicotine replacement products. These alternatives make the \$150 reimbursement from the health fund no longer necessary.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the revised Smoke and Tobacco Free Workplace Policy. It is further recommended that the County Board rescind Resolutions No. 88-148 (No Smoking Policy) and No. 94-271 (Smoking Cessation Reimbursement).

Revised Policy – Smoke and Tobacco Free Workplace Policy

BY COMMISSIONER _____

RESOLVED, The St. Louis County Board adopts the amended Smoke and Tobacco Free Workplace Policy as contained in Board File No. _____;

RESOLVED FURTHER, The previous No-Smoking and Smoking Cessation Reimbursement Board Resolutions (Resolutions No. 88-148 and 94-271) and policies are hereby rescinded.

St. Louis County
Smoke and Tobacco Free Workplace Policy

Policy

It is the policy of St. Louis County to provide a safe and healthy workplace and promote the health and wellbeing of its employees and visitors. All individuals covered by this policy are prohibited from smoking, using tobacco products or electronic cigarettes as defined below.

Scope

This policy applies to all County employees, volunteers, consultants, contractors, vendors, customers and visitors to any County facility, all space rented by the County and in any County vehicle or piece of equipment. Smoking, the use of tobacco products or electronic cigarettes is only allowed in designated areas at least twenty-five feet from County entrances. This policy does not apply to tobacco use as part of a Traditional Native American ceremony that has received prior approval by the County.

Definitions

Electronic cigarettes: The use or display of any device simulating the act of smoking, also known as vaping. Electronic cigarettes include but are not limited to e-cigarettes, personal vaporizers and devices that use cartomizers or atomizers. Electronic cigarettes (e-cigarettes) do not fit the definition of smoking, but because they are not an approved method of smoking cessation by the Food and Drug Administration (FDA), the act of using an e-cigarette resembles the act of smoking and the health risks and benefits are unknown, the use of e-cigarettes is also prohibited.

Smoking: Smoking is defined as the inhaling or exhaling of smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.

Tobacco Use: The use of any tobacco product as defined below whether the tobacco is chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed or ingested. Tobacco use includes inhaling or exhaling smoke from any lighted cigar, cigarette, pipe or any other lighted tobacco or plant product as well as carrying a lighted cigar, cigarette, pipe or any other lighted tobacco or plant product intended for inhalation.

Tobacco Products: Any product containing, made or derived from tobacco or similar synthetic or herbal substance intended for human consumption. Tobacco products, include but are not limited to cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, cigarettes and other kinds and forms of tobacco.

Traditional Native American ceremonies: The Minnesota Clean Air Act does not prohibit smoking by a Native American as part of a traditional Native American spiritual or cultural ceremony. Therefore, the

use of tobacco for this purpose, with prior approval by the County, is not a violation of this policy. For purposes of this section, a Native American is a person who is a member of an Indian tribe as defined in Minnesota Statutes, section 260.755, subdivision 12.

Responsibilities

All individuals covered by this policy are expected to become familiar with it and comply with all of its provisions. Enforcement of this policy is a shared responsibility of all staff.

New employees will receive a copy of this policy with their New Employee Orientation packet. Current employees will receive a copy of this policy via County-wide email. Supervisors will be asked to discuss the policy with their employees. Any violation of this policy will result in disciplinary action up to and including discharge.

The general public will be informed via the County internet site and signage at County buildings and other County property. Any non-employee violating this policy will be reminded of the policy and asked to comply; and if they do not comply, they may be asked to leave. If the person refuses to leave, a person in charge shall handle the situation consistent with lawful methods.

Complaint Procedure

A report of an employee violating this policy should be brought to the attention of a supervisor to investigate and resolve in accordance with the policy. When resolving complaints, the health concerns of the employee desiring a smoke-free, tobacco-free or vapor-free area will be given priority. Employees are protected from retaliation for raising a complaint or asking a question about this policy.

References

The Minnesota Clean Indoor Air Act, Minnesota Statute 144.411 – 144.417

St. Louis County Resolution No. 148 dated February 23, 1988: No-Smoking Policy - Rescinded

St. Louis County Resolution No. 271 dated April 12, 1994: Smoking Cessation Reimbursement - Rescinded

Smoke and Tobacco Free Workplace Policy

RESOLUTION NO.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the revised Discrimination, Harassment and Retaliation Policy. It is further recommended that the County Board rescind Resolutions No. 87-103 (Sexual Harassment Policy), 02-102 (Discrimination), and 05-494 (Policy Prohibiting Discrimination, Harassment, and Retaliation, Including Complaint Procedure).

Revised Policy – Discrimination, Harassment and Retaliation

BY COMMISSIONER _____

RESOLVED, The St. Louis County Board adopts the revised Discrimination, Harassment and Retaliation Policy as contained in Board File No. _____;

RESOLVED FURTHER, The previous discrimination, harassment and retaliation Board resolutions and policies (Resolutions No. 87-103, 02-102, and 05-494) are hereby rescinded;

RESOLVED FURTHER, The Board directs the Human Resources Department to continue presenting employee training on the discrimination, harassment and retaliation policy to employees of St. Louis County.

St. Louis County
Discrimination, Harassment and Retaliation Policy

Policy

It is the policy of St. Louis County to provide equal employment opportunities including access to County facilities, programs and services. The County prohibits discrimination, harassment and retaliation in compliance with all applicable laws based on an individual's protected class.

Scope

This policy applies to all county employees, consultants, contractors, vendors, customers and visitors on all county property and any location which may be reasonably regarded as an extension of the work place.

Definitions

Protected Class: Protected class is a term which describes characteristics or factors which cannot be targeted for discrimination and harassment, which include: race, color, creed, religion, national origin, sex, marital status, age, sexual orientation, status with regard to public assistance, disability, genetic information, veteran status or activity in a local Human Rights Commission or any other characteristic protected by law in all terms, conditions, and privileges of employment.

Discrimination: Discrimination is different treatment based on a person's protected class. Examples: I was not hired because of my gender. I was not promoted because of my race. I was not allowed to go to training because of my age.

Harassment: Harassment is a form of discrimination. Harassment is unwelcome or unwanted conduct by an employee, customer or supplier, based on a protected class, which directly or indirectly threatens or adversely affects an employee's safety, wages and benefits, working conditions and other privileges of employment. Harassment can be communicated in person, in writing, by telephone, by electronic mail, text messages, social networking sites, voicemail, etc.

Sexual Harassment: Sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature including offensive remarks related to one's sex when submission to such conduct is made either explicitly or implicitly a term or condition of employment. Conduct is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when submission to or rejection of such conduct is used as the basis for employment decisions ("Quid pro quo harassment"). Quid pro quo harassment may include but is not limited to offering employment benefits in exchange for sexual favors or withholding benefits if an employee resists providing sexual favors. Such benefits may include: promotions, favorable performance evaluations, favorable assigned duties or shifts or other benefits such as recommendations or reclassifications. Sexual harassment may include non-sexual conduct that is discriminatory on the basis of the person's sex.

Examples of sexual harassment include, but are not limited to:

- Verbal: unwanted sexual innuendos, comments or jokes of a sexual nature; comments about an individual's body or appearance; or sexually degrading words to describe an individual
- Written: unwanted or obscene sexual e-mails, letters, texts, notes, invitations or social networking site postings
- Visual: unwanted sexual gestures, leering, inappropriate display of sexually explicit objects, pictures, cartoons or posters, including computer accessing, downloading, or viewing of sexually suggestive files
- Physical: unwanted sexually suggestive touching or body contact, impeding or blocking movement or assault

Retaliation: Retaliation is adverse treatment because a person filed a charge of discrimination, or cooperated in an investigation. Example: Refusing to grant time off to an employee who was a witness to a complaint would be retaliation.

Responsibilities

All individuals covered by this policy are expected to become familiar with it and report violations in accordance with the complaint procedure. Where appropriate, an individual may confront the inappropriate behavior.

Complaint Procedure

- A. All complaints must be filed within 30 days after the initial occurrence of the alleged violation, unless the alleged violation is of an ongoing nature at the time of the filing of the complaint. A complaint can be filed with a supervisor, department head, the Affirmative Action Officer or any Human Resources Department staff member. Supervisors must report all complaints of discrimination, harassment or retaliation to Human Resources staff. Supervisors who knowingly allow or tolerate discrimination or harassment are in violation of this policy and are subject to discipline.
- B. All individuals covered under this policy must fully cooperate and provide honest and complete information. False accusations or abuse of this policy will not be tolerated. Complaints which are made in good faith, even if they are unsubstantiated, are not a violation of this policy. Disciplinary action may be taken as necessary, up to and including termination of employment. St. Louis County will not tolerate retaliation or intimidation directed toward anyone who reports suspected violations of this policy or participates in an investigation of a complaint.

- C. Upon receipt of a complaint, if criminal conduct is suspected or formal charges have been filed, the matter will be turned over to law enforcement officials and the County Attorney's Office for further handling.
- D. If no criminal conduct is suspected, information will be gathered to determine whether the allegations fall within the parameters of illegal activity as defined by state or federal laws and/or violate any County policies. Complaints will be investigated by the Affirmative Action Officer in conjunction with the Human Resources Advisor and/or other staff as deemed appropriate
- E. The information gathered will depend on the specifics of each complaint and may include receiving statements from individuals who may have witnessed the alleged behavior, reviewing relevant documentation and researching available records. Before conducting any interview, the Human Resources Advisor and/or Affirmative Action Officer will provide the interviewee the appropriate Tennessee Warning. Human Resources Department staff will advise any employee who may have allegedly engaged in inappropriate activity that they have a right to union representation when they meet with Human Resources Department staff for an investigatory interview that may result in disciplinary action.
- F. Upon completion of an investigation, the Human Resources Department staff member will submit a summary investigation report to the Human Resources Director or designee which will include recommendations for resolution. The Human Resources Director shall communicate with the Department Head of the department where the complaint was made, the results and recommendations. Within 10 days, the Department Head shall proceed with the recommendations and notify the Human Resources Department of the action taken; or, if the Department Head disagrees, notify Human Resources the reason for the disagreement. Such notification will be forwarded to the County Administrator for review and resolution. The Human Resources Director will periodically inform the County Administrator of the status of all complaints, investigations and resulting corrective action taken. Human Resources Department staff will notify all individuals participating in an investigation that they are protected by state and federal law and County policy against retaliation.
- G. All information gathered during an investigation will be kept confidential, to the extent allowed by law, and made available for review only by those with a legitimate need to know, unless required to be divulged as part of the investigation or pursuant to law. Any individual desiring information about an investigation must submit a Data Practice Request to Administration.
- H. Employees also have the right to seek assistance from the U.S. Equal Employment Opportunity Commission and/or Minnesota Department of Human Rights. These agencies are responsible for enforcing various laws prohibiting discrimination in employment.

Forms and Documentation

SLC Complaint Form

References

Title VII of the Civil Rights Act of 1964, as amended

Minnesota Human Rights Act

Title I and Title V of the Americans with Disabilities Act of 1990, as amended

The Age Discrimination in Employment Act of 1967, as amended

The Equal Pay Act of 1963, as amended

Title II of the Genetic Information Nondiscrimination Act of 2008

The Uniformed Services Employment and Reemployment Rights Act

St. Louis County Resolution No. 103 dated February 23, 1987: Sexual Harassment Policy –Rescinded

St. Louis County Resolution No. 102 dated January 22, 2002: Discrimination – Rescinded

St. Louis County Resolution No. 494 dated October 4, 2005: Policy Prohibiting Discrimination, Harassment, and Retaliation, Including Complaint Procedure – Rescinded

DISCRIMINATION, HARASSMENT AND RETALIATION POLICY

RESOLUTION NO.