

AGENDA

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



Tuesday, November 26, 2013, 9:30 A.M.

**Hibbing City Council Chambers
401 East 21st Street
Hibbing, Minnesota**

**CHRIS DAHLBERG, Chair
Third District**

**FRANK JEWELL
First District**

**ANGIE MILLER
Second District**

**MIKE FORSMAN – Vice Chair
Fourth District**

**PETE STAUBER
Fifth District**

**KEITH NELSON
Sixth District**

**STEVE RAUKAR
Seventh District**

County Auditor
Donald Dicklich

County Administrator
Kevin Gray

County Attorney
Mark Rubin

Clerk of the Board
Phil Chapman

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

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

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

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

ST. LOUIS COUNTY BOARD AGENDA

November 26, 2013

Page 2

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

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

Employee and Retiree Longevity Recognition

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

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

9:40 A.M. PUBLIC HEARING pursuant to Resolution No. 13-653, adopted October 22, 2013, to consider the granting of an off-sale intoxicating liquor license to MSO & ALS, LLC d/b/a The Landing, Beatty Township. {13-489}

CONSENT AGENDA

Approval of business submitted on the consent agenda.

REGULAR AGENDA

Finance & Budget Committee – Commissioner Raukar, Chair

1. Application for license to sell tobacco products at retail by Keith and Lois Nelson d/b/a At Your Convenience, Fayal Township, renewal. {13-484}

Public Works & Transportation Committee – Commissioner Forsman, Chair

2. Award of Bid – Mesabi Trail, Breitung Township. {13-490} [Has not been to committee; requires consent of the Board to be considered.]

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

3. The County Attorney has requested a closed session of the Committee of the Whole for litigation discussion. It is requested that the County Board convene a closed session immediately after the Board meeting adjourns.

ADJOURNED:

BOARD LETTER NO. 13 - 489

FINANCE & BUDGET COMMITTEE

**NOVEMBER 26, 2013 BOARD AGENDA 9:40 A.M.
PUBLIC HEARING**

DATE: November 26, 2013 **RE:** Public Hearing to Consider Off-Sale Intoxicating Liquor License (Beatty Township)

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor

RELATED DEPARTMENT GOAL:

Provide mandated and discretionary licensing services in a timely manner.

ACTION REQUESTED:

The St. Louis County Board is requested to consider an off-sale intoxicating liquor license for MSO & ALS L. L. C. d/b/a The Landing, Beatty Township.

BACKGROUND:

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

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

RECOMMENDATION:

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

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

BY COMMISSIONER _____

WHEREAS, MSO & ALS L. L. C. d/b/a The Landing, Beatty Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

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

WHEREAS, A public hearing was held on November 26, 2013, at 9:40 A.M. in the City Council Chambers, City Hall, Hibbing, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

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

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

THEREFORE, BE IT RESOLVED, That Off-Sale Intoxicating Liquor License (License Number CMB14156) shall be issued to MSO & ALS L. L. C. d/b/a The Landing, Beatty Township, located in Area 3, for an annual fee of \$150.00;

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

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

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

BOARD LETTER NO. 13 - 484

FINANCE & BUDGET COMMITTEE NO. 1

NOVEMBER 26, 2013 BOARD AGENDA NO. 1

DATE: November 12, 2013 **RE:** Tobacco Products License
Application (Fayal Township)

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor

RELATED DEPARTMENT GOAL:

Provide mandated and discretionary licensing services in a timely manner.

ACTION REQUESTED:

The St. Louis County Board is requested to approve the application for a Tobacco License.

BACKGROUND:

The following Tobacco Products Licensing Application has been submitted for Board approval:

Keith/Lois Nelson d/b/a At Your Convenience, Fayal Township, Tobacco Products License No. T144, *RENEWAL*.

The business is a gas and convenience store located on U.S. Highway 53, in Fayal Township.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the requested tobacco license.

Tobacco Products License Application (Fayal Township)

BY COMMISSIONER: _____

RESOLVED, That pursuant to St. Louis County Ordinance No. 51, the application for license to sell tobacco products, at retail, on file in the office of the County Auditor, identified as County Board File No. 59631, is approved and the County Auditor is authorized to issue the license as follows;

Keith/Lois Nelson d/b/a At Your Convenience, Fayal Township, Tobacco Products License No. T144, *RENEWAL*.

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

BOARD LETTER NO. 13 - 490

PUBLIC WORKS & TRANSPORTATION COMMITTEE

NOVEMBER 26, 2013 BOARD AGENDA NO. 2

DATE: November 26, 2013 **RE:** Award of Bid – Mesabi Trail
(Breitung 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 an award of bid for Mesabi Trail work in Breitung Township.

BACKGROUND:

County staff is authorized under Resolution No. 88-381, dated May 24, 1988, to call for bids on projects which are already included in the budget document. Bids were received on October 31, 2013 for a Mesabi Trail project in Breitung Township. The project, along with its financing, is shown below:

- Project:** SP 69-090-021, CP 0000-3636
Location: Murray Road to TH 169, in Breitung Township, length 2.06 miles
Traffic: N.A.
PQI: N.A.
Construction: Mesabi Trail/Vermilion Trail Phase 3
Funding: Fund 220, Agency 220164, Object 652700
Anticipated Start Date: December 2, 2013
Anticipated Completion Date: June 30, 2014
Engineer's Estimate: \$670,715.00

BIDS:

Mesabi Bituminous, Inc. Gilbert, MN	\$714,441.10 (+\$43,726.10, +6.52%)
Utility Systems of America, Inc., Eveleth, MN	\$911,167.10
KGM Contractors, Inc. Angora, MN	\$948,682.58

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize an award of bids to Mesabi Bituminous, Inc., of Gilbert, MN, for SP 69-090-021, CP 0000-3636, in the amount of \$714,441.10, payable from Fund 220, Agency 220164, Object 652700.

Award of Bid – Mesabi Trail (Breitung Township)

BY COMMISSIONER _____

WHEREAS, Bids have been received electronically by St. Louis County Public Works Department for the following project:

SP 69-090-021, CP 0000-3636 located on Murray Road to TH 169, in Breitung Township
and

WHEREAS, Bids were opened on October 31, 2013, and the low responsible bid determined;

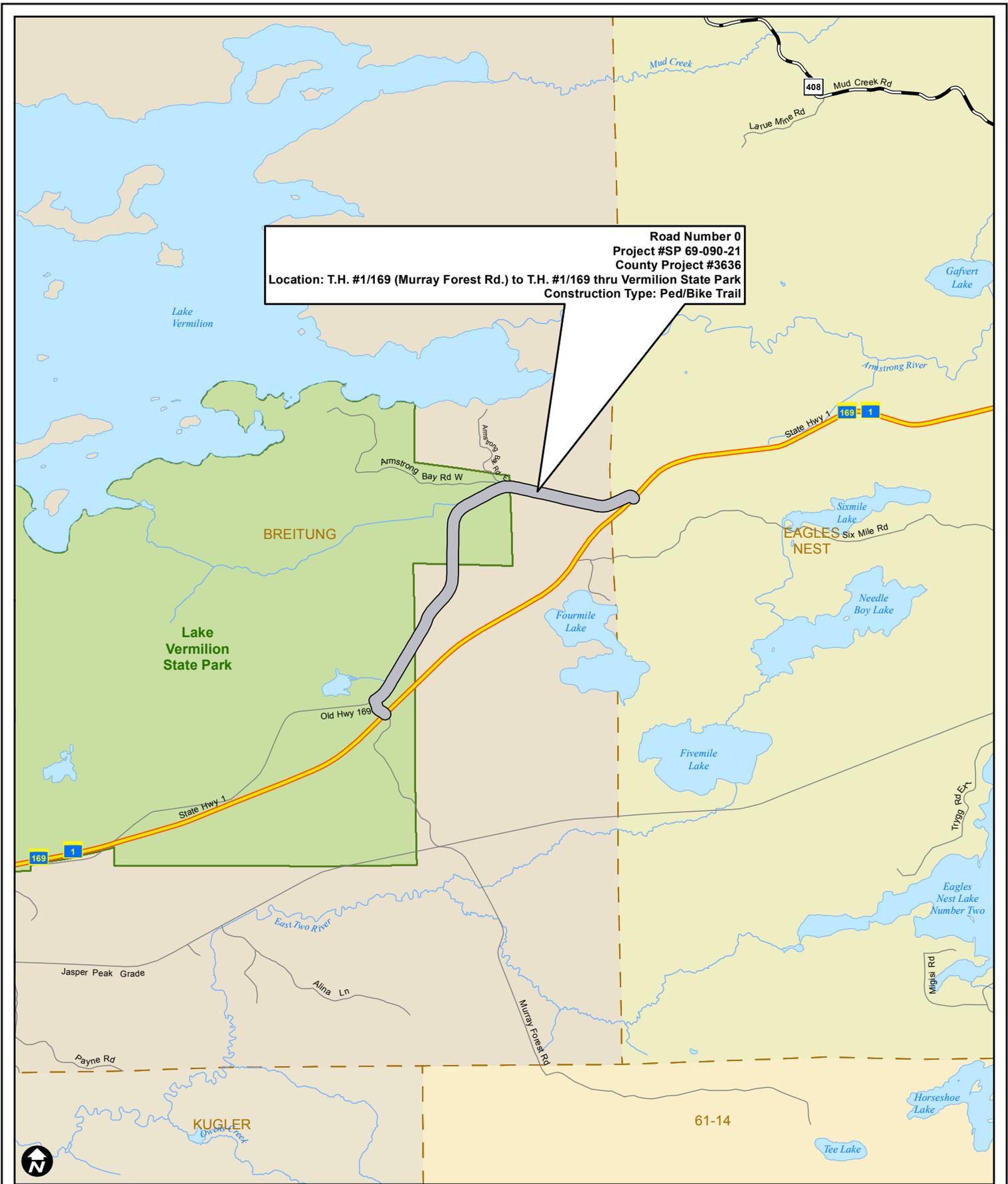
THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the award on the above project to the low bidder:

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Mesabi Bituminous, Inc.	P.O. Box 728 Gilbert, MN 55741	\$714,441.10

RESOLVED FURTHER, That the appropriate county officials are authorized to approve the Contractor's Performance Bonds and to execute the bonds and contract for the above listed project payable from Fund 220, Agency 220164, Object 652700.

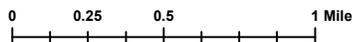
With additional revenue budgeted for expense:

Regional Rail Authority (RRA): Fund 220, Agency 220164, Rev. Obj. 583101 \$314,441.10



Road Number 0
Project #SP 69-090-21
County Project #3636
Location: T.H. #1/169 (Murray Forest Rd.) to T.H. #1/169 thru Vermilion State Park
Construction Type: Ped/Bike Trail

St. Louis County 2013 Road & Bridge Construction



Map Components

- | | | |
|-----------------------------|----------------------------------|-------------------|
| Mesabi Bike Trail | County/Unorg. Twp. Road - Paved | Township Boundary |
| Ped/Bike Trail Construction | County/Unorg. Twp. Road - Gravel | City/Town |
| Interstate Highway | Local Road/City Street | Lake |
| U.S./State Highway | Railroad | River/Stream |
| | Commissioner District | |

**Resolution for Closed Session of the Committee of the Whole
for Litigation Purposes**

BY COMMISSIONER _____

WHEREAS, Pursuant to Minn. Stat. § 13D.05, Subd. 3(b), the St. Louis County Board may close a meeting as permitted by the attorney/client privilege; and

WHEREAS, The County Attorney requires discussion on potential settlement and litigation strategy with the County Board in a closed session of the Committee of the Whole;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board will convene in a closed meeting of the Committee of the Whole on November 26, 2013 for the purpose of discussing settlement and litigation strategy immediately following the County Board meeting.