



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

February 28, 2012
Immediately following the Board Meeting, which begins at 9:30 A.M.
Hibbing City Hall, City Council Chambers, 401 East 21st Street, Hibbing, 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 February 14, 2012

Environment & Natural Resources Committee – Commissioner Dahlberg, Chair

1. Private Sale of State Tax Forfeited Land – Dagger [12-69]
2. Roadway Easement across State Tax Forfeited Land - Hoffman and Graves Land Corporation [12-70]
3. Utility Easement across State Tax Forfeited Land - Minnesota Power [12-71]
4. Repurchase of State Tax Forfeited Land – Hantz [12-72]
5. Contract for Management and Recycling of Used Tires [12-73]

Public Works & Transportation Committee – Commissioner Forsman, Chair

6. Agreement with Lake County for County Project 92761 – Rumble Strips and Edge Striping 2012 [12-74]
7. Agreement for Construction of Sanitary Sewer on CSAH 48 (City of Hermantown) [12-75]

Finance & Budget Committee – Commissioner Raukar, Chair

8. Abatement List for Board Approval [12-76]
9. Fire Alarm Control System Replacement/Upgrade – Hibbing Courthouse [12-77]
10. Utility Easement across County Fee Land – Great River Energy [12-78]

Public Safety & Corrections Committee – Commissioner Sweeney, Chair

11. Acceptance of the 2011 Mass Sheltering Grant [12-79]
12. Acceptance of the 2011 Homeland Security Buffer Zone Protection Program Grant [12-80]
13. Radio Maintenance Service Agreements with Lake and Carlton Counties [12-81]

ESTABLISHMENT OF PUBLIC HEARINGS:

Finance & Budget Committee – Commissioner Raukar, Chair

14. Establish Public Hearing to Consider Off-Sale Intoxicating Liquor License – Fredenberg Township (Tuesday, March 13, 2012, 9:35 a.m., St. Louis County Courthouse, Duluth, MN) [12-82]

REGULAR AGENDA:

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

Environment & Natural Resources Committee – Commissioner Dahlberg, Chair

1. **Award of Regional Landfill Phase 6 Construction [12-83]**
Resolution to award a contract for construction services to Frattalone Companies of St. Paul, Minnesota.

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

- 1. Naming the Joint Public Safety Building Training Room in Honor of Ellen Louise Pence [12-84]**
Resolution naming the new St. Louis County/City of Duluth Joint Public Safety Building training room in honor and memoriam of Ellen Louise Pence
- 2. Support for Legislation Modifying Wetland Replacement Requirements [12-85]**
Resolution of support for H.F. 2105, legislation that will modify wetland replacement requirements in counties with 80% or more of their pre-settlement wetlands remaining.
- #3. Civil Service Rule Amendments [12-86]**
Resolution amending the St. Louis County Civil Service Rules.

COMMISSIONER DISCUSSION ITEMS AND REPORTS:

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

ADJOURNED:

Because there is no County Board meeting scheduled for March 6th, the Board may reconvene to address these agenda items. The next County Board/Committee of the Whole meeting will be held on March 13, 2012, Courthouse, Duluth.

NEXT COMMITTEE OF THE WHOLE MEETING DATES:

March 13, 2012	Commissioners' Conference Room, Courthouse, Duluth, MN
March 27, 2012	Joint Public Works Facility, 2210 East Sheridan Street, Ely, MN
April 3, 2012	Commissioners' Conference Room, Courthouse, Duluth, MN

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

COMMITTEE OF THE WHOLE
ST. LOUIS COUNTY BOARD OF COMMISSIONERS

Tuesday, February 14, 2012

Location: Duluth Courthouse, County Commissioners Conference Room
Present: Commissioners Jewell, O'Neil, Dahlberg, Forsman, Sweeney and Nelson
Absent: Commissioner Raukar
Convened: Chair Nelson called the meeting to order at 9:45 a.m.

CONSENT AGENDA

O'Neil/Forsman moved to approve the consent agenda. (6-0)

- Minutes of February 7, 2012

1. Cancellation of Contract for Purchase of State Tax Forfeited Land – Hill
2. Cancellation of Contract for Repurchase of State Tax Forfeited Land – Mogensen
3. Reinstatement of Contract for Repurchase of State Tax Forfeited Land – Olson
4. Depot Train Museum Roof Repair – Administration and Project Closeout Services
5. Extension of Memorandum of Understanding with Minnesota Department of Veterans Affairs
6. Correction of 2012 Boundary Waters Task Force Grant Amount and Rescind Resolution No. 11-588

REGULAR AGENDA

Commissioner Sweeney nominated Commissioner Jewell to serve on the Joint Powers Board for the Conservation and Management of Clean Water. Commissioner Dahlberg nominated Commissioner Forsman and Commissioner Nelson, who previously served on this board. Dahlberg/O'Neil moved the resolution without recommendation. Commissioner Dahlberg said the slate will be considered at the next meeting and the board will select two of the three nominees to serve. (6-0) (without recommendation)

Sweeney/O'Neil moved to approve an increase to the maximum amount allowed for attorney's fees in guardianship matters. County Attorney Rubin said the current rate is only \$50.00 per hour, but the maximum amount allowed is \$250. County Attorney Rubin said the request is to increase the maximum amount to \$600, which will better serve the elderly and vulnerable population, particularly with the growing concern of abuse of these individuals. (6-0)

Forsman/Jewell moved without recommendation a resolution authorizing a grant to the City of Floodwood for the development of its business park to support the Floodwood Services and Training on their plan to build a new recycling and processing center. Planning and Community Development Director Barb Hayden said the funding includes \$139,000 from the Economic Development – Minnesota Investment Fund (MIF), and \$150,000 from the St. Louis County HRA. Director Hayden said this project will create 45 jobs for low-income persons and those with disabilities, noting this project is a good fit with the HRA's mission. Commissioner Nelson asked Director Hayden to put together a retrospective of the past 10 years to insure these funds are equally distributed. Commissioner Dahlberg said whenever we can help people with disabilities it is important and he supports this project. After further discussion, Director Hayden clarified that the MIF funding is restricted on what it can be used for and while this project qualifies, it is not open to every industrial park due to the narrow focus. (6-0) (without recommendation)

Commissioner Jewel introduced the Association of Minnesota Counties (AMC) 2012 Delegate and Policy Committee appointments. Administrator Gray said the delegates consist of all seven commissioners, the county administrator, along with director of planning and community development and the director of public health and human services. Administrator Gray said AMC changed the way they appoint policy committees and now ask that counties make their own appointments. The county must appoint at least one member to each of the five policy committees; however, counties with seven commissioners can have two commissioners appointed to two of the policy committees. Commissioner Dahlberg nominated Commissioner Forsman to the transportation committee, due to his experience in transportation. Commissioner Nelson said it is logical to appoint the standing committee chairs to the respective AMC Policy Committees. O'Neil/Forsman moved to approve the 2012 Association of Minnesota Counties Delegates and appoint each standing committee chair to serve as delegate to the respective AMC Policy Committee, and appoint Commissioner Nelson to serve as the second delegate on the AMC Transportation Committee and Commissioner Raukar as the second delegate on the AMC General Government Committee. (6-0)

Sweeney/Nelson moved to appoint Shari McCorison to the St. Louis County Cooperative Extension Committee for a 3-year term expiring December 31, 2014. Commissioner Nelson said she is a hard worker and a good person to serve on this committee. Commissioner Sweeney said she has a great background, including in 4-H. (6-0)

COMMISSIONER DISCUSSION ITEMS

Commissioner Nelson said the first "Listening Session" will be on Tuesday, February 21, 2012, at the Grand Lake Town Hall at 6:30 p.m. Other dates for the Listening Session include May 15 at the Hermantown Government Center, September 18 at the City Center West (Evergreen Center) and November 20 at a location on the Iron Range to be announced.

Commissioner O'Neil said there will be a memorial service on Wednesday, February 15, 2012, for Ellen Pence, who passed away on January 6, 2012. Ms. Pence was co-founder of Duluth's world-renowned Domestic Abuse Intervention Project, and an advocate for victims of abuse. The memorial service will be held at the new Public Safety Building from 3:30-5:30 p.m.

Commissioner Sweeney attended the ribbon cutting ceremony at the Public Safety Building, which will house the Duluth Police Department headquarters, Sheriff's Offices and the 911 Center. Commissioner Sweeney said this endeavor is a great example of St. Louis County's leadership.

Commissioner Jewell recently attended the Heart of the Continent Partnership quarterly meeting. Commissioner Jewell said several areas are encompassed by the "heart of the continent," including Quetico Provincial Park, Superior National Forest (including the Boundary Waters Canoe Area Wilderness), among others, noting there are several groups working on various projects in St. Louis County.

At 10:59 a.m., Dahlberg/Sweeney moved to adjourn. (6-0)

Keith Nelson, Chair of the County Board

Patricia Stolee, Clerk of the County Board

Private Sale of State Tax Forfeited Land - Dagger

BY COMMISSIONER _____

WHEREAS, pursuant to Laws of Minnesota 2011, Chapter 98, Section 24, St. Louis County may sell by private sale the following described state tax forfeited land to remedy an inadvertent trespass and quiet title action:

Lot 11, Block 3, Central Division of West Duluth, and that part of Lot 13, Block 3, Central Division of West Duluth, that lies Northwesterly of a straight line drawn from a point on the Northerly line of said Lot 13, twenty-three (23) feet from the Northwesterly corner of said Lot to a point on the Westerly line of said Lot 13, nine (9) feet from the said Northwesterly corner
Section 7, T49N, R14W
Parcel Code: 010-0420-00290

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

WHEREAS, this parcel of land is not withdrawn from sale pursuant to Minn. Stat. § 85.012, 92.461, 282.01, Subd. 8; and other statutes that require the withholding of state tax forfeited lands from sale.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the sale of a state tax forfeited land parcel to Dennis Dagger, to remedy an inadvertent trespass and quiet title action for the appraised value of \$3,700, plus 3% assurance fee of \$111, deed fee of \$25, deed tax of \$12.21, and recording fee of \$46; for a total of \$3,894.21, to be deposited in Fund 240 (Forfeited Tax Fund).

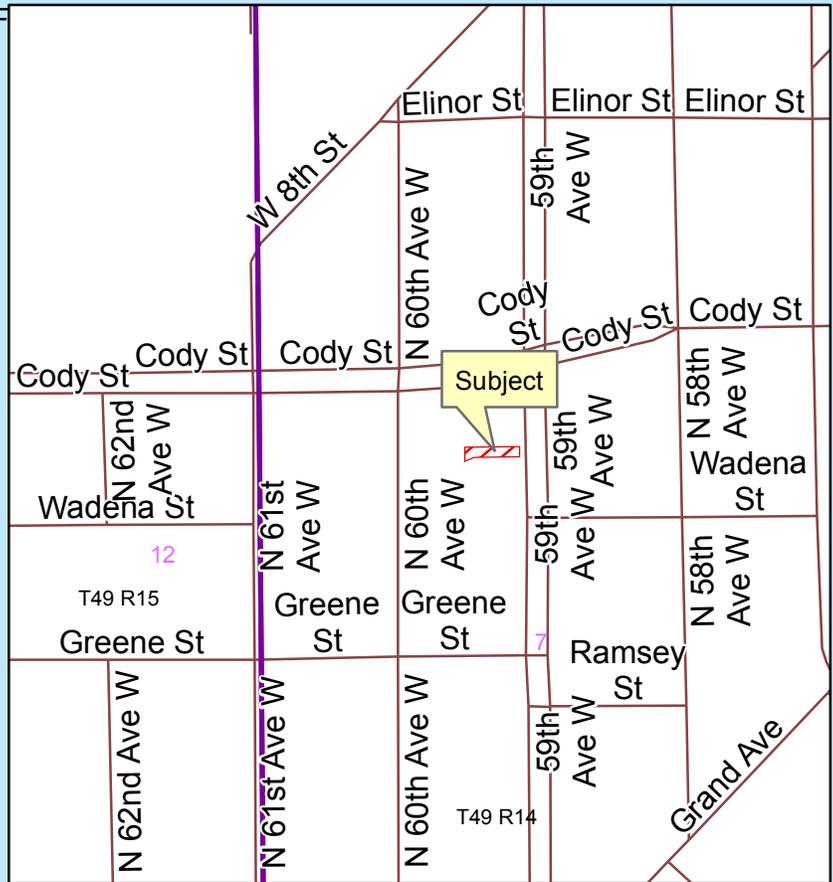


St. Louis County Land Department Tax Forfeited Land Sales

**Dagger Special
Sale Parcel**

Legal: LOT 11 BLK 3 CENTRAL DIVISION OF WEST DULUTH AND THAT PART OF LOT 13 BLK 3 CENTRAL DIVISION OF WEST DULUTH THAT LIES NWLY OF A STRAIGHT LINE DRAWN FROM A POINT ON NLY LINE OF SAID LOT 13 23.00 FT FROM NWLY CORNER OF SAID LOT 13 TO A POINT ON WLY LINE OF SAID LOT 13 9.00 FT FROM SAID NWLY COR, Lot 11, Block 3

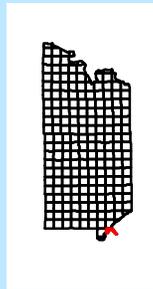
City: Duluth
Sec 7, Twp 49N Rng 14W
Parcel Code: 10-420-290
+-.09 Acres
LDKEY: 53493



City of Duluth Twp 49N Rng 14W Sec 7

Commissioner District #3

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



St. Louis County, Minnesota

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

**St. Louis County
Land Department**

February 28, 2012



2003 NAIP Photo

BOARD LETTER NO. 12 - 70

ENVIRONMENT & NATURAL RESOURCES COMMITTEE CONSENT NO. 2

BOARD AGENDA NO.

DATE: February 28, 2012 **RE:** Roadway Easement across
State Tax Forfeited Land -
Hoffman and Graves Land
Corporation

FROM: Kevin Z. Gray
County Administrator

Robert Krepps, Land Commissioner
Land and Minerals

RELATED DEPARTMENTAL GOAL:

Financial return to the county and taxing districts.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize a non-exclusive roadway easement across state tax forfeited land to Robert Hoffman and Graves Land Corporation located in Section 11, Township 53 North, Range 14 West (Town of Gnesen).

BACKGROUND:

Robert Hoffman and Graves Land Corporation have requested a non-exclusive roadway easement across state tax forfeited land to access private land. The proposed easement is located on an existing woods road. Exercising the easement will not cause significant adverse environmental or natural resource management impacts and will not conflict with public use of the land. There are no reasonable alternatives to obtain access to the property. Minn. Stat. § 282.04, Subd. 4(a) allows for the granting of private easements across state tax forfeited land for such purposes.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize a non-exclusive roadway easement across state tax forfeited land to Robert Hoffman and Graves Land Corporation upon payment of \$970 land use fee, \$100 administration fee and \$46 recording fee; for a total of \$1,116, to be deposited into Fund 240 (Forfeited Tax Fund).

**Roadway Easement across State Tax Forfeited Land -
Hoffman and Graves Land Corporation**

BY COMMISSIONER_____

WHEREAS, Robert Hoffman and Graves Land Corporation have requested a non-exclusive roadway easement across state tax forfeited land to access private land; and

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

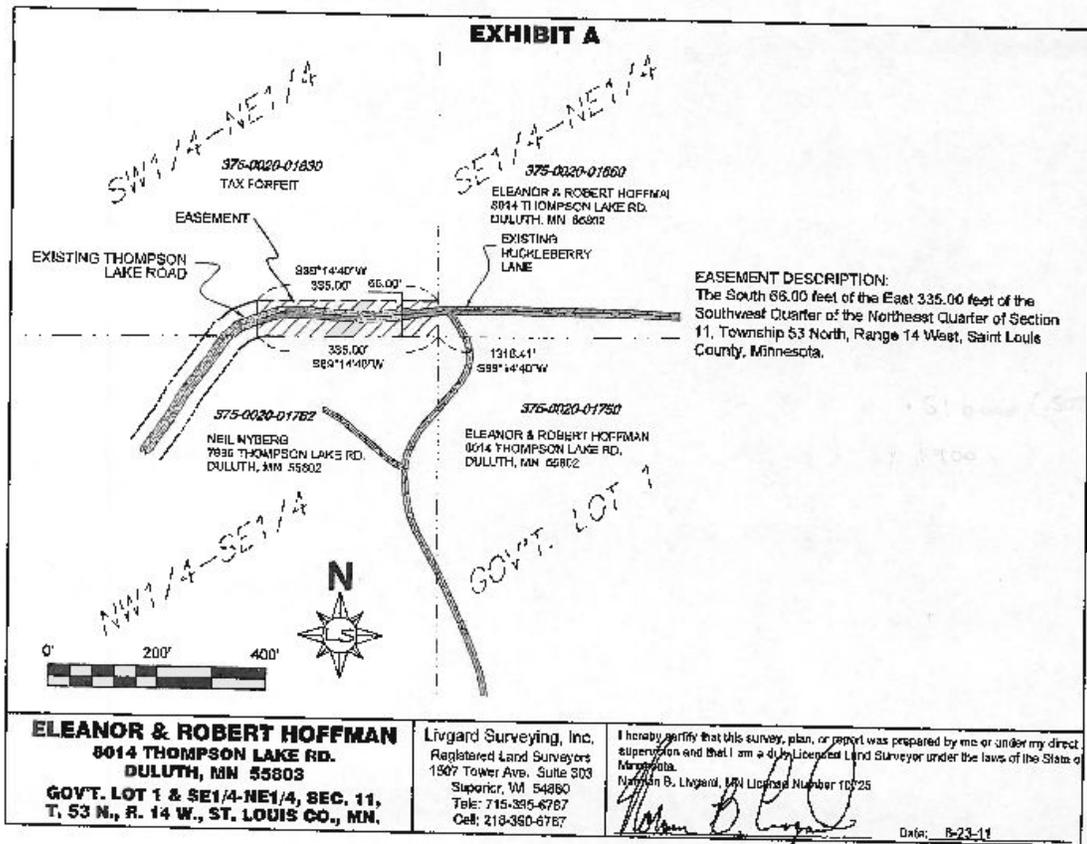
WHEREAS, exercising the easement will not cause significant adverse environmental or natural resource management impacts; and

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

NOW, THEREFORE, BE IT RESOLVED, that the County Auditor, pursuant to Minn. Stat. § 282.04, Subd. 4(a), is authorized to grant a non-exclusive roadway easement across state tax forfeited land to Robert Hoffman and Graves Land Corporation described as follows:

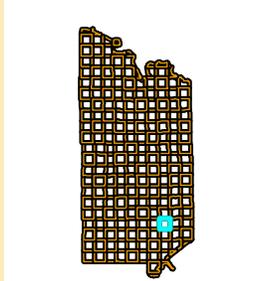
The South 66.00 feet of the East 335.00 feet of the Southwest Quarter of the Northeast Quarter of Section 11, Township 53 North, Range 14 West, Saint Louis County, Minnesota.

RESOLVED FURTHER, that the granting of this easement is conditioned upon payment of \$970 land use fee, \$100 administration fee and \$46 recording fee; for a total of \$1,116, to be deposited into Fund 240 (Forfeited Tax Fund).



Fifth Commissioner District

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



St. Louis County, Minnesota

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



BOARD LETTER NO. 12 - 71

ENVIRONMENT & NATURAL RESOURCES COMMITTEE CONSENT NO. 3

BOARD AGENDA NO.

DATE: February 28, 2012 **RE:** Utility Easement across State
Tax Forfeited Land - Minnesota
Power

FROM: Kevin Z. Gray
County Administrator

Robert Krepps, Land Commissioner
Land and Minerals

RELATED DEPARTMENTAL GOAL:

Performing public services.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize a powerline easement across state tax forfeited land to Minnesota Power in Section 35, Township 58 North, Range 20 West (Balkan Township).

BACKGROUND:

Minnesota Power has requested a 60-foot wide utility easement for a 34.5 kV overhead powerline serving the Mining Resources scam mining site near Chisholm. Minn. Stat. § 282.04, Subd. 4 authorizes the County Auditor to grant easements for such purposes. The proposed easement will encumber approximately 14.2 acres. Exercising the easement will not cause significant adverse environmental or natural resource management impacts.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize a utility easement across state tax forfeited land to Minnesota Power upon payment of \$9,534 land use fee, \$990 timber damages, and \$46 recording fee; for a total of \$10,570, to be deposited into Fund 240 (Forfeited Tax Fund).

Utility Easement across State Tax Forfeited Land - Minnesota Power

BY COMMISSIONER _____

WHEREAS, Minnesota Power has requested a utility easement across state tax forfeited land for a 34.5kV overhead powerline serving the Mining Resources, LLC mining site near Chisholm, MN; and

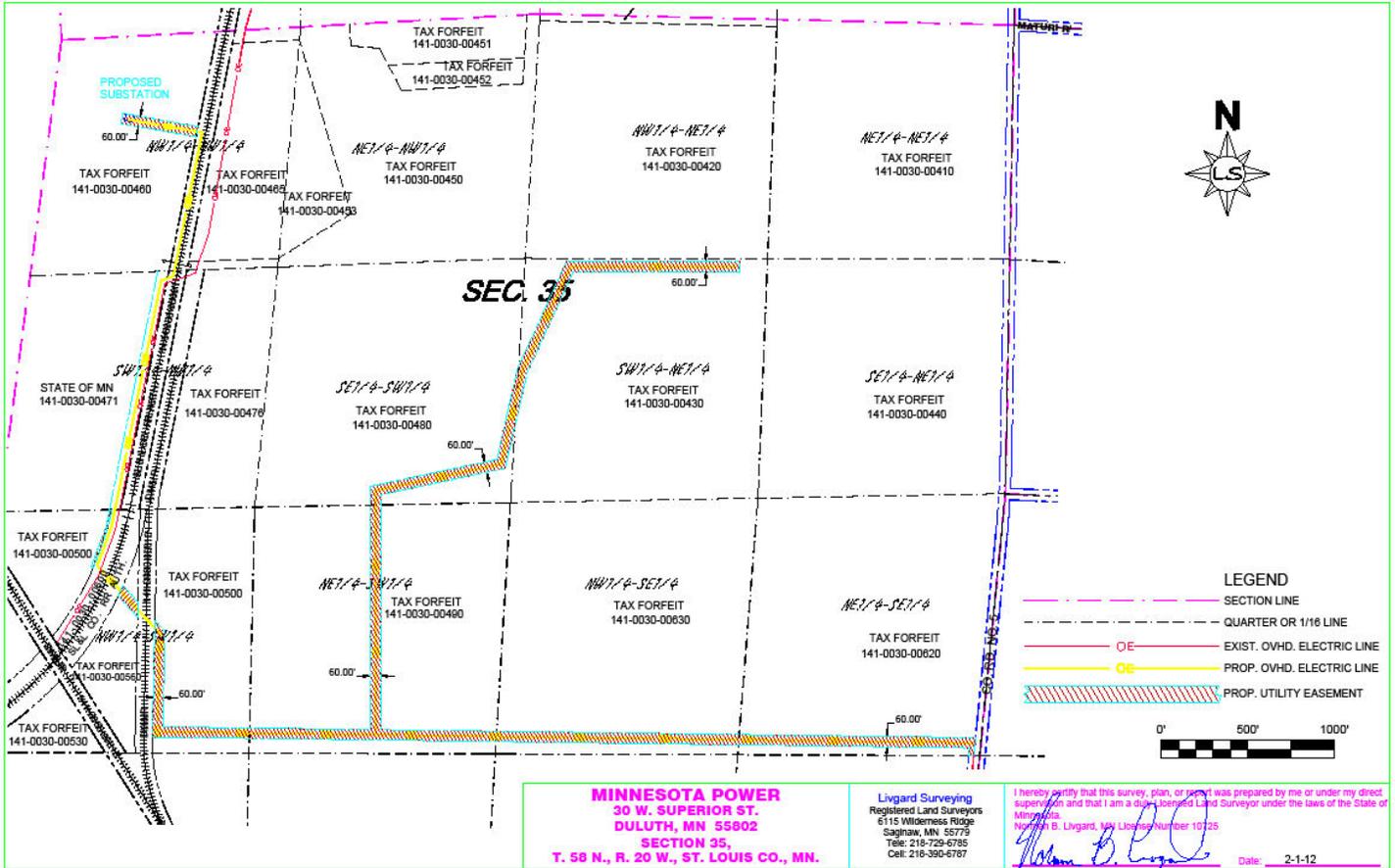
WHEREAS, Minn. Stat. § 282.04, Subd. 4 authorizes the County Auditor to grant easements for such purposes.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Auditor is authorized to grant a powerline utility easement to Minnesota Power located in Section 35, Township 58 North, Range 20 West.

RESOLVED FURTHER, the granting of this easement is conditioned upon payment of \$9,534 land use fee, \$990 timber damages, and \$46 recording fee; for a total of \$10,570, to be deposited into Fund 240 (Forfeited Tax Fund).



St. Louis County Land and Minerals Department



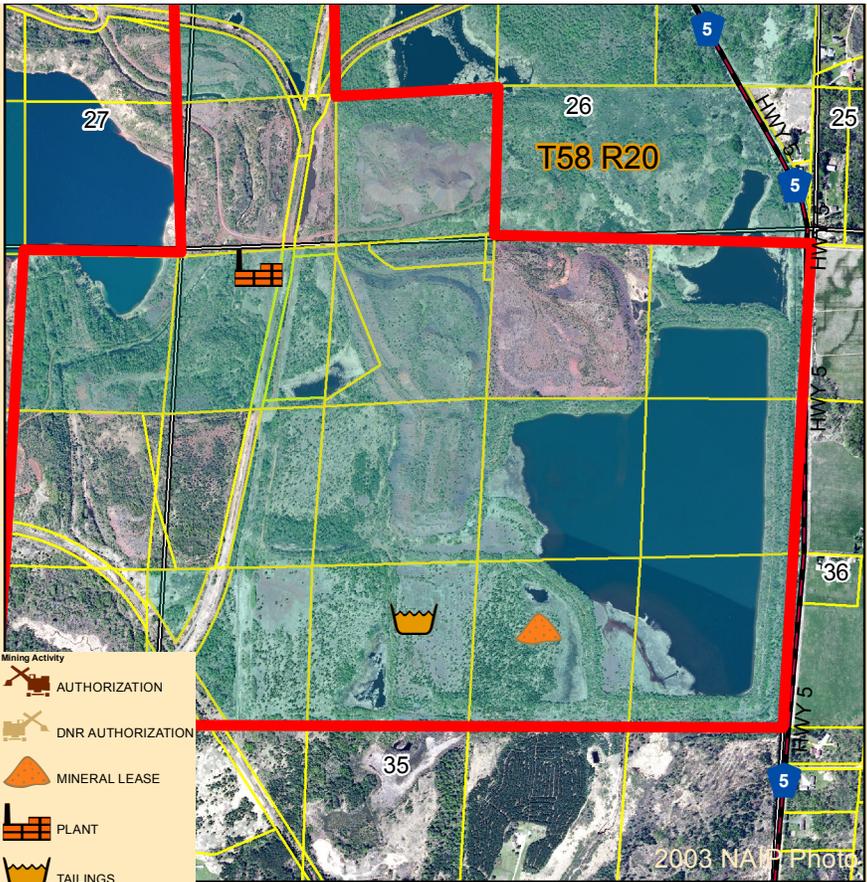
Legend

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

St. Louis County, Minnesota

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St. Louis County



Sylvester Hantz, Jr. and Sandy Hantz, Duluth, MN

Parcel Code	010-4570-00480
Taxes and Assessments	\$4,892.58
Service Fees	\$114.00
Deed Tax	\$16.15
Deed Fee	\$25.00
Recording Fee	\$46.00
Total Consideration	\$5,093.73

Repurchase of State Tax Forfeited Land - Hantz

BY COMMISSIONER: _____

WHEREAS, Minn. Stat. § 282.241 provides that state tax forfeited land may be repurchased by the previous owners subject to payment of delinquent taxes and assessments, with penalties, costs, and interest; and

WHEREAS, the applicants, Sylvester Hantz, Jr. and Sandy Hantz of Duluth, MN, have applied to repurchase state tax forfeited land legally described as:

City of Duluth
Lot 0012 Block 005
West Park Division of Duluth
Parcel 010-4570-00480

WHEREAS, the applicants were the owners of record at the time of forfeiture and are eligible to repurchase the property; and

WHEREAS, approving the repurchase will correct undue hardship and promote the use of lands that will best serve the public interest.

NOW, THEREFORE, BE IT RESOLVED, that the St Louis County Board approves the repurchase application by Sylvester Hantz, Jr. and Sandy Hantz of Duluth, MN, on file in County Board File No. _____, subject to payments including total taxes and assessments of \$4,892.58, service fee of \$114.00, deed fee of \$25.00, deed tax of \$16.15 and recording fee of \$46.00; for a total of \$5,093.73, to be deposited into Fund 240 (Forfeited Tax Fund).



St. Louis County Land Department Tax Forfeited Land Sales

Repurchase of Property

Legal : CITY OF DULUTH
LOT: 0012 BLOCK:005
WEST PARK DIVISION OF DULUTH

Parcel Code : 010-4570-00480

LDKEY : 71717

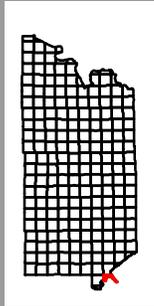


City of Duluth

Sec: 5 Twp: 49 Rng: 14

Commissioner District # 3

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



St. Louis County, Minnesota

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St. Louis County
Land Department

February 2012



RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the appropriate county officials to enter into a new two (2) year contract with Liberty Tire Recycling, LLC for tire management and recycling services at the rate of \$115.00 per ton for tires up to 24 ½ inches and \$185 per ton for tires over 24 ½ inches. Funding for this contract is available in Fund 600 Agency 601004 (Recycling).

Contract for Management and Recycling of Used Tires

BY COMMISSIONER _____

WHEREAS, St. Louis County requires the services of a competent contractor to provide tire management and recycling service to Environmental Services and Public Works facilities; and

WHEREAS, the county is authorized by Minn. Stat. §400.04 to negotiate for recycling services; and

WHEREAS, Liberty Tire Recycling, LLC., is willing and able to provide the service.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into a two (2) year contract with Liberty Tire Recycling, LLC, for collection, haulage and proper disposal of waste tires at \$115 per ton for tires up to 24 ½ inches, and \$185 per ton for tires over 24 ½ inches, payable from Fund 600 Agency 601004 (Recycling).

BOARD LETTER NO. 12 - 74

PUBLIC WORKS & TRANSPORTATION COMMITTEE
CONSENT NO. 6

BOARD AGENDA NO.

DATE: February 28, 2012 **RE:** Agreement with Lake County for
County Project 92761 – Rumble
Strips and Edge Striping 2012

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 agreement with Lake County for participation in the 2012 rumble strips and edge striping project.

BACKGROUND:

The Public Works Department wishes to perform maintenance in the form of rumble strips and edge striping on various county roads in St. Louis County and has prepared a plan for the project. Lake County also wishes to perform similar work on various roads in its jurisdictions and has provided details for the project (CP 92761, SP 88-070-016).

St. Louis County will perform all necessary bidding and contract administration and will administer the terms of the contract from award to certification of final payment. Lake County will be responsible for its own measurement of quantities, inspection, and coordination with the contractor. Lake County will pay to St. Louis County the cost of its local 10% share of striping costs as detailed in the proposal/plan package, schedule of prices, and referenced in the agreement (balance of cost will be 90% Federal funding).

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize an agreement with Lake County for participation in the 2012 rumble strips and edge line striping project. The funds received from Lake County will be receipted into Fund 220, Agency 220275.

**Agreement with Lake County for County Project 92761 –
Rumble Strips and Edge Striping 2012**

BY COMMISSIONER _____

RESOLVED, the St. Louis County Board authorizes the appropriate county officials to enter into an agreement and any amendments approved by the County Attorney with Lake County whereby Lake County will pay its 10% match for local share for items listed in the Schedule of Prices in the Proposal/Plan Package and Plan described as SP 88-070-016, CP 92761, Rumble Strips and Edgeline Striping 2012. The funds received from Lake County will be receipted into Fund 220, Agency 220275, Rev. 551508.

BOARD LETTER NO. 12 - 75

PUBLIC WORKS & TRANSPORTATION COMMITTEE CONSENT NO. 7

BOARD AGENDA NO.

DATE: February 28, 2012

RE: Agreement for Construction of
Sanitary Sewer on CSAH 48 (City
of Hermantown)

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 agreement with the City of Hermantown for construction a sanitary sewer on County State Aid Highway (CSAH) 48 (Lavaque Road).

BACKGROUND:

The Public Works Department currently has a reconstruction project occurring on this roadway, County Project 8273 (SAP 69-648-026). The City of Hermantown has proposed improvements to its sanitary sewer system, and an agreement needs to be authorized to deliver the project to completion. The construction will be done under the above project by means of a supplemental agreement, with the city performing all staking, inspection, and certification of the work. This extra work will be funded by Hermantown local funds.

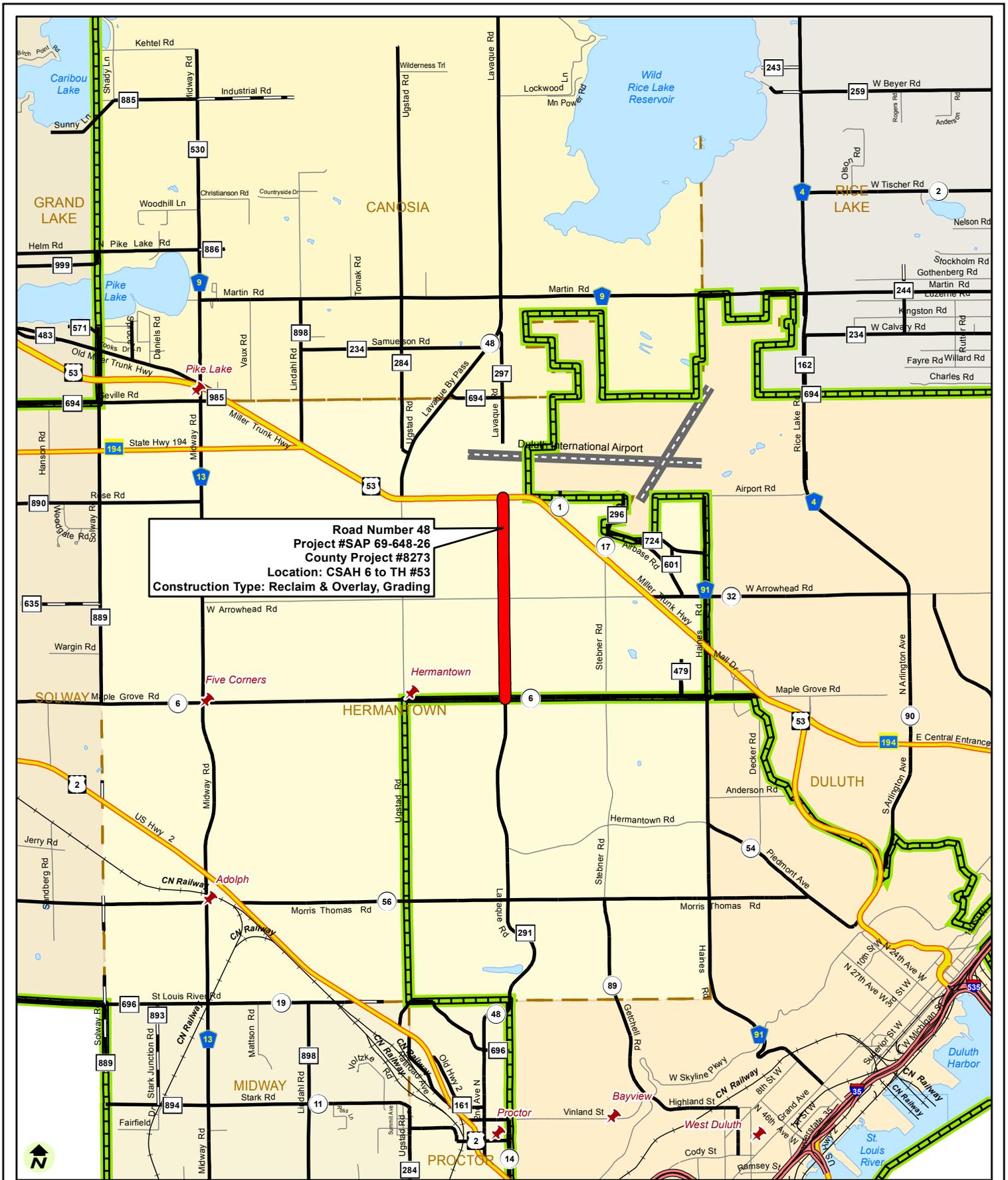
RECOMMENDATION:

It is recommended the St. Louis County Board authorize an agreement with the City of Hermantown for the proposed sanitary sewer construction on CSAH 48. The funds from the City of Hermantown will be receipted into Fund 220, Agency 220176.

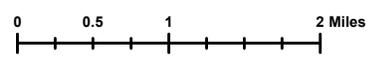
**Agreement for Construction of Sanitary Sewer
on CSAH 48 (City of Hermantown)**

BY COMMISSIONER _____

RESOLVED, that the St. Louis County Board authorizes an agreement, and any amendments approved by the County Attorney, with the City of Hermantown for the sanitary sewer construction on CSAH 48, SAP 69-648-026, CP 8273; whereby the City of Hermantown will pay the "City of Hermantown Non-Participating" local share items listed in the supplemental agreement in the plan. The funds from the City of Hermantown for project SAP 69-648-026, CP 8273 will be receipted into Fund 220, Agency 220176, Object 551503, with the amount budgeted for expense and determined at the time of completion of the supplemental agreement.



St. Louis County 2011 Road & Bridge Construction



Map Components			
	Reclaim & Overlay, Grading		Commissioner District
	Interstate Highway		Township
	U.S./State Highway		City/Town
	County Road - Paved		Lake
	County Road - Gravel		
	Railroad		

BOARD LETTER NO. 12 - 76

FINANCE & BUDGET COMMITTEE CONSENT NO. 8

BOARD AGENDA NO.

DATE: February 28, 2012 **RE:** Abatement List for Board Approval

FROM: Kevin Z. Gray
County Administrator

Mark Monacelli, Director
Public Records & Property Valuation

David L. Sipila
County Assessor

RELATED DEPARTMENT GOAL:

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

ACTION REQUESTED:

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

BACKGROUND:

The intent of abatements is to provide equitable treatment to individual taxpayers while at the same time exercising prudence with the tax monies due to the taxing authorities within St Louis County. Abatements are processed in conformance with St. Louis County Board Resolution No. 861, dated November 30, 1993, outlining the Board's policy on abatement of ad valorem taxes. This Policy provides direction for the abatement of: 1) Current year taxes; 2) Current year penalty and costs; 3) Past year taxes; and 4) Past year penalty, interest, and costs.

RECOMMENDATION:

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

Abatement List for Board Approval

BY COMMISSIONER _____

RESOLVED, that the St. Louis County Board approves the applications for abatements, correction of assessed valuations and taxes plus penalty and interest, and any additional accrual, identified in County Board File No. 59401.

2/23/2012
9:39:30AM

Abatelements Submitted for Approval by the St. Louis County Board
on 2/28/2012

<u>PARCEL CODE</u>	<u>AUD NBR</u>	<u>NAME</u>	<u>TYPE</u>	<u>LOCATION</u>	<u>APPRAISER</u>	<u>REASON</u>	<u>YEAR</u>	<u>REDUCTION</u>
10 620 3460	0 14331	LYONS, LOWELL	R	City of Duluth		PENALTY & INTEREST	2012	160.84
10 830 1270	0 14332	NELSON, MEGAN	R	City of Duluth	Diane Suomi	HOMESTEAD	2011	279.62
90 30 8090	0 14333	PICKAR, TRACY	R	Virginia	Rick Puhek	CODE CHANGE	2010	576.14
520 15 320	0 14335	STAFNE, JEFFREY	R	Rice Lake	Noah Mittlefehldt	CODE CHANGE	2011	67.86
10 0 0	9656 14334	WALLER, BERNADETTE	M	City of Duluth	Linda Brophy	DOUBLE ASSESSMENT	2011	262.14

BOARD LETTER NO. 12 - 77

FINANCE & BUDGET COMMITTEE CONSENT NO. 9

BOARD AGENDA NO.

DATE: February 28, 2012

RE: Fire Alarm Control System
Replacement/Upgrade – Hibbing
Courthouse

FROM: Kevin Z. Gray
County Administrator

Tony Mancuso, Director
Property Management

RELATED DEPARTMENT GOALS:

Provide safe, secure, efficient, and code compliant facility operations.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize an agreement with Siemens Building Technologies of Duluth, MN for replacement of the fire detection and fire alarm control system for the St. Louis County Courthouse in Hibbing.

BACKGROUND:

The Hibbing Courthouse fire alarm system is obsolete and service needs are no longer supported. Property Management standardized facility fire detection systems through an initial RFP process several years ago, and as systems in county facilities become obsolete or need major upgrades, a Siemens system is installed. Because there is no sprinkler fire suppression in the Hibbing Courthouse, and the existing detection and alarm system is obsolete and has limited reporting parameters, the county's insurance carrier also recommends replacement. This is a priority project for safety, code compliance, and standardization.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize a contract with Siemens Building Technologies of Duluth, Minnesota in an amount of \$125,000 for the replacement of the fire detection and fire alarm control system for the Hibbing Courthouse, payable from Fund 400, Agency 400008 - capital improvements and repairs - Hibbing.

**Fire Alarm Control System Replacement/Upgrade -
Hibbing Courthouse**

BY COMMISSIONER _____

WHEREAS, the fire alarm system in the St. Louis County Courthouse in Hibbing is obsolete and service needs are no longer supported; and

WHEREAS, Property Management standardized facility fire detection systems through an RFP process several years ago and selected the proposal of Siemens Building Technologies of Duluth, Minnesota; and

WHEREAS, the county's insurance carrier recommends replacement of the Hibbing Courthouse system; and

WHEREAS, Siemens Building Technologies provided a quote in an amount of \$125,000 for the replacement of the fire detection and fire alarm control system.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board authorizes the appropriate county officials to execute a contract with Siemens Building Technologies of Duluth, Minnesota in an amount of \$125,000 for the replacement of the fire detection and fire alarm control system for the Hibbing Courthouse, payable from Fund 400, Agency 400008.

BOARD LETTER NO. 12 - 78

FINANCE & BUDGET COMMITTEE CONSENT NO. 10

BOARD AGENDA NO.

DATE: February 28, 2012 **RE:** Utility Easement across
County Fee Land – Great River
Energy

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 an electrical transmission line easement across county fee land.

BACKGROUND:

Great River Energy, a Minnesota cooperative, is constructing a 69 kilovolt (kV) transmission line between Tower and Orr to upgrade the electrical delivery system in this area of St. Louis County. Great River Energy is seeking a utility easement over a parcel of county fee owned land. The parcel that the easement is requested upon was purchased as an uneconomic remnant due to the new alignment of County State Aid Highway 115. Public Works and Property Management personnel have no objections to the easement request.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve a utility easement across St. Louis County fee owned land to Great River Energy for the consideration of \$1100 for land use fee to be deposited in Fund 100 Agency 128014 Object 583100.

Utility Easement across County Fee Land – Great River Energy

BY COMMISSIONER _____

WHEREAS, Great River Energy, a Minnesota cooperative corporation, is constructing a 69 kilo-volt (kV) transmission line between Tower and Orr to upgrade the electrical delivery system in this area of St. Louis County; and

WHEREAS, Great River Energy has requested that the St. Louis County Board grant a transmission line utility easement across St. Louis County fee owned property; and

WHEREAS, Minn. Stat. § 373.01 Subdivision 1(4), authorizes St. Louis County to sell, lease and convey real estate owned by the county.

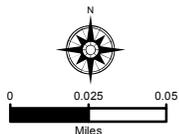
NOW, THEREFORE, BE IT RESOLVED, that pursuant to the requirements of and procedures of Minn. Stat. § 373.01, the Chair of the County Board and the County Auditor are authorized to execute a transmission line utility easement to Great River Energy as described in Easement Number LC –TC-100, Exhibit A and B, on file in the Property Management Department office.

RESOLVED FURTHER, the granting of this easement is conditioned upon payment of \$1,100 land use fee, to be deposited in Fund 100, Agency 128014, Object 583100.



Proposed Utility Easement Great River Energy

Parcel 495-0010-01342 Pt of NE 1/4 of SE 1/4 Section 14, T62N, R18W



Prepared By: St. Louis County
Property Management

Source: St. Louis County, Minnesota

Map Created: 2/15/2012

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

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stlouiscountymn.gov

Parcel was purchased as an un-economic as part of County State Aid Hwy (CSAH) 115 reconstruction project in 2001. It is approximately 2 acres and is irregular shaped.

Great River Energy has requested a transmission line utility easement 50 feet in width and adjacent to CSAH 115 highway right of way. (See exhibit LC-TC-100 for easement location)

The Property Management Department recommends granting this easement. Because of the size and location of this parcel there is a low potential for sale or development. Parcel will remain in County ownership. A review of sales in the area indicate a value of \$1,100.

Mark J. Hudson
Right of Way Agent
St. Louis County Property Management Dept
2/15/2012

EXHIBIT A

Easement No. LC-TC-100

GRANTOR'S PROPERTY

That part of the Northeast Quarter of the Southeast Quarter (NE1/4 of SE1/4) of Section Fourteen (14), Township Sixty-two (62) North, Range Eighteen (18) West of the Fourth Principal Meridian, St. Louis County, Minnesota, lying between the following described lines, said description is intended to describe the property lying between the existing centerline of C.S.A.H. #115 and the northerly right of way line of the proposed new alignment of said highway.

Line 1: Existing centerline of said highway formerly known as State Highway No. 1 described as commencing at the southwest corner of said forty; thence North 00 degrees 39 minutes 49 seconds West, assumed bearing, along the west line of said forty 897.50 feet to the point of beginning of centerline of existing C.S.A.H. #115; thence South 70 degrees 17 minutes 27 seconds East 1204.82 feet; thence South 63 degrees 32 minutes 09 seconds East 156.31 feet; thence South 46 degrees 10 minutes 48 seconds East 71.51 feet to a point on the centerline of said highway where it intersects the East line of said forty and there terminating.

Line 2: Proposed new location of C.S.A.H. #115 said northerly right of way line being 50 feet northerly of the following described line: Commencing at the West Quarter corner of Section 14; thence North 01 degree 06 minutes 10 seconds East, assumed bearing, along the Section line 1274.67 feet to the point of beginning of the centerline to be described, said point being point on tangent station 310+68.98; thence South 52 degrees 14 minutes 55 seconds East 291.68 feet; thence easterly along a tangential curve concave to the north having a radius of 3819.719 feet and a central angle of 18 degrees 00 minutes 30 seconds 1200.56 feet to point of tangency station 325+61.22; thence South 70 degrees 15 minutes 25 seconds East 1486.17 feet to a point on the North-South Quarter line of Section 14, said point being point on tangent station 340+47.39 from which the center of Section 14 lies 14.67 feet distant on a bearing of South 00 degrees 29 minutes 41 seconds East; thence continuing South 70 degrees 15 minutes 25 seconds East 43.23 feet to a point on the East-West Quarter line of Section 14; thence continuing South 70 degrees 15 minutes 25 seconds East 1139.42 feet to a point of curvature station 352+30.04; thence easterly along a tangential curve concave to the South having a radius of 5729.578 feet and a central angle of 17 degrees 34 minutes 49 seconds 1758.03 feet to a point on the East line of Section 14, said point being point on curve station 369+88.07 from which the East Quarter corner of Section 14 lies 1225.45 feet distant on bearing of North 00 degrees 49 minutes 44 seconds West.

EASEMENT PREMISES

All that part of the above described "Grantor's Property" lying within Fifty (50) feet on each side of the following described centerline:

Commencing at the southeast corner of the Northeast Quarter of the Southeast Quarter of Section 14, Township 62 North, Range 18 West; thence North 01 degree 19 minutes 52 seconds West, on an assumed bearing, along the east line of said Northeast Quarter of the Southeast Quarter a distance of 49.2 feet to the point of beginning of the centerline to be described; thence North 28 degrees 39 minutes 00 seconds West a distance of 291.2 feet to a point being designated as Point A; thence North 58 degrees 40 minutes 24 seconds West 1114.1 feet; thence North 70 degrees 49 minutes 33 seconds West a distance of 262.8 feet to a point of ending on the west line of said Northeast Quarter of the Southeast Quarter, 368.0 feet southerly of the northwest corner, as measured along said west line.

TOGETHER WITH

For anchor purposes, a 30 foot wide strip of land, the centerline of which being described as follows:

1. From Point A; thence North 46 degrees 20 minutes 18 seconds East 70.0 feet and said centerline there terminating.

The sidelines of said "Easement Premises" shall be shortened or extended to meet at angle points and so as to begin and terminate at the property lines.

The above described easement contains 1.1 acres, more or less.

Subject to road right of way.

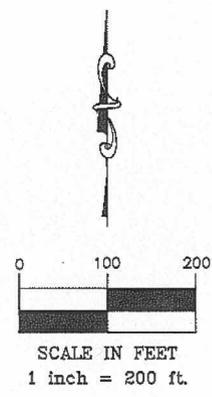
Subject to mining and mineral reservations of record.

Subject to easements, restrictions and reservations of record.

All in St. Louis County, Minnesota.

LC-TC-100 St. Louis County, Minnesota	
J:\PROJECTS\2011\11-109\DWG\EXHIBITS	
GREAT RIVER ENERGY™	
WORK ORDER 69641	Part of the NE 1/4 - SE 1/4 Sec. 14, Twp. 62N., Rng. 18W. St. Louis County, MN
REVISIONS	
DATE	9/30/11
EXHIBIT A	Drawn By: MBN
DWG. NO. LC-TC-100	

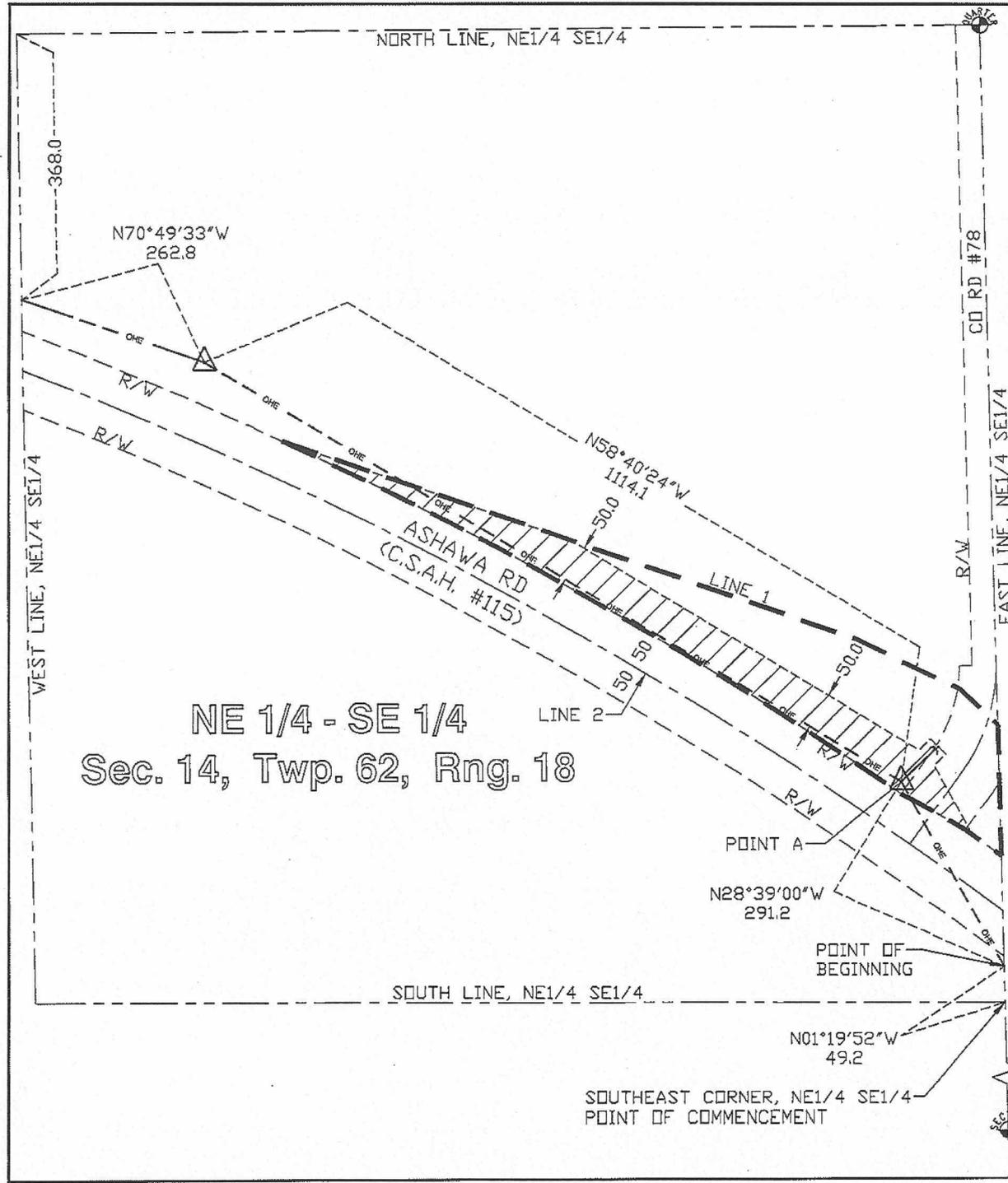
EXHIBIT B
Easement No. LC-TC-100



LEGEND

-  Denotes Grantor's Property Lines
-  Denotes Easement Area
-  Denotes Proposed Transmission Centerline
-  Denotes Found Section Monument
-  Denotes Found Right of Way Monument

Note:
This drawing was prepared by MBN Engineering using information from a survey done by Great River Energy. All section corners, 1/4 corners and 1/16 corners are assumed unless otherwise indicated on drawing.



NE 1/4 - SE 1/4
Sec. 14, Twp. 62, Rng. 18

LC-TC-100 St. Louis County, Minnesota	
J:\PROJECTS\2011\11-109\DWG\EXHIBITS	
GREAT RIVER ENERGY™	
WORK ORDER 69641	Part of the NE 1/4 - SE 1/4 Sec. 14, Twp. 62N., Rng. 18W. St. Louis County, MN
REVISIONS	DATE 9/30/11
	EXHIBIT B
	Drawn By: MBN DWG. NO. LC-TC-100

Frazer Bay - Cook 69 kV Transmission Line and Substation



GREAT RIVER
ENERGY®

GREAT RIVER ENERGY
12300 Elm Creek Boulevard
Maple Grove, MN 55369-4718
1-888-521-0130
www.greatriverenergy.com



LAKE COUNTRY POWER
2810 Elida Drive
Grand Rapids, MN 55744
1-800-421-9959
www.lakecountrypower.com

Project Need

In northern St. Louis County, Minnesota, the demand for electrical energy is rapidly increasing due to growth and conversions to dual fuel heating. This demand is straining the existing transmission system and jeopardizing the reliable delivery of electric service. If one of the two existing transmission sources is lost during peak winter demand, the area's electric system can become unstable and experience large voltage drops. The result could be a short-term brownout that will lead to a blackout. Capacitor banks designed to boost voltage have been installed but are not a long term solution. The solution is to connect a strong third transmission source into the existing system to provide stability and improve electric reliability. The third source will stabilize a transmission system that supports both large industrial and smaller rural customers vital to the area's economy.

Proposed Substation and Transmission Line

Great River Energy, power supplier to Lake Country Power, will construct approximately 12 miles of new 69,000 volt (69 kV) transmission line connecting the new Frazer Bay Substation and the existing Cook Substation (see map on back). The transmission line will run from the new Frazer Bay Substation along County Highway 115 to the Cook Substation on the corner of US Highway 53 and County Highway 115.

The Cook Substation will be expanded to accommodate the new transmission line and a breaker station for fault protection. The substation expansion will be sufficient to accommodate future needs.

Poles and Construction

Great River Energy will construct the line using wood poles with horizontal post insulators and distribution crossarms (see photo). Great River Energy will attach a Lake Country Power distribution line to the poles creating a new distribution connection between the Frazer Bay and Cook substations. The poles will generally be 60-75 feet above ground with a 250-280 foot span between poles. Guy wires and anchors will be used to counter angles. Where guys and anchors are not practical, a laminated wood pole or a steel pole on foundation may be used. Special construction methods may be necessary to secure the poles in the rocky terrain.

Schedule

Public information meetings, preliminary transmission line survey – 2009
Permitting / easement acquisition and engineering design – 2009-2011
Construction – 2012

Contact

Dale Aukee
Great River Energy
Field Representative
763-445-5978

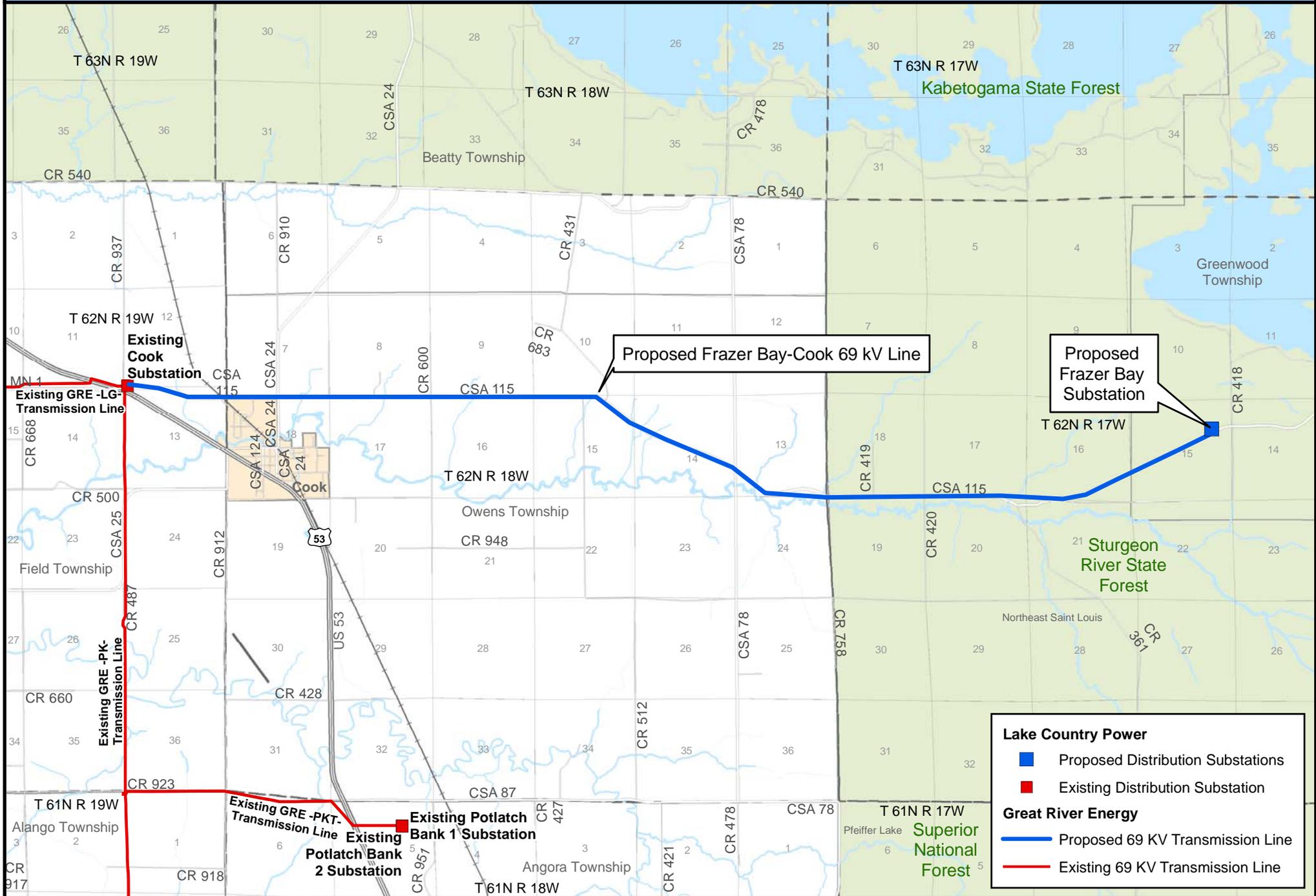


*Typical 69 kV
Distribution Substation*



*Typical 69 kV
Transmission Line
With Distribution
Underbuild*

PROJECT MAP



Proposed Frazer Bay-Cook 69 kV Line

Proposed Frazer Bay Substation

Existing Cook Substation

Existing GRE -LG- Transmission Line

Existing GRE -PK- Transmission Line

Existing GRE -PKT- Transmission Line

Existing Potlatch Bank 1 Substation
Existing Potlatch Bank 2 Substation

Lake Country Power

- Proposed Distribution Substations
- Existing Distribution Substation

Great River Energy

- Proposed 69 KV Transmission Line
- Existing 69 KV Transmission Line

BOARD LETTER NO. 12 – 79

PUBLIC SAFETY & CORRECTIONS COMMITTEE

CONSENT NO. 11

BOARD AGENDA NO.

DATE: February 28, 2012

RE: Acceptance of the 2011 Mass
Sheltering Grant

FROM: Kevin Z. Gray
County Administrator

Ross Litman
Sheriff

RELATED DEPARTMENT GOAL:

To enhance public safety.

ACTION REQUESTED:

The St. Louis County Board is requested to accept the 2011 Mass Sheltering Grant from the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management.

BACKGROUND:

The Minnesota Division of Homeland Security and Emergency Management is offering grant funding of \$29,925 for Mass Sheltering planning, training and exercising for the Northeast Region. The Northeast Region is comprised of the counties of Cook, Lake, St. Louis, Koochiching, Itasca, Aitkin, Crow Wing, Cass, Kanabec, Pine, and Carlton, and the City of Duluth.

Grant monies will be used to contract with the Northland Red Cross to conduct Shelter Site Surveys in the eleven-county region that will benefit the Emergency Operations Plans of each county and the City of Duluth, and ensure the region is better prepared in the event shelter facilities are necessary. Funds will also be used to conduct shelter training and exercises throughout the region.

On December 20, 2011, the County Board adopted Resolution No. 11-667, authorizing application for this grant. The grant term runs from January 1, 2012 through December 31, 2013, and requires no local match. In addition, the grant provides \$1,425 in management and administrative funds for St. Louis County to manage the grant on behalf of the Northeast Region.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize acceptance of the 2011 Mass Shelter Grant in the amount of \$29,925, to be accounted for in Fund 100, Agency 132999, Grant 13207, Year 2011, and authorize St. Louis County to serve as fiscal agent on behalf of the Northeast Region.

Acceptance of the 2011 Mass Sheltering Grant

BY COMMISSIONER _____

WHEREAS, the State of Minnesota Department of Public Safety, through the Division of Homeland Security and Emergency Management, has made available \$29,925 in funding for Mass Sheltering planning, training and exercising for the Northeast Region; and

WHEREAS, St. Louis County, through its Sheriff's Office, has offered to serve as the grant administrator and fiscal agent for this funding.

NOW THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes acceptance of the 2011 Mass Sheltering Grant in the amount of \$29,925, to be accounted for in Fund 100, Agency 132999, Grant 13207, Year 2011, and authorizes St. Louis County to serve as fiscal agent on behalf of the Northeast Region.

RESOLVED FURTHER, that the St. Louis County Board authorizes the appropriate county officials to sign any associated contract documents.

GRANT APPROVAL FORM

GRANT NAME: Mass Sheltering Grant GRANT AMOUNT: \$29,925
 GRANTOR: _____ MATCH AMOUNT: _____
 FUND: 100 AGENCY: 132999 GRANT: 13207 GRANT YEAR: 2011
 AGENCY NAME: Sheriff
 CONTACT PERSON: Dawn Sathers PHONE: 218-726-2389
 GRANT PERIOD: BEGIN DATE: 01/1/12 END DATE: 12/31/13
 STATE GRANT AWARD NUMBER OR FEDERAL CFDA # _____

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

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

GRANTS OF \$25,000 OR LESS

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

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

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

YES NO

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

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

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

NEW GRANTS GREATER THAN \$25,000

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

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

YES NO

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

County Auditor

Donald Reichert

Date: 2-23-12

County Administrator

Carl Johnson

Date: 2-23-12

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

RECURRING GRANTS GREATER THAN \$25,000

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

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

YES NO

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

County Auditor

Date: _____

County Administrator

Date: _____

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

BOARD LETTER NO. 12 – 80

PUBLIC SAFETY & CORRECTIONS COMMITTEE

CONSENT NO. 12

BOARD AGENDA NO.

DATE: February 28, 2012

RE: Acceptance of the 2011
Homeland Security Buffer Zone
Protection Program Grant

FROM: Kevin Z. Gray
County Administrator

Ross Litman
Sheriff

RELATED DEPARTMENT GOAL:

To enhance public safety.

ACTION REQUESTED:

The St. Louis County Board is requested to accept the 2011 Homeland Security Buffer Zone Protection Program grant from the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management.

BACKGROUND:

On December 20, 2011, the St. Louis County Board adopted Resolution No. 11-679 authorizing application of the 2011 Homeland Security Buffer Zone Protection Program Grant. The Buffer Zone Protection Program was developed by the Department of Homeland Security to provide the necessary tools and resources to protect community assets. The Minnesota Division of Homeland Security and Emergency Management has been designated as the state administrative agency for the pass through of funds to local jurisdictions with identified Buffer Zone sites.

St. Louis County has been identified to receive funding through this program and has been allocated \$190,000 in grant funding to purchase approved public safety equipment. The equipment includes mobile ARMER radios and Mobile Data Computers for squad cars, ARMER portable radios for deputies, and specialized optical equipment such as night vision, thermal imaging, and image stabilizing binoculars for the Sheriff's Emergency Response Team. The equipment will enhance the ability of the St. Louis County Sheriff's Office to prepare, prevent, and respond to incidents regarding critical infrastructure.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorizes acceptance of the 2011 Homeland Security Buffer Zone Protection Program grant from the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management for approved public safety equipment in the amount of \$190,000, to be accounted for in Fund 100, Agency 129999, Grant 12950, Year 2011.

**Acceptance of 2011 Homeland Security
Buffer Zone Protection Program Grant**

BY COMMISSIONER _____

WHEREAS, the State of Minnesota Department of Public Safety, through the Division of Homeland Security and Emergency Management, has made available \$190,000 in funding from the Department of Homeland Security Buffer Zone Protection Program for approved public safety equipment; and

WHEREAS, the St. Louis County Sheriff's Office will be able to purchase needed public safety equipment as a result of this funding.

NOW THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes acceptance of the 2011 Buffer Zone Protection Program grant in the amount of \$190,000, to be accounted for in Fund 100, Agency 129999, Grant 12950, Year 2011.

RESOLVED FURTHER, the St. Louis County Board authorizes the appropriate county officials to sign any associated contract documents.

NEW GRANTS GREATER THAN \$25,000

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

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

YES NO

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

County Auditor

[Signature]

Date: 2-23-12

County Administrator

[Signature]

Date: 2-22-12

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

RECURRING GRANTS GREATER THAN \$25,000

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

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

YES NO

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

County Auditor

Date: _____

County Administrator

Date: _____

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

BOARD LETTER NO. 12 – 81

PUBLIC SAFETY & CORRECTIONS COMMITTEE

CONSENT NO. 13

BOARD AGENDA NO.

DATE: February 28, 2012

RE: Radio Maintenance Service
Agreements with Lake and
Carlton Counties

FROM: Kevin Z. Gray
County Administrator

Ross Litman
Sheriff

RELATED DEPARTMENT GOAL:

To serve the citizens and the public safety community by providing a fast, effective emergency and non-emergency public safety communications system.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize Radio Maintenance Service agreements with Lake and Carlton counties for migration to the Allied Radio matrix for Emergency Responders (ARMER) system.

BACKGROUND:

St. Louis, Carlton, and Lake counties share the infrastructure for radio communications and mobile data and are simultaneously migrating to the ARMER system. The counties also share a computer aided dispatch (CAD) system. To maintain the shared system infrastructure at a high standard and to insure public safety, the Sheriff's Office Radio Communications Division will assist with the migration to the ARMER system and provide ongoing maintenance to all three counties' public safety communications systems.

St. Louis County has maintained Lake County's radio communications system since 2009. Carlton County also wishes to enter into an agreement with St. Louis County to effect project management of the ARMER project and to maintain the shared communication systems. The revenues generated from these two contracts will total \$62,000, with Lake County being charged \$25,000 and Carlton County charged \$37,000, to be accounted for in Fund 100, Agency 136001, Object 551506 (Carlton) and Object 551508 (Lake).

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize agreements with Lake and Carlton counties to provide project management services and communications infrastructure maintenance.

Radio Maintenance Service Contracts with Lake and Carlton Counties

BY COMMISSIONER _____

WHEREAS, St. Louis, Lake, and Carlton counties are in need of project management for the migration to the Allied Radio Matrix for Emergency Responders (ARMER) system; and

WHEREAS, these counties share radio and mobile data communications infrastructure, and require ongoing system maintenance; and

WHEREAS, the St. Louis County Sheriff's Office Radio Maintenance Technicians provide a high standard of maintenance for the infrastructure.

NOW THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes an agreement with Lake and Carlton counties for Allied Radio Matrix for Emergency Responders (ARMER) system migration project management, and the provision of ongoing maintenance of the shared communications systems totaling \$62,000, with \$25,000 to be accounted for in Fund 100, Agency 136001, Object 551506 (Carlton) and \$37,000 to be accounted for in Fund 100, Agency 136001, Object 551508 (Lake).

BOARD LETTER NO. 12 - 82

FINANCE & BUDGET COMMITTEE CONSENT NO. 14

BOARD AGENDA NO.

DATE: February 28, 2012 **RE:** Establish Public Hearing to
Consider Off-Sale Intoxicating
Liquor License (Fredenberg
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 establish a public hearing to consider an off-sale intoxicating liquor license for an establishment in Fredenberg Township.

BACKGROUND:

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

The County Liquor Licensing Committee considered and approved the application and recommends Board approval. This establishment is located in Area 3 and the annual license fee is \$150.

RECOMMENDATION:

It is recommended that the St. Louis County Board establish a public hearing to consider the off-sale intoxicating liquor application of Hi Banks Resort, Fredenberg Township.

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

BY COMMISSIONER _____

RESOLVED, that a public hearing will be held at 9:35 A.M. on March 13, 2012, in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering an Off-Sale Intoxicating Liquor License for Hi Banks Resort, Inc. d/b/a Hi Banks Resort, Fredenberg Township.

BOARD LETTER NO. 12 – 83

ENVIRONMENT & NATURAL RESOURCES COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: February 28, 2012 **RE:** Award of Regional Landfill
Phase 6 Construction

FROM: Kevin Z. Gray
County Administrator

Ted Troolin, Director
Environmental Services

RELATED DEPARTMENT GOAL:

To pursue efficient and effective waste management programs to enhance services to residents and businesses.

ACTION REQUESTED:

The St. Louis County Board is requested to award the construction of Phase 6 at the Regional Landfill to Frattalone Companies, St. Paul, Minnesota.

BACKGROUND:

The St. Louis County Environmental Services Department provides a comprehensive system of solid waste management for residents and businesses within its Solid Waste Management Area (SWMA) through a network of solid waste transfer facilities and the Regional Landfill (Landfill). The Landfill is located east of the city of Virginia and is the primary disposal facility for mixed municipal solid waste generated in the SWMA. On January 25, 2012 a Request for Bids was issued to expand the Landfill by constructing a 5.2 acre cell (Phase 6) during the spring and summer of 2012. Bids were opened on February 21, 2012 at 2:00 p.m. with the following results:

Frattalone Companies, St. Paul, MN	\$ 1,398,610.52
Hammerlund Construction, Grand Rapids, MN	\$ 1,410,000.00
Hoover Construction - Virginia, MN	\$ 1,516,283.10
Veit – Duluth, MN	\$ 1,638,744.50
Ulland Brothers - Cloquet, MN	\$ 1,692,000.00
Rachel Contracting – St. Michael, MN	\$ 1,773,774.20
KGM Contractors – Angora, MN	\$ 1,987,163.35

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the appropriate county officials to enter into a contract with Frattalone Companies for the construction of Phase 6 at the Regional Landfill at its bid price of \$1,398,610.52, payable from Fund 600, Agency 607001, Landfill.

Award of Regional Landfill Phase 6 Construction

BY COMMISSIONER _____

WHEREAS, St. Louis County operates a Regional Landfill in Virginia, Minnesota, which serves as the primary disposal facility for mixed municipal solid waste generated in the county's Solid Waste Management Area; and

WHEREAS, the St. Louis County Regional Landfill will require additional operational capacity by the fall of 2012; and

WHEREAS, the construction of this project was competitively bid and the lowest responsible bid of \$1,398,610.52 was received from Frattalone Companies of St. Paul, Minnesota.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into a contract with Frattalone Companies at its bid price of \$1,398,610.52, for the construction of Phase 6 at the Regional Landfill payable from Fund 600, Agency 607001, Landfill.

BOARD LETTER NO. 12 - 84

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: February 28, 2012 **RE:** Naming the Joint Public Safety
Building Training Room in
Honor of Ellen Louise Pence

FROM: Kevin Z. Gray
County Administrator

Ross Litman
Sheriff

RELATED DEPARTMENT GOAL:

To provide for efficient and effective government.

ACTION REQUESTED:

The St. Louis County Board is requested to join the Duluth City Council on behalf of the County Sheriff's Office and the Duluth Police Department, in memorializing the life work of Ellen Louise Pence by naming the new Joint Public Safety Building training room in her honor.

BACKGROUND:

St. Louis County and the City of Duluth recently lost a great citizen and community advocate in the passing of Ellen Louise Pence. Ms. Pence helped organize the Domestic Abuse Intervention Program commonly referred to as the "Duluth Model," was a founding member and Director of Praxis Int'l, helped develop the Blueprint for Safety domestic violence initiative, and closely collaborated with institutions and law enforcement around the world, starting with the Duluth Police Department, to help combat domestic violence.

Ellen Pence devoted her life to addressing and counseling all parties in the cycle of domestic violence. With the completion of the St. Louis County/City of Duluth Joint Public Safety Building, it is fitting to memorialize her work by naming the training room in her honor. This training facility will be open to community meetings and gatherings, as well as education and training opportunities for law enforcement personnel.

RECOMMENDATION:

It is recommended that the St. Louis County Board join with the Duluth City Council in naming the new Joint Public Safety Building training room in honor of Ellen Louise Pence and her life work in combating domestic violence.

**Naming the Joint Public Safety Building Training Room in
Honor of Ellen Louise Pence**

BY COMMISSIONER _____

WHEREAS, St. Louis County and the City of Duluth recently lost a great citizen and community advocate in the passing of Ellen Louise Pence; and

WHEREAS, Ellen Pence helped organize the Domestic Abuse Intervention Program commonly referred to as the “Duluth Model,” was a founding member and Director of Praxis Int’l, helped develop the Blueprint for Safety domestic violence initiative, and closely collaborated with institutions and law enforcement around the world, starting with the Duluth Police Department, to help combat domestic violence; and

WHEREAS, Ellen Pence devoted her life to effectively addressing and counseling all parties in the cycle of domestic violence; and

WHEREAS, the new Joint Public Safety Building training room is intended for community meetings and gatherings, as well as education and training; and

WHEREAS, the St. Louis County Board of Commissioners along with the Duluth City Council on behalf of the County Sheriff’s Office and the Duluth Police Department, in order to memorialize Ellen Pence’s life and work, desires to name the new Joint Public Safety Building training room in her honor.

NOW THEREFORE, BE IT RESOLVED, that the new Joint Public Safety Building training room shall hereafter be referred to as the Ellen Pence Training Room.

INTERGOVERNMENTAL RELATIONS COMMITTEE

12-0103R

RESOLUTION NAMING THE NEW PUBLIC SAFETY BUILDING
TRAINING ROOM IN HONOR AND MEMORIAM OF ELLEN LOUISE
PENCE.

CITY PROPOSAL:

WHEREAS, the city recently lost a great citizen and community advocate in the passing of Ellen Louise Pence; and

WHEREAS, Ellen Pence helped organize the Domestic Abuse Intervention Program commonly referred to as the "Duluth Model," was a founding member and Director of Praxis Int'l, helped develop the Blueprint for Safety domestic violence initiative, and closely collaborated with institutions and police departments around the world, starting with the Duluth police department to help combat domestic violence; and

WHEREAS, Ellen Pence devoted her life to effectively addressing and counseling all parties in the cycle of domestic violence; and

WHEREAS, the new Public Safety Building training room is intended for community meetings and gatherings as well as education and training; and

WHEREAS, the city council on behalf of the Duluth police department, in order to memorialize Ellen Pence's life and work, desires to name the new Public Safety Building training room in honor of Ellen.

THEREFORE, BE IT RESOLVED, that the new Public Safety Building training room shall hereafter be referred to as the Ellen Pence Training Room.

Approved as to form:

Attorney

CCREQ/ATTY GBJ:cjk 2/21/2012

STATEMENT OF PURPOSE: This resolution dedicates the new Public Safety Building training room as the "Ellen Pence Training Room" in recognition of the work and life of Ellen Louise Pence.

Support for Legislation Modifying Wetland Replacement Requirements

BY COMMISSIONER _____

WHEREAS State Representative Tom Anzelc has authored legislation modifying wetland replacement requirements in counties with 80% or more of their pre-settlement wetlands remaining, officially known as House File No. 2105; and

WHEREAS, Arrowhead Counties Association members all have in excess of 80% of their pre-settlement wetlands remaining; and

WHEREAS, current state law regulating replacement of wetlands affected by building activities creates undue hardship for economic development activities in the member counties including St. Louis County; and

WHEREAS, modification of wetland replacement requirements in the Arrowhead Counties Association member counties would enhance local economic development activity in these counties; and

WHEREAS, the provisions of HF 2105 are in full compliance with statutory requirements that Minnesota retain an overall no net loss of wetlands policy.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners supports House File No. 2105, modifying wetland replacement requirements, as proposed by State Representative Tom Anzelc.

ARROWHEAD COUNTIES ASSOCIATION

Aitkin, Carlton, Cook, Itasca, Koochiching, Lake, Pine, St. Louis

February 21, 2012

Aitkin County Board Chair Wedel
Carlton County Board Chair Pihlman
Cook County Board Chair Hall
Itasca County Board Chair McLynn
Koochiching County Board Chair McBride
Lake County Board Chair Sve
Pine County Board Chair Chaffee
St. Louis County Board Chair Nelson

Dear County Board Chair,

Arrowhead Counties Association has been requested by State Representative Anzelc to supply a resolution supporting HF 2105, Legislation Modifying Wetland Replacement Requirements. Attached is our resolution supporting that legislation.

We ask that your county consider adding a resolution of support for HF 2105. If you agree with this legislation and would like to voice your support, please send your county's resolution to:

State Representative Tom Anzelc
307 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, Minnesota 55155

Thank you,



Marv Bodie
Chair, Arrowhead Counties Association

Enclosures

ARROWHEAD COUNTIES ASSOCIATION

Aitkin, Carlton, Cook, Itasca, Koochiching, Lake, Pine, St. Louis

RESOLUTION February 15, 2012

Support for Legislation Modifying Wetland Replacement Requirements

WHEREAS State Representative Anzelc has authored legislation modifying wetland replacement requirements in counties with 80% or more of their pre-settlement wetlands remaining, officially known as House File No. 2105; and

WHEREAS, Arrowhead Counties Association members all have in excess of 80% of their pre-settlement wetlands remaining; and

WHEREAS, current state law regulating replacement of wetlands affected by building activities creates undue hardship for economic development activities in the member counties; and

WHEREAS, modification of wetland replacement requirements in the Arrowhead Counties Association member counties would enhance local economic development activity in these counties.

WHEREAS, the provisions of HF 2105 are in full compliance with statutory requirements that Minnesota retain an overall no net loss of wetlands policy.

NOW, THEREFORE, BE IT RESOLVED, that the Arrowhead Counties Association members support House File No. 2105, modifying wetland replacement requirements, as proposed by State Representative Anzelc.

Adopted, and Approved by the Arrowhead Counties Association February 15, 2012.



Marv Bodie
Chair, Arrowhead Counties Association

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2105

02/08/2012 Authored by Anzele and Dill

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to waters; modifying wetland replacement requirements; amending
1.3 Minnesota Statutes 2010, section 103G.2241, subdivisions 9, 11, by adding
1.4 a subdivision; Minnesota Statutes 2011 Supplement, section 103G.222,
1.5 subdivision 1.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2011 Supplement, section 103G.222, subdivision 1,
1.8 is amended to read:

1.9 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or
1.10 partially, unless replaced by restoring or creating wetland areas of at least equal public
1.11 value under a replacement plan approved as provided in section 103G.2242, a replacement
1.12 plan under a local governmental unit's comprehensive wetland protection and management
1.13 plan approved by the board under section 103G.2243, or, if a permit to mine is required
1.14 under section 93.481, under a mining reclamation plan approved by the commissioner
1.15 under the permit to mine. For project-specific wetland replacement completed prior to
1.16 wetland impacts authorized or conducted under a permit to mine within the Great Lakes
1.17 and Rainy River watershed basins, those basins shall be considered a single watershed
1.18 for purposes of determining wetland replacement ratios. Mining reclamation plans shall
1.19 apply the same principles and standards for replacing wetlands by restoration or creation
1.20 of wetland areas that are applicable to mitigation plans approved as provided in section
1.21 103G.2242. Public value must be determined in accordance with section 103B.3355 or
1.22 a comprehensive wetland protection and management plan established under section
1.23 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently
1.24 and semipermanently flooded areas of types 3, 4, and 5 wetlands.

2.1 (b) Replacement must be guided by the following principles in descending order
2.2 of priority:

2.3 (1) avoiding the direct or indirect impact of the activity that may destroy or diminish
2.4 the wetland;

2.5 (2) minimizing the impact by limiting the degree or magnitude of the wetland
2.6 activity and its implementation;

2.7 (3) rectifying the impact by repairing, rehabilitating, or restoring the affected
2.8 wetland environment;

2.9 (4) reducing or eliminating the impact over time by preservation and maintenance
2.10 operations during the life of the activity;

2.11 (5) compensating for the impact by restoring a wetland; and

2.12 (6) compensating for the impact by replacing or providing substitute wetland
2.13 resources or environments.

2.14 For a project involving the draining or filling of wetlands in an amount not exceeding
2.15 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,
2.16 paragraph (a), the local government unit may make an on-site sequencing determination
2.17 without a written alternatives analysis from the applicant.

2.18 (c) If a wetland is located in a cultivated field, then replacement must be
2.19 accomplished through restoration only without regard to the priority order in paragraph
2.20 (b), provided that a deed restriction is placed on the altered wetland prohibiting
2.21 nonagricultural use for at least ten years.

2.22 (d) If a wetland is drained under section 103G.2241, subdivision 2, paragraphs
2.23 (b) and (e), the local government unit may require a deed restriction that prohibits
2.24 nonagricultural use for at least ten years unless the drained wetland is replaced as provided
2.25 under this section. The local government unit may require the deed restriction if it
2.26 determines the wetland area drained is at risk of conversion to a nonagricultural use within
2.27 ten years based on the zoning classification, proximity to a municipality or full service
2.28 road, or other criteria as determined by the local government unit.

2.29 (e) Restoration and replacement of wetlands must be accomplished in accordance
2.30 with the ecology of the landscape area affected and ponds that are created primarily to
2.31 fulfill storm water management, and water quality treatment requirements may not be
2.32 used to satisfy replacement requirements under this chapter unless the design includes
2.33 pretreatment of runoff and the pond is functioning as a wetland.

2.34 (f) Except as provided in ~~paragraph~~ paragraphs (g) and (h), for a wetland or public
2.35 waters wetland located on nonagricultural land, replacement must be in the ratio of two
2.36 acres of replaced wetland for each acre of drained or filled wetland.

3.1 (g) For a wetland or public waters wetland located on agricultural land ~~or in a greater~~
3.2 ~~than 80 percent area~~, replacement must be in the ratio of one acre of replaced wetland
3.3 for each acre of drained or filled wetland.

3.4 (h) For wetland or public waters wetland in areas with 20 percent or less of the
3.5 presettlement wetland acreage intact, the board shall, by rule, establish a replacement ratio
3.6 sufficient to replace each acre of drained or filled wetland and to offset the losses of
3.7 wetland and public waters wetland resulting from the exemption under section 103G.2241,
3.8 subdivision 10a.

3.9 ~~(h)~~ (i) Wetlands that are restored or created as a result of an approved replacement
3.10 plan are subject to the provisions of this section for any subsequent drainage or filling.

3.11 ~~(i)~~ (j) Except in a greater than 80 percent area, only wetlands that have been
3.12 restored from previously drained or filled wetlands, wetlands created by excavation in
3.13 nonwetlands, wetlands created by dikes or dams along public or private drainage ditches,
3.14 or wetlands created by dikes or dams associated with the restoration of previously drained
3.15 or filled wetlands may be used in a statewide banking program established in rules adopted
3.16 under section 103G.2242, subdivision 1. Modification or conversion of nondegraded
3.17 naturally occurring wetlands from one type to another are not eligible for enrollment in a
3.18 statewide wetlands bank.

3.19 ~~(j)~~ (k) The Technical Evaluation Panel established under section 103G.2242,
3.20 subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop
3.21 wetland characteristics of soils, vegetation, and hydrology before recommending that the
3.22 wetland be deposited in the statewide wetland bank. If the Technical Evaluation Panel has
3.23 reason to believe that the wetland characteristics may change substantially, the panel shall
3.24 postpone its recommendation until the wetland has stabilized.

3.25 ~~(k)~~ (l) This section and sections 103G.223 to 103G.2242, 103G.2364, and
3.26 103G.2365 apply to the state and its departments and agencies.

3.27 ~~(l)~~ (m) For projects involving draining or filling of wetlands associated with a new
3.28 public transportation project, and for projects expanded solely for additional traffic
3.29 capacity, public transportation authorities may purchase credits from the board at the
3.30 cost to the board to establish credits. Proceeds from the sale of credits provided under
3.31 this paragraph are appropriated to the board for the purposes of this paragraph. For the
3.32 purposes of this paragraph, "transportation project" does not include an airport project.

3.33 ~~(m)~~ (n) A replacement plan for wetlands is not required for individual projects that
3.34 result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction,
3.35 or replacement of a currently serviceable existing state, city, county, or town public road
3.36 necessary, as determined by the public transportation authority, to meet state or federal

4.1 design or safety standards or requirements, excluding new roads or roads expanded solely
4.2 for additional traffic capacity lanes. This paragraph only applies to authorities for public
4.3 transportation projects that:

4.4 (1) minimize the amount of wetland filling or draining associated with the project
4.5 and consider mitigating important site-specific wetland functions on site;

4.6 (2) except as provided in clause (3), submit project-specific reports to the board, the
4.7 Technical Evaluation Panel, the commissioner of natural resources, and members of the
4.8 public requesting a copy at least 30 days prior to construction that indicate the location,
4.9 amount, and type of wetlands to be filled or drained by the project or, alternatively,
4.10 convene an annual meeting of the parties required to receive notice to review projects to
4.11 be commenced during the upcoming year; and

4.12 (3) for minor and emergency maintenance work impacting less than 10,000 square
4.13 feet, submit project-specific reports, within 30 days of commencing the activity, to the
4.14 board that indicate the location, amount, and type of wetlands that have been filled
4.15 or drained.

4.16 Those required to receive notice of public transportation projects may appeal
4.17 minimization, delineation, and on-site mitigation decisions made by the public
4.18 transportation authority to the board according to the provisions of section 103G.2242,
4.19 subdivision 9. The Technical Evaluation Panel shall review minimization and delineation
4.20 decisions made by the public transportation authority and provide recommendations
4.21 regarding on-site mitigation if requested to do so by the local government unit, a
4.22 contiguous landowner, or a member of the Technical Evaluation Panel.

4.23 Except for state public transportation projects, for which the state Department of
4.24 Transportation is responsible, the board must replace the wetlands, and wetland areas of
4.25 public waters if authorized by the commissioner or a delegated authority, drained or filled
4.26 by public transportation projects on existing roads.

4.27 Public transportation authorities at their discretion may deviate from federal and
4.28 state design standards on existing road projects when practical and reasonable to avoid
4.29 wetland filling or draining, provided that public safety is not unreasonably compromised.
4.30 The local road authority and its officers and employees are exempt from liability for
4.31 any tort claim for injury to persons or property arising from travel on the highway and
4.32 related to the deviation from the design standards for construction or reconstruction under
4.33 this paragraph. This paragraph does not preclude an action for damages arising from
4.34 negligence in construction or maintenance on a highway.

4.35 ~~(n)~~ (o) If a landowner seeks approval of a replacement plan after the proposed
4.36 project has already affected the wetland, the local government unit may require the

5.1 landowner to replace the affected wetland at a ratio not to exceed twice the replacement
5.2 ratio otherwise required.

5.3 ~~(o)~~ (p) A local government unit may request the board to reclassify a county or
5.4 watershed on the basis of its percentage of presettlement wetlands remaining. After
5.5 receipt of satisfactory documentation from the local government, the board shall change
5.6 the classification of a county or watershed. If requested by the local government unit,
5.7 the board must assist in developing the documentation. Within 30 days of its action to
5.8 approve a change of wetland classifications, the board shall publish a notice of the change
5.9 in the Environmental Quality Board Monitor.

5.10 ~~(p)~~ (q) One hundred citizens who reside within the jurisdiction of the local
5.11 government unit may request the local government unit to reclassify a county or watershed
5.12 on the basis of its percentage of presettlement wetlands remaining. In support of their
5.13 petition, the citizens shall provide satisfactory documentation to the local government unit.
5.14 The local government unit shall consider the petition and forward the request to the board
5.15 under paragraph ~~(o)~~ (p) or provide a reason why the petition is denied.

5.16 Sec. 2. Minnesota Statutes 2010, section 103G.2241, subdivision 9, is amended to read:

5.17 Subd. 9. **De minimis.** (a) Except as provided in paragraphs (b) and (c), a
5.18 replacement plan for wetlands is not required for draining or filling the following amounts
5.19 of wetlands as part of a project:

5.20 (1) ~~10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and~~
5.21 ~~tamarack wetlands, outside of the shoreland wetland protection zone in a greater than~~
5.22 ~~80 percent area;~~

5.23 ~~(2)~~ 5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and
5.24 tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent
5.25 area, except within the 11-county metropolitan area;

5.26 ~~(3)~~ (2) 2,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland
5.27 protection zone in a less than 50 percent area, except within the 11-county metropolitan
5.28 area;

5.29 ~~(4)~~ (3) 100 square feet of wetland types not listed in clauses (1) ~~to (3)~~ and (2) outside
5.30 of the building setback zone of the shoreland wetland protection zones in all counties;

5.31 ~~(5)~~ (4) 400 square feet of wetland types listed in clauses (1) ~~to (3)~~ and (2), beyond
5.32 the building setback zone, as defined in the local shoreland management ordinance, but
5.33 within the shoreland wetland protection zone. ~~In a greater than 80 percent area, the local~~
5.34 ~~government unit may increase the de minimis amount up to 1,000 square feet if the~~
5.35 ~~wetland is isolated and is determined to have no direct surficial connection to the public~~

6.1 ~~water.~~ To the extent that a local shoreland management ordinance is more restrictive than
6.2 this provision, the local shoreland ordinance applies;

6.3 ~~(6)~~ (5) up to 20 square feet of wetland, regardless of type or location;

6.4 ~~(7)~~ (6) 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and
6.5 tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent
6.6 area within the 11-county metropolitan area; or

6.7 ~~(8)~~ (7) 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland
6.8 protection zone in a less than 50 percent area within the 11-county metropolitan area.

6.9 For purposes of this paragraph, the 11-county metropolitan area consists of the
6.10 counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne,
6.11 Washington, and Wright.

6.12 (b) The amounts listed in paragraph (a), clauses (1) to ~~(8)~~ (7), may not be combined
6.13 on a project.

6.14 (c) This exemption no longer applies to a landowner's portion of a wetland when
6.15 the cumulative area drained or filled of the landowner's portion since January 1, 1992, is
6.16 the greatest of:

6.17 (1) the applicable area listed in paragraph (a), if the landowner owns the entire
6.18 wetland;

6.19 (2) five percent of the landowner's portion of the wetland; or

6.20 (3) 400 square feet.

6.21 (d) This exemption may not be combined with another exemption in this section on
6.22 a project.

6.23 (e) Property may not be divided to increase the amounts listed in paragraph (a).

6.24 Sec. 3. Minnesota Statutes 2010, section 103G.2241, is amended by adding a
6.25 subdivision to read:

6.26 Subd. 10a. **Greater than 80 percent areas.** A replacement plan for wetlands is not
6.27 required in greater than 80 percent areas.

6.28 Sec. 4. Minnesota Statutes 2010, section 103G.2241, subdivision 11, is amended to
6.29 read:

6.30 Subd. 11. **Exemption conditions.** (a) A person conducting an activity in a wetland
6.31 under an exemption in subdivisions 1 to ~~10~~ 10a shall ensure that:

6.32 (1) appropriate erosion control measures are taken to prevent sedimentation of
6.33 the water;

6.34 (2) the activity does not block fish passage in a watercourse; and

7.1 (3) the activity is conducted in compliance with all other applicable federal,
7.2 state, and local requirements, including best management practices and water resource
7.3 protection requirements established under chapter 103H.

7.4 (b) An activity is exempt if it qualifies for any one of the exemptions, even though it
7.5 may be indicated as not exempt under another exemption.

7.6 (c) Persons proposing to conduct an exempt activity are encouraged to contact the
7.7 local government unit or the local government unit's designee for advice on minimizing
7.8 wetland impacts.

7.9 (d) The board shall develop rules that address the application and implementation
7.10 of exemptions and that provide for estimates and reporting of exempt wetland impacts,
7.11 including those in section 103G.2241, subdivisions 2, 6, and 9.

BOARD LETTER NO. 12 – 86

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 3

BOARD AGENDA NO.

DATE: February 28, 2012 **RE:** Civil Service Rule Amendments

FROM: Kevin Z. Gray
County Administrator

James R. Gottschald, Director
Human Resources

RELATED DEPARTMENT GOAL:

To administer personnel processing in accordance with applicable laws, labor contracts, policies and procedures.

ACTION REQUESTED:

The St. Louis County Board is requested to approve amendments to the St. Louis County Civil Service Rules.

BACKGROUND:

As part of the ongoing work to modernize the county's employment system, the Human Resources Department has continued its work in updating the St. Louis County Civil Service Rules. In 2009 and 2010, there were a number of housekeeping changes adopted. This year, more substantive changes are being proposed. A long-term goal of the county is to pursue changes in the civil service law itself. However, support of all labor groups has been difficult to achieve to date. The county will continue to pursue statutory reform at the time it is deemed achievable.

Human Resources Department staff have re-written most of the civil service rule chapters to make the rules easier to read, more understandable by stakeholders, and to reflect long-standing practices which were previously not clearly written within the context of the rules. A two-day retreat, hosted by the Human Resources Department and attended by representatives from the AFSCME, Teamsters, Civil Service Supervisory, Merit System Supervisory, Deputy Sheriffs, County Attorney's and Confidential units, was held in November 2011. The retreat provided the bargaining units with an opportunity to review and give input into the proposed civil service rule amendments.

Highlights of the proposed rule amendments include the following:

1. Clarifies the hierarchy for authority given any conflicting provisions as follows:
 - 1st – Any applicable State/Federal laws
 - 2nd – Any applicable St. Louis County collective bargaining agreements
 - 3rd – St. Louis County civil service rules
2. Changes notice requirements of public postings and distributions to include electronic email communications and internal/external county web site postings.
3. Changes to allow for alternate Civil Service Commission member for purposes of establishing a quorum.
4. Adopts a former civil service reform labor/management committee (CSRLMC) pilot project related to conducting position and classification audits.
5. Adds references of (or replicates) appeal language specific to certain rules in the applicable chapters; presently all appeal language is contained in rule 12.
6. Adds language to reflect long-standing practice of adjusting employee anniversary dates due to extended unpaid leaves of absence.
7. Changes references from “exam” to “assessment”, from “posting” to “employment opportunity”, and from “eligible list” to “employment list”.
8. Eliminates tie-breaking language used in establishing employment lists. Added language to refer the top three names (along with anyone with the same score as the third person – promotional) and to refer the top seven names (along with anyone with the same score as the seventh person – open).
9. Adds language to authorize temporary appointments in excess of three calendar months for employees working out-of-class, if collective bargaining agreements allow.
10. Adds discretionary probationary periods for current employees who transfer or demote.
11. Deletes obsolete definitions and added definitions for: “Anniversary Date”, “Assessment”, “Classification”, “Emergency Appointment”, “Hiring Authority”, “Part-time Employees”, “Primary Assignment”, “Salary Range”, and “Total Compensation”.

Civil Service Commission Rule 1.2 provides for rule amendments prepared and recommended by the (Human Resources) Director following a public hearing and approval by the Civil Service Commission and then approval by the County Board. The proposed rule amendments were unanimously approved by the Civil Service Commission at a public hearing on February 13, 2012

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the attached amendments to the St. Louis County Civil Service Rules.

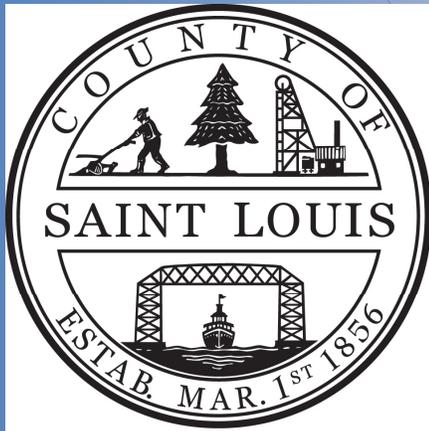
Civil Service Rule Amendments

BY COMMISSIONER _____

WHEREAS, the St. Louis County Civil Service Rules are in need of revision; and

WHEREAS, the proposed amendments to the St. Louis County Civil Service Rules were approved by the St. Louis County Civil Service Commission following a public hearing on February 13, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the attached amendments to the St. Louis County Civil Service Rules.



S A I N T LOUIS COUNTY M I N N E S O T A

ST. LOUIS COUNTY CIVIL SERVICE RULES

These rules are intended to aid in the interpretation and application of the St. Louis County Civil Service Law, Minnesota Statutes §383C.03 – §383C.059. Readers should be aware that many of the subjects covered by these rules may also be covered by other federal and state laws, collective bargaining agreements of County employees, County Board policies, and policies and procedures of the St. Louis County Human Resources Department.

March 2012

RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION

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RULE 1

PURPOSE, ADOPTION AND AMENDMENT OF RULES

1.1 PURPOSE OF RULES. The purpose of these rules is to implement and supplement the provisions of the Civil Service Act, Minn. Stat §383C.03–§383C.059. The rules will be applied in accord with the purpose of the law and with County Board policy (Resolution No. 2008-199) which states that St. Louis County will establish and maintain employment policies and procedures which provide for:

- A. Selecting employees on the basis of merit and ability to perform the duties and responsibilities of the job;
- B. Maintaining equitable compensation consistent with appropriate market considerations, provided that equitable compensation is based on the value of the work performed. The value is determined using internal pay equity and external market comparisons.
- C. Training employees, as needed, to assure high quality performance;
- D. Retaining employees based on the quality of their work performance and work behavior, recognizing employees for their positive contributions, and addressing the performance of employees whose behavior cannot be corrected;
- E. Assuring equal employment opportunity and fair treatment of applicants and employees in all aspects of human resources management; and
- F. Assuring that employees are protected against political interference in their positions.

1.2 ADOPTION AND AMENDMENT OF THE RULES. These rules, and amendments to them, will be prepared and recommended by the Director and must be approved by the Civil Service Commission and the County Board of Commissioners following public hearings.

Any meeting of the Commission scheduled in accord with Rule 2 will constitute a public hearing for the purpose of amending the rules. Notice of a public hearing and proposed amendments to the rules shall be posted on the Human Resources Department's internal and external web sites, distributed electronically, and posted by other means deemed necessary at least 14 calendar days before the hearing.

Personnel actions taken prior to the effective date of new, abolished or amended rules will be governed by the rules in effect on the effective dates of those actions.

1.3 SCOPE OF RULES. These rules are applicable to positions and employees in the classified service and applicants for vacancies in the classified service, except where otherwise noted. The hierarchy for authority is as follows:

- 1st – laws (any applicable federal and state laws)
- 2nd – collective bargaining labor agreements
- 3rd – civil service rules

1.4 VALIDITY OF RULES. In the event that any part of these rules is found to be invalid for any reason, such invalidity does not impair or invalidate the remainder of these rules.

Reference: Minn. Stat. §383C.033(a) & Minn. Stat. §383C.034(c)

RULE 2

CONDUCT OF COMMISSION BUSINESS

2.1 MEETINGS. The Civil Service Commission will schedule meetings twice each month. Additional meetings may be scheduled by the Director or Commission as needed, and meetings may be canceled for lack of an agenda. The schedule of meetings will be distributed electronically and posted on the Human Resources Department internal and external web sites at the beginning of the calendar year. The Commission will schedule meetings in the northern part of the county at least four times a year. All other meetings will be held in Duluth.

At least 2 members, or 1 member and the alternate member, must be present for the transaction of business at any meeting.

2.2 MEMBERS. Members of the Civil Service Commission are appointed in accord with Minn. Stat. §383C.031. The St. Louis County Board of Commissioners will also appoint a fourth member to serve as an alternate member of the Commission for a term of 3 years. The alternate attends all meetings of the Commission, but will only act as a member of the Commission when requested by the Commission Chair or the Director in the absence of a member or when a member recuses himself or herself from participating in a particular decision. When asked to act as a member of the Commission, the alternate has the authority and responsibility of a Commission member. The alternate is eligible for reimbursement of expenses for Commission activities in the same manner as Commission members.

2.3 OATH OF OFFICE. Each new Commission member and alternate must sign a statement of belief in, and desire to support, the principles of a civil service system of employment and of his or her commitment to faithfully discharge the duties of a member of the Civil Service Commission.

Reference: Minn. Stat. §383C.031 & Minn. Stat. §383C.033

RULE 3 POSITION CLASSIFICATION

3.1 RESPONSIBILITIES. The Director is responsible for maintaining a classification plan in accord with Minn. Stat. §383C.037 and §383C.039. The plan is a list of all classified and unclassified county job classes. Positions will be assigned to each class based on their similarity of duties and responsibilities. The Director is responsible for ensuring that each position designed, or redesigned, by a hiring authority is assigned to its proper class.

3.2 CLASS SPECIFICATIONS; INTERPRETATION AND APPLICATION. The Director, with the approval of the Commission, will provide, and may add or revise as needed, classes or written specifications for each class. Class specs describe the most important elements of a class, such as purpose, responsibilities and general qualifications. They are used as the benchmark for comparing positions and deciding the class to which each should be allocated. Class specs are also referred to as “job descriptions”.

Class specs are descriptive and not restrictive. They provide illustrative examples of the kinds of duties, responsibilities and qualifications which would be typical of positions assigned to each class. Positions may be assigned duties which are not described in the class spec and not all positions will perform every job duty found in the class spec. Class specs are not to be interpreted as limiting the authority of a supervisor to assign duties or responsibilities to an employee.

Staff members of the Human Resources Department (and others who have been trained) use their professional experience, training and judgment to decide the appropriate class to which each position should be assigned. In making that decision, they will consider the description of each class as a whole. They will also compare the duties and responsibilities of the position with those assigned to other positions.

The minimum qualifications described in a class spec will include any legally required qualifications, such as a specific license. They will also include other types of qualifications that would be typical for positions assigned to the class. They are not intended to be definitive except for those which are legally required.

3.3 POSITION ALLOCATION. When a new position is created, the hiring authority must submit a written request to Human Resources to have the position allocated to a class. Positions cannot be filled until they have been allocated to a class and formally established.

3.4 POSITION REALLOCATION. When a hiring authority significantly redesigns a position by adding, subtracting or otherwise substantially and permanently changing the major duties and responsibilities of a position, a written request must be submitted to the Human Resources Department to determine if the position should be reallocated. The Director will, upon their initiative, or upon the request of an employee, supervisor, or hiring authority, investigate the duties of the affected position and may reallocate the position as deemed appropriate.

3.5 JOB AUDITS. A job audit is an analysis of a position's duties and responsibilities. There are 2 types of job audits:

- A. Position Audits. A position audit is a review and analysis of the duties and responsibilities of an individual position to determine the correct class to which the position should be allocated or reallocated. Position audits may be requested by a department head/designee or by the incumbent of the position. An incumbent/supervisor may request an audit of the position only once every 3 years.
- B. Class Audits. A class audit is a review and analysis of the duties and responsibilities of all, or almost all, positions in a class. That information is then used in a job evaluation to determine if the class is appropriately compensated. Class audits may only be requested by a department head.

Job audits will not be used to avoid the provision of these rules with regard to layoff, promotion and dismissal or other personnel actions.

3.6 EFFECT OF JOB AUDITS. When an employee is in a position that is re-allocated to a different class, the employee remains in the position and is appointed to the new class without examination. The employee's salary is handled as provided in Rule 4.5.

3.7 APPEALS. The decision resulting from a job audit may be appealed by the position's incumbent or supervisor in accord with Rule 12.

Reference: Minn. Stat. §383C.037 & Minn. Stat. §383C.039

RULE 4

COMPENSATION

4.1 POLICY. It is the policy of St. Louis County to establish and maintain compensation practices which will attract and retain qualified employees in a manner that is externally competitive with the relevant job market, is internally consistent, and complies with all state and federal laws and regulations.

4.2 SALARY RANGES, RATES AND LIMITS

- A. Each county position is allocated to a job class. Each class, except those for which a salary rate or range is established by law, is assigned to a salary range. Each range is assigned a grade number designation within the pay plan to which it is assigned.
- B. All salaries are based on hourly rates of pay. The salary rate for each employee must be on a step within the applicable salary range except as otherwise noted below. No person may be paid more than the local government salary cap (see Minn. Stat. §43A.17, Subd. 9) unless the County Board requests and receives approval for a waiver of the salary cap from the State.
- C. The County Board may approve negotiated adjustments to salary ranges, e.g., a 1% increase to all ranges. Employees paid within the range will receive the value of the adjustment up to the maximum of the range. Employees whose rates are already over the maximum of the salary range will not receive a salary increase until their salary again falls within the range. They will then receive only the amount of the adjustment that will move them to the maximum of the range. In other words, a salary range adjustment may not result in an employee being paid over the maximum of their salary range.

4.3 STARTING SALARIES. New employees are started at Step 1 of the applicable salary range. With the approval of the Director they may be paid at a higher step within the applicable range (exclusive of the longevity steps) based on relevant factors such as experience, education or market.

Salaries of skilled workers in the classes of Automotive Technician, Blacksmith, Carpenter, Heavy Equipment Mechanic, and Stationary Engineer who have completed an officially accepted apprenticeship or training program and are rated as Journeyman, first class mechanics or stationary engineers-first class for the position they hold, and who have submitted acceptable evidence of such rating, will be at the minimum prescribed rate during the probationary period, but subsequent increments within the established pay grades, excluding longevity, will be made at six month intervals thereafter. No retroactive salary increase will be made to an employee who fails to produce the necessary proof when eligibility occurs.

4.4 PROGRESSION THROUGH THE SALARY RANGE. Progression through the range will only be granted to permanent employees. Full-time employees will receive an increase to the next higher step in their salary range each year up to longevity steps provided that their performance during the preceding year has been “competent” (or equivalent) or better.

Part-time employees will receive step increases on the first of the month following completion of one full-time equivalent year of paid work. Part-time employees must work at least 1,000 hours in a payroll year to gain one year of credit toward longevity increases.

The effective date for annual step increases will be:

- A. The first day of the month following the last annual step increase for employees hired before January 1, 1980, or
- B. The first day of the month following the date of employment for employees hired on or after January 1, 1980. If the employment date is the first of the month, that month will be the annual step increase date.
- C. If the first day of the month was the employee’s last annual step increase date, that will be the employee’s ongoing annual step increase date.

The effective date for longevity-based increases for all employees will be the first of the month following their anniversary date of employment.

The step/longevity increase date remains the same throughout the tenure of the employee, except when adjusted due to an unpaid leave of absence of one or more calendar months.

4.5 SALARY ON CLASS CHANGE. Movement between classes covered by this plan is defined as a promotion, transfer or demotion. The movement may be between 2 positions allocated to different classes, or in the same position when the position is reallocated from one class to another. Salary rates on promotion, transfer or demotion must fall within the range of the new class except as otherwise noted below.

- A. Salary on Promotion. “Promotion” means the movement of an employee from one class to another class assigned to a pay grade that is one or more pay grades higher at the maximum rate of pay. The salary of an employee who is promoted will be increased to the step in the new grade which is equal to a 2-step increase from the employee’s current rate. If there is not a corresponding rate, the employee will be paid at the rate of the next highest step in the new grade. The employee may not be placed in a longevity step for which the employee is not eligible. If a 2-step increase results in placement on a step which is less than the step from which promoted, the employee will receive a step increase annually on their anniversary date until they reach the step corresponding to their length of service.

- B. Salary on Transfer. “Transfer” means the movement of an employee from one class to another class assigned to the same pay grade, or to a position in another class assigned to a pay grade whose maximum rate of pay is less than one step of the maximum of the employee’s current grade. The employee will move to the same step in the new grade.
- C. Salary on Demotion. “Demotion” means the movement of an employee from one class to another class assigned to a pay grade that is one or more salary grades lower at the maximum rate of pay.
 - 1. Salary on Reassignment to a Lower Class or Demotion in Lieu of Layoff. The salary rate of an employee whose position is reassigned to a class in a lower salary grade, or who accepts a demotion in lieu of layoff, will remain the same if it is within the range of the new class. If that rate falls on a longevity step, the employee will be frozen at that rate until they have sufficient length of service to move beyond that longevity step.

If the current rate of pay exceeds the maximum of the new salary range, the rate will be reduced to the new maximum unless the Human Resources Director approves a request to pay the person at a rate which exceeds the new maximum. If such a request is approved, the employee will not be eligible for any future increase until the person’s rate falls within the range for the new class and the employee has sufficient length of service to move beyond rate.

- 2. Salary on Voluntary or Disciplinary Demotion. The salary of an employee who voluntarily demotes or demotes as a result of discipline will be decreased to the step in the new grade to which they are eligible based on length of service.

4.6 SALARY ON REASSIGNMENT OF A CLASS TO A DIFFERENT SALARY RANGE. If a class is reassigned to a different salary range, the affected employees will receive a salary in accord with the provisions of Rule 4.5.

4.7 OTHER SALARY CONSIDERATIONS.

- A. Salary on Reemployment from Layoff. A person who is reemployed from layoff to the same class will be placed on the same step they had been on when they last worked for the county. If the person returns to a different class, the person’s salary rate will be placed on the equivalent step provided the new rate is within the salary range for the new class.
- B. Salary on Reemployment from Resignation. The salary rate of a person who returns to county employment following resignation may be set at any step within the range, up to and including the step they were at when they separated, at the discretion of the department head or designee. Their salary rate may not exceed the range maximum of the class.

- C. Salary on Return from a Leave of Absence of More than One Year. A person who returns from a leave of absence of more than one year will be placed on the same step they had been on when last working for the county.
- D. Work Out Of Class Pay. An employee who is assigned to perform substantially all of the duties of a promotional position which is temporarily vacant, or who is assigned to a special project with higher level duties, will receive a salary increase in accord with the "Salary on Promotion" language above if the assignment is expected to last longer than 10 consecutive work days. There is no salary adjustment for doing the work of a class which would be a transfer or demotion from the employee's current class.
- E. Public Pay From More Than One Source. In every case in which part of the compensation for services in a position, exclusive of overtime services, is paid by another department, branch or subdivision of a department, or outside agency such as a city, state, or federal government or from a different fund or account, unless authorized by the Civil Service Commission, all such payments shall be deducted from the compensation as basic salary of the employee concerned to the end that the total compensation of any employee, from all sources combined for any period, shall not exceed the amount payable at the rate prescribed for the class of position concerned, except that participants in the Veterans Administration On-The-Job-Training Program may receive from the federal government additional amounts in accordance with the Veterans Administration Rules.

RULE 5

RECRUITMENT AND APPLICANT ASSESSMENT

5.1 ANNOUNCEMENT OF EMPLOYMENT OPPORTUNITIES. Employment opportunities will be publicized on the Human Resources internal and external web sites and in any other manner determined necessary to attract qualified applicants. Announcements will specify, at a minimum, the title and salary range of the class, the nature of the work to be performed, the required and desirable qualifications, and the application and assessment processes.

Employment opportunities will be announced as "open" or "promotional".

- A. Open: Any qualified person (employee or non-employee) may apply.
- B. Promotional: Qualified county employees with permanent status in the classified service may apply.

5.2 APPLICATION PROCESS. Applications must be completed and submitted according to the process specified in the employment opportunity announcement. Applicants will be asked to certify that the information they provide is true and accurate.

Applicants claiming veterans preference in accord with Minn. Stat. §197.455 must submit a copy of an official DD214 document or other applicable documentation as required

by the Veterans Administration.

5.3 QUALIFICATIONS OF APPLICANTS. The Director will establish job-related qualifications relating to the ability of candidates to perform the duties of a position in the class for which the employment opportunity is being announced.

5.4 TYPES OF ASSESSMENTS. Assessments may include, but are not limited to, any one or a combination of the following:

- A. Written assessments;
- B. Oral assessments;
- C. Ratings of experience and training;
- D. Physical and performance assessments;
- E. Length and quality of service of county employees applying for promotional opportunities.

5.5 TESTING FOR PEOPLE WITH DISABILITIES. People with disabilities as defined by the Americans with Disabilities Act will be assessed in a manner which evaluates their ability to perform the essential functions of the position and/or class of positions with or without reasonable accommodation. Applicants who believe they may need an accommodation in the testing process itself may make a reasonable accommodation request as soon as possible after being informed of the type(s) of assessment(s) that will be used to evaluate the applicants' qualifications.

5.6 SCORING OF ASSESSMENTS. The final rating of applicant assessments will be based on all parts of the assessment process and on applicable State and Federal requirements including veteran's preference in accord with Minn. Stat. §197.455. Applicants will be required to obtain a minimum score on each part of the assessment and obtain an overall passing score. All applicants will receive notice of their final rating.

5.7 REJECTION OF APPLICANTS. The Director may reject applications from persons who are found to lack any of the requirements established for the position or class of positions for which the employment opportunity is announced. The Director may also reject any applicant who:

- A. Has been convicted of any crime which has a direct relationship to the position sought in accord with Minn. Stat. Chapter 364.
- B. Has been discharged or allowed to resign in lieu of discharge from any employment.
- C. Practices or attempts to practice deception or fraud in their application,

assessment or appointment.

- D. Has previously resigned “Not in Good Standing” from any county position.
- E. If a current employee, has a less than “competent” (or equivalent) performance review during their most recent performance appraisal period.

See also: Minn. Stat. §383C.042.

5.8 POSTPONEMENT OR CANCELLATION OF ASSESSMENT. In the event a sufficient number of qualified candidates have not made application for an assessment or for other good cause, either open-competitive or promotional, the Director may postpone the application deadline and the assessment process, or cancel the assessment to serve the best interests of the county. If that occurs, the applicants will be notified.

5.9 APPEALS. The actions described in Rule 5.6 or Rule 5.7 may be appealed in accord with Rule 12. The actions described in Rule 5.7 may be appealed in accord with Minn. Stat. Chapter 364.

*Reference: Minn. Stat. §383C.034(g) Duties of Director;
Minn. Stat. §383C.041 Civil Service Director; Tests
Minn. Stat. §383C.042 Powers of Director*

RULE 6

EMPLOYMENT LISTS

6.1 EMPLOYMENT LISTS. The Director will establish and maintain employment lists necessary to meet the needs of the county.

A. Reemployment Lists. There are 3 types of reemployment lists.

1. Reemployment-Layoff Lists. Permanent and probationary employees who are laid off will be placed on a reemployment-layoff list for one year from the date of layoff. The duration may be extended to a second year at the discretion of the Director. The Human Resources Department will maintain layoff lists for each job class. Employees will be placed on the layoff lists in seniority order or as otherwise provided in collective bargaining agreements.
2. Reemployment-Return from Extended Leave of Absence Lists. Permanent employees who have been on authorized unpaid leaves of absence for more than one year may submit a written request to be placed on the reemployment list for the class from which they went on leave. Names will be placed on the list in the order in which they are received, and will be removed after one year.
3. Reemployment-General. Former permanent employees who have resigned in good standing within the last year may submit a written request to be placed on the general reemployment list for the class from which they resigned. Names will be placed on the list in the order in which they are received and will be removed one year from their resignation date.

B. Promotional Lists. Promotional lists contain the names of eligible employees who passed the assessments for the position or class of positions for which an employment opportunity was announced. Upon written request of a hiring authority, the Director may approve the establishment of department or division specific promotional lists. Names are placed on promotional lists in order of final score as determined by the merit-based assessments described in Rule 5. Names of employees with tied scores will go on the lists in alphabetical order.

C. Open Lists. Open lists contain the names of all applicants who passed the assessments for the position or class of positions for which the employment opportunity was announced. Names are placed on open lists in order of final score as determined by the merit-based assessments described in Rule 5. Names of applicants with tied scores will go on the lists in alphabetical order.

6.2 DURATION OF EMPLOYMENT LISTS. The initial duration of an employment list may not exceed one year, but a list may be extended to a maximum of 2 years by the commission in accord with Minn. Stat. §383C.041. When the Director deems it necessary, a new eligible list may be combined with the existing eligible list or a new promotional list with an existing promotional list by placing the names of eligible candidates in order of final ratings according to Rule 6.1. An eligible candidate on the older list who did not compete in the examination to establish the new list shall be placed on the combined list only for the period for which the older list was originally established. On the combined list the rank of an eligible whose name appears on both lists will be determined by the higher of the 2 final ratings except that, if the higher rating was made in the examination to establish the older list, they will continue in such rank on the combined list only for the period for which the older list was established. Thereafter, their rank will be determined by final rating in the new examination.

6.3 REMOVAL OF NAMES FROM EMPLOYMENT LISTS. The Director may remove names from employment lists permanently or temporarily for any of the following reasons:

- A. Appointment to a position from that list.
- B. Appointment to another class with the same or higher salary range maximum. However, at the request of the appointee in such case, their name may be continued on lists other than the one from which the appointment was made for the duration of such lists.
- C. Separation “not in good standing” from the county.
- D. Failure to respond to an interview notice or to accept appointment when offered within seven days or failure to report for duty within the time prescribed by the hiring authority.
- E. Failure to maintain current contact information in the Human Resources Department’s electronic application system.
- F. Failure to be offered employment after being interviewed four times by the same Hiring authority or six times by different hiring authorities, except from promotional lists.

6.4 APPEALS. The actions described in Rule 6.3 may be appealed in accord with Rule 12.

*Reference: Minn. Stat. §383C.034(g) Duties of Director
Minn. Stat. §383C.04 Layoffs [Note: This section is about the reemployment list.]
Minn. Stat. §383C.041 Civil Service Director; Tests
Minn. Stat. §383C.042 Powers of Director
Minn. Stat. §383C.043 Vacancies*

RULE 7

APPLICANT REFERRAL AND APPOINTMENTS

7.1 REQUESTS TO FILL VACANT POSITIONS. Before a position may be filled, the hiring authority must submit a requisition to the Human Resources Department. At a minimum, the requisition must provide the following information about the vacancy:

- A. Permanent or temporary
- B. Full-time equivalency (FTE)
- C. Geographic location
- D. Type of appointment

Special Qualifications. A hiring authority may also indicate that the vacancy requires special qualifications, provided that the special qualifications are included in the class spec, and request referral of only the candidates who possess the special qualifications. If the special qualifications are approved by the Director, only candidates possessing the special qualifications may be considered for appointment to the vacant position.

7.2 REFERRAL AND APPOINTMENT FROM AN EMPLOYMENT LIST. A hiring authority has several options for filling a position. The choices, their constraints and requirements, and how they are used are explained below.

- A. Permanent Appointment. If the position to be filled is a permanent position, it is to be filled from an employment list. Employment lists will be referred in the following order. The previous lists must be exhausted before a supervisor can go to the next list.
 - 1. Reemployment-Layoff List. The top 3 names will be referred.
 - 2. Reemployment–Return from Extended Unpaid Leave of Absence List. The top 3 names will be referred. If there are fewer than 3 names available, those names will be referred along with names from the next reemployment list to make a total of 3 names.
 - 3. Reemployment-General List. The top 3 names will be referred.
 - 4. Promotional List. The top 3 names will be referred along with anyone who has the same score as the third person. Promotional lists established for a department, division or other organizational unit may take precedence over County-wide promotional lists so that applicants on agency, department or division lists will be

referred first and then followed by applicants on the County-wide lists, if needed to make a complete referral.

Promotional lists will take precedence over open lists and if fewer than 3 applicants are available on the appropriate promotional list, no additional names will be referred and any appointment to the position in question will be made from the remaining applicants on that list.

5. Open List. The top 7 names will be referred along with anyone who has the same score as the seventh person. When there is a significant underrepresentation of a protected group with respect to race or sex, and there are no members of the underrepresented group(s) in those to be referred, the highest ranking person from that group(s) will be added to the referral list. *Reference: Minn. Stat. §383C.034 (h).*

If more than one vacancy is to be filled at the same time from the same referral, the number of names referred will be increased by one for every additional vacancy, along with anyone else who has the same score as the additional person.

If the appointment is for dual-class positions, the Director may refer only the applicants meeting the minimum qualifications of both classes. The Director will refer names in the order they appear on the primary assignment employment list.

- B. Emergency Appointment. This type of appointment may be used for a period not to exceed 10 working days. *Reference: Minn. Stat. §383C.034 (h).*

Temporary Appointment. This type of appointment may be made to fill a temporary position or to temporarily fill a permanent position. A temporary appointment may not exceed 3 consecutive calendar months except as provided below. A typical use of a temporary appointment is a short-term project or back filling an employee on leave.

If a temporary appointment is used to pay an employee for a work out of class assignment, a temporary appointment may last longer if the collective bargaining agreement allows for temporary appointments in excess of 3 calendar months.

A hiring authority may request referral of applicants available for temporary work from the appropriate employment list or, with advance approval of the Director, they may appoint anyone who meets any legally required qualifications for the position for a period not to exceed four calendar months.

- C. Demotion. At the discretion of the hiring authority, an employee with permanent status may demote to a vacant position in a lower class in which the employee previously served and had achieved permanent status or to a different class in a lower grade if the employee passes a qualifying assessment for the class. If the employee

demotes to a different class in which the employee does not have permanent status, the hiring supervisor has the option to require the employee to serve a probationary period.

- D. Transfer. At the discretion of the hiring authority, an employee with permanent status may transfer to another position in the same class or to a position in a different class in a comparable salary range (see Rule 4.5B) if the employee passes a qualifying assessment for the class. In accord with Minn. Stat. §383C.044, a voluntary transfer may be denied by the employee's current department head based on the business needs of the department. The hiring authority has the option to require a probationary period for transfers to a different class or department.

7.3 PRE-EMPLOYMENT PHYSICALS. A pre-employment physical may be required as a condition of employment in a class as determined appropriate by the Director for:

- A. new hires;
- B. appointments or changes of current employees to a class/position in a higher physical activity category or where additional medical exams are mandated by law or other rule or policy; and
- C. reemployments in which the individual was off work for 6 months or longer and is returning to a class requiring a physical or other medical exam.

Classes/positions are assigned to physical activity categories by the Director according to the physical/medical requirements of the position. Pre-employment physicals are based on the essential functions, work environment information, and on-site job analysis information for each class/position.

The examining medical practitioner(s) will be those designated by the Director. The cost of pre-employment physicals will be paid by the county. The medical practitioner(s) will be asked to evaluate the individuals and report their recommendations to the county for each person as follows:

- A. Recommended for employment without apparent restrictions.
- B. Recommended for employment with the following restrictions.
- C. Not recommended for employment for the following reasons.

Failure to meet all established requirements will result in disqualification of the applicant except when reasonable accommodation is requested and can be made without causing undue hardship.

7.4 UNCLASSIFIEDCONVERSION. Whenever an occupied unclassified position is moved to the classified service, the incumbent is automatically appointed to the newly classified position but does not attain permanent status in the classified service until they have successfully completed a probationary period of 6 to 12 months, as specified by the hiring authority.

*Reference: Minn. Stat. §383C.034(h) Duties of Director
Minn. Stat. §383C.042 Powers of Director
Minn. Stat. §383C.043 Vacancies*

RULE 8

PROBATIONARY PERIODS

8.1 OBJECTIVE. The purpose of a probationary period is to provide supervisors the opportunity to observe an employee performing the duties of the job to ensure the required work can be performed as expected. As such, probationary periods are considered to be an extension of the selection process.

8.2 DURATION. Probationary periods are a minimum of 6 months for full-time employees and may be extended up to 12 months. Part-time employees serve probationary periods that are the full-time equivalent length of time. With the approval of the Director, a department head may initially establish a longer probationary period, to a maximum of 12 months, provided that the same duration is applied to all appointees to a class when a probationary period is required. Time away from work may be added to the length of any probationary period at the request of the hiring authority and with the approval of the Director. Other extended absences may be added on to the length of any probationary period at the request of the hiring authority and the approval of the Director.

8.3 MANDATORY PROBATIONARY PERIODS. All new county employees appointed to classified positions are required to serve a probationary period. Current county employees promoted to different positions in a higher class must also serve a probationary period.

8.4 OPTIONAL PROBATIONARY PERIODS. A hiring authority has the option of requiring a probationary period for current employees who:

- A. Transfer to a position in the same class in a different department;
- B. Transfer to a position in a different class;
- C. Demote to a position in a class in which they already have permanent status if the position is in a different department;
- D. Demote to a position in a different class.

A probationary period is also optional for people who are reemployed or appointed from a general reemployment list, or who are appointed from a layoff or return-from-leave reemployment list if the new appointment is to a different class from that which they were in when they left.

In all cases, if a hiring authority decides to require a probationary period, they must

provide written notice of the requirement of the probationary period to the person and the Director in advance of the effective date of the appointment.

8.5 PERMANENT STATUS. An employee who successfully completes a probationary period will be granted permanent status in the classified service in that class. If a probationary period is extended, the employee may be granted permanent status at any time during the extended period.

Failure to pass probation will result in termination of a new county employee. County employees who have already achieved permanent status in the classified service, but who fail to pass probation on a subsequent appointment will be returned to a position in their former class and department. In the event the employee is unable to be returned to their position in their former class and department, the employee will receive a layoff notice and will be able to exercise any contractual bumping rights.

8.6 NO RIGHT OF APPEALS. Probationary employees do not have the right to appeal extensions of their probationary period during or non-certification at the end of their probationary period.

*Reference: Minn. Stat. §383C.034 (i) Duties of Director
Minn. Stat. §383C.043 Vacancies*

RULE 9

PERFORMANCE REVIEWS

9.1 **GENERAL.** The purpose of performance reviews is to establish mutual understanding between a supervisor and employee regarding performance expectations as a county employee, and for the supervisor to clearly communicate how well the employee is meeting expectations. Reviews must be documented in writing at least once a year, but supervisors are encouraged to provide performance feedback to employees on a regular and ongoing basis.

9.2 **PROBATIONARY EMPLOYEES.** A supervisor is encouraged to regularly evaluate and provide feedback about the employee's performance during the probationary period and any extension thereof. A probationary period may be extended as described in Rule 8.2 if the employee and the Director receive written notice of the extension and a copy of the written performance review with an overall rating of less than "Competent" (or its equivalent) in advance of the original probation end date. A probationary employee who received a "Competent" (or equivalent) rating will gain permanent status in that class unless departmental policy provides for routine extension of probationary status. A rating of "Requires Improvement" (or equivalent) will extend the probationary status and a rating of "Unsatisfactory" (or equivalent) will result in dismissal.

9.3 **PERMANENT EMPLOYEES.** The performance of permanent employees will be evaluated in writing annually at least 7 calendar days prior to the employee's anniversary or salary increase date. The employee must be notified at least 3 calendar days in advance of the annual performance review meeting to allow for preparation. The supervisor will complete the employee's performance review, discuss the review with the employee, then submit it to the Human Resources Department. The employee's overall performance will be rated as "Competent", "Requires Improvement", or "Unsatisfactory" (or any equivalent ratings proposed by a department head and approved by the Human Resources Director). Ratings less than Competent (or equivalent) require a written explanation describing deficiencies and expectations for improvement.

- A. An employee with a "Competent" (or equivalent) rating will receive any step or longevity increases for which the employee is eligible and may apply for promotional employment opportunities.
- B. An employee with a "Requires Improvement" (or equivalent) rating will not be eligible for step/longevity increases or be referred for promotions. The supervisor must rate the employee again within 6 months. An overall rating at that time of "Competent" (or equivalent) will entitle the employee to receive step/longevity increases for which they are eligible and the employee will again be eligible to be referred for promotions. A salary increase for which the employee is now eligible is not retroactive.

- C. An employee with an "Unsatisfactory" (or equivalent) rating will not be eligible for any step/longevity increases or be referred for promotions and will be grounds for corrective action.

9.4 **APPEALS**

- A. Employees in a Probationary Status. An employee serving a probationary period does not have the right to appeal a performance review.
- B. Employees Not in a Probationary Status. Employees with permanent status whose overall rating is less than "Competent" (or equivalent), may object to that rating in accord with Rule 12.

Reference: Minn. Stat. §383C.034(j) Duties of Director

RULE 10

HOURS AND LEAVES

10.1 VACATION. Vacation leave with pay will be granted in accord with the current collective bargaining agreement with changes in vacation accruals effective the first of the month following the employee's required years of service.

A. Full-time Employees. No vacation will be earned for any pay period during which the employee is in "no-pay" status for the equivalent of 2.50 days, (i.e., 18.75 hours for 7 1/2 hour employees and 20 hours for an 8 hour day employee).

B. Part-time Employees. Permanent employees working on a part-time basis will earn, accumulate and be compensated for vacation in accord with the following conditions:

1. Employees must work a minimum of 6 months or 1,000 hours, whichever is later.

2. The formula for computing vacation hours for part-time employees will be as follows:

Number of hours worked divided by number of hours in the employee's negotiated pay period (i.e., 75 for 7 1/2 hour day employees and 80 for 8 hour day employees), and then multiplied by the applicable hourly factor according to years of service as outlined in the union contract not to exceed the maximum accrual for each factor. This hourly figure will be rounded up to the nearest one-quarter hour.

Whenever an employee is about to lose vacation because of the limitation of vacation accumulation, the hiring authority, upon the request of the employee, will make arrangements to permit the employee to use their current pay period accrual to prevent such loss. However, upon prior written agreement between the employee and their hiring authority, a copy of which will be filed with the Director, vacation earnings in excess of the negotiated maximum accrual may be accumulated during the payroll year only. Such excess vacation accumulation will be made available for use by the employee prior to the end of the payroll year at the time and in the amount as directed by the hiring authority to prevent the loss of such excess vacation accumulation by the employee.

C. Use of Vacation. Hiring authorities will review and approve employee requests for vacation leaves that meet the needs of the county.

No vacation or compensation for vacation will be allowed for an employee unless the employee has worked a minimum of 6 months or 1,000 hours,

whichever is later.

- D. Transferred Employees. Any employee who is transferred or accepts employment with another county department, without interruption of their county service, will carry forward their accrued unused vacation unless the employee requests payout at the time of transfer.

- E. Employees on Military Leave. An employee on military leave as provided in these rules will not be limited to the negotiated maximum accrual of vacation leave. Upon reinstatement from military leave, all vacation leave in excess of the maximum allowed accrual must be used as follows:
 - 1. An employee may elect to take the excess vacation immediately following reinstatement from military leave with or without the consent of their hiring authority.
 - 2.
 - 3. An employee may elect to be credited with the vacation leave in excess of the negotiated maximum accrual, but such leave must be taken within 2 years of the date of reinstatement and is subject to supervisory approval. [See Also: Minn. Stat. §192.261.]

- F. Payment of Vacation Upon Resignation, Termination or Layoff. A permanent employee who has resigned, has been terminated or who has been laid off, will be paid for the balance of their accrued unused vacation.

- G. Payment of Vacation Upon Death. In case of death of an employee, the balance of any unused accrued vacation will be paid to the employee's spouse in accord with Minnesota Law or to the employee's estate.

10.2 SICK LEAVE. Sick leave with pay will be granted in accord with the current collective bargaining agreement. Changes in sick leave accruals are effective the first of the month following the employee's required years of service.

- A. Full-time Employees No sick leave will be earned for any pay period during which the employee is in "no-pay" status for the equivalent of 2.50 days (i.e., 18.75 hours for a 7 ½ hour day employee or 20 hours for an 8 hour day employee).

- B. Part-time Employees. Permanent employees working on a part-time basis will earn, accumulate and be compensated for sick leave in accord with the following conditions:

Number of hours worked divided by number of hours in the employee's negotiated bi-weekly pay period (i.e., 75 for 7 1/2 hour day employees and 80 for 8 hour day employees), and then multiplied by the applicable hourly factor

according to years of service as outlined in the collective bargaining agreements not to exceed the maximum accrual for each factor. This hourly figure will be rounded up to the nearest one-quarter hour.

Sick leave may be granted to an employee only during periods of regular employment during which the employee is expected to perform the duties of their position, provided that when an employee is not able to report for duty, due to illness, they will immediately report that fact to their immediate supervisor or the hiring authority. Failure to report an absence due to illness shall be cause for a hiring authority to refuse payment for such leave.

Sick leave will be computed on a biweekly payroll period basis and no sick leave will exceed the negotiated maximum as of the beginning of the payroll year.

C. Use of Sick Leave.

Sick leave cannot be used during an employee's previously scheduled vacation. However, if an employee is hospitalized during their scheduled vacation, they can use sick leave for the hospitalization period plus a reasonable post-hospitalization recovery period, by submitting documentation to the Director.

All sick leave accumulated will expire on the date of separation from county service. Any sick leave used due to a Workers' Compensation claim will be reimbursed to the employee upon their retirement, providing the employee has not attained the maximum sick leave accumulation.

D. Transferred Employees

An employee who is transferred or accepts employment with another county department, without interruption of their county service, will carry forward their unused sick leave.

10.3 WORKERS' COMPENSATION ADDITIONAL BENEFITS.

- A. An employee may elect to receive payment of additional benefits in accord with provisions of Minn. Stat. §176.021 and by requesting additional benefits at the time the injury report is filed with the county or may elect to receive Workers' Compensation benefits only.
- B. Charges against the employee's accrued paid leave will be made as follows:
 - 1. If the employee chooses the additional benefits, they will receive full salary as though they were working and charges against accrued unused sick leave shall be made first, accrued unused vacation second, and accrued unused compensatory time third. These charges shall be prorated on a bi-weekly basis. Example: (Based upon salary of \$562.50

per week at \$15.00 per hour).

\$562.50 less Workers' Compensation payment of \$500.00 = \$62.50.
 $\$62.50 \div \15.00 (hourly rate) = 4.16 hours per week x 2 (if for the entire 2 week pay period) = 8.32 hours per pay period.

2. Essential employees represented by the Deputy Sheriff's Bargaining Unit will not be charged sick leave, vacation or compensatory time, etc., for additional benefits paid during the first 6 months of temporary disability.

10.4 LEAVE WITHOUT PAY. Permanent employees may be granted a leave of absence without pay for a period not to exceed 1 year for sickness, disability or other good and sufficient reason which is considered to be in the best interest of the county. Upon approval of the hiring authority, the 1 year leave of absence may be extended up to 1 additional year.

The employee will provide documentation of sickness or disability and the continuance thereof during said 1 year period. The Director may require that the employee produce medical certification from a health care provider that they are fit for work before returning the employee to the job.

A request for a leave of absence must be submitted in writing by the employee and will require written approval by the hiring authority. The hiring authority will refuse to approve any proposed leave without pay which is, in their judgment, contrary to the best interest of the county.

Any unpaid leave of absence which exceeds one full calendar month will result in an adjustment to anniversary dates used for calculating step/longevity increases and paid leave accrual rate increases on a month-for-calendar month basis.

10.5 RETURN FROM LEAVE WITHOUT PAY. An employee who returns from an approved leave without pay that is 1 year or less in duration will be reinstated to their former position. However, if the position has been abolished, the employee will be returned to another vacant position in that class and department. If a vacant position does not exist, the returning employee is placed in the position of the least senior employee in the same class and department provided the returning employee has more seniority than the incumbent of that position. If the returning employee is unable to exercise seniority to a position in the same class in the department, they may request in writing to be placed on a reemployment list for the class last held.

If the leave is in excess of 1 year, the returning employee will be reinstated to a vacant position in the same class and department as held at the time the leave was granted. If a vacant position does not exist in the department they most recently served, the returning employee may request in writing to be placed on a reemployment list for the class last held.

Failure to report within 3 days of the expiration date of the approved leave of absence will be deemed a resignation not in good standing.

The Director, upon notice to the employee and hiring authority, may cancel an approved leave of absence at any time with 15 days due notice if they find the employee is using the leave for purposes other than those specified at the time of approval. Failure to return by the specified return to work date will be deemed a resignation not in good standing.

10.6 OTHER LEAVES WITH PAY. Upon approval of their hiring authority, an employee will be granted a leave of absence with pay for appearance before a court, legislative committee, or other judicial or quasi-judicial bodies as a witness in action involving Federal Government, State of Minnesota, County of St. Louis or a political subdivision thereof in connection with an employee's official duty. Such attendance will include the travel time required going to the court and returning to the employee's worksite.

Any absence, whether voluntary or in response to a legal order to appear and testify in private litigation not as an officer or employee of the county, but as an individual, will be taken as leave without pay or as a deduction from accrued vacation, personal leave or compensatory time.

10.7 UNAUTHORIZED LEAVE. Any absence of an employee that is not covered by paid time off or on approved leave will be considered unauthorized leave. Any unauthorized leave may be grounds for disciplinary action. An unauthorized absence by any employee for 3 consecutive work days will be considered a resignation not in good standing. Such absence may be covered by another leave provision.

10.8 LEAVES OF ABSENCE FOR UNCLASSIFIED SERVICE. Upon approval of the hiring authority and the Director, a permanent employee in the classified service may be granted a leave of absence for an unlimited period to accept appointment to an unclassified service position in the same department. If the approved leave of absence is terminated within 1 year, the employee may exercise rights in accordance with Rule 10.4. If such leave of absence exceeds 1 year in duration, the employee will have the right to return to a position in the same class and department as held at the time leave was granted provided the employee is in good standing upon termination of the leave and no employee having status in the class is displaced.

10.9 PAYOFF OF ACCRUED VACATION AND COMPENSATORY OVERTIME DURING APPROVED LEAVES OF ABSENCE WITHOUT PAY. Upon written request to and approval by the Director and the hiring authority, an employee on an approved leave of absence without pay in excess of 30 days, may receive a lump sum or partial payoff of accrued, unused hours of vacation leave and compensatory time. If no written request is received by the Director prior to start of the approved leave, the employee's accrued vacation and compensatory time will be carried forward for the duration of the leave of absence. An employee on an approved military leave of absence without pay for active duty may, upon written request from the employee

and the approval of the Director and the hiring authority, receive a lump sum or partial payoff of accrued vacation and compensatory time, and thereafter receive quarterly payments for vacation hours earned during the period of such military leave.

RULE 11

SEPARATIONS

11.1 RESIGNATION.

- A. Resignation in Good Standing. To resign in good standing, employees must give their supervisors at least 2 weeks notice before the effective date of their separation. Upon resignation in good standing, all rights and benefits of county employment are forfeited, except the right to reemployment or reinstatement as provided in Rules 6 and 7. A former employee who returns to county employment within one year of separation in good standing may, at the discretion of the department head, have their former sick and vacation leave accrual rates (but not their balances) restored.
- B. Resignation Not in Good Standing. A resignation not meeting the notice requirements of 11.1A or resulting from an unauthorized absence from work for 3 consecutive work days or failure to return from an approved leave of absence will be considered a resignation not in good standing. A resignation not in good standing is grounds for denial of future employment with the county.

An employee who has submitted their resignation, may, with the approval of the hiring authority and the Director, withdraw such resignation within 10 days from the effective date thereof and be continued in their position as though the resignation had not been filed if there is a vacancy in that class and organization unit at the same rate of pay. The employee may withdraw their resignation within one year and the Director will place their name on the re-employment list for the appropriate class. Re-employment rights of an employee who has withdrawn their resignation will be for one year only from the date of the resignation unless extended for an additional year by the Director.

11.2 LAYOFF. Layoffs of employees will be handled in accord with Minn. Stat. §383C.045 and as described in this section. As noted in Rule 1, different provisions in a collective bargaining agreement will apply instead of the language in this section.

- A. Notification of Layoff. An employee being laid off, or being bumped by another employee being laid off, will receive written notice of the action at least 2 calendar weeks before the effective date.
- B. Order of Layoff. Temporary and emergency employees in the same class and department must be terminated before a probationary or permanent employee may be laid off. Layoffs will be made in inverse order of seniority in the class (and seniority unit, if applicable) within a department.

“Seniority” is based on the most recently published Seniority List. Seniority lists are established by the Human Resources Department and brought up to date annually,

or in cases of layoffs that would require an updated seniority list, a copy would be sent to each department and appropriate bargaining unit. Seniority is based on probationary or permanent time served in a class and department. Ties in seniority are broken in order by: (1) total time in class seniority; (2) total years of service; and (3) original test score. "Time served" includes all paid leave time, but does not include overtime hours worked (except for part-time employees) or unpaid leave time. Seniority in a class continues when an employee promotes to higher classes within the classified service. Seniority will not be lost due to absence by illness, authorized leaves (filed in writing) or temporary layoffs. An employee who voluntarily demotes to a lower classification as the result of a budgetary layoff, or as a reasonable accommodation associated with a County Workers' Compensation case, shall retain rights in their higher classification.

Seniority is forfeited when an employee separates from the county by reason other than layoff.

"Department", for this purpose, means the departments in existence as approved by the County Board at the time of the action. When departments are consolidated, or when part of one department is merged into another department, the seniority of all affected employees will be combined. The resulting Seniority List will be used in determining employment rights for the employees of the consolidated or merged department.

"Seniority unit" means a specific organizational unit of a department as listed in this section. Current seniority units are:

- Public Works Department
 - a. Highway Maintenance Divisions
 - b. Engineering Division
 - c. Land Survey Division
 - d. Motor Pool Division

- C. Options to Avoid Layoff. When an employee receives a layoff notice, the following options may apply in an attempt to avoid the loss of employment:
 - 1. Reassignment to a Vacancy in the Same Class. The employee will be reassigned to a vacant position in the same class in a different department and/or seniority unit.
 - 2. Transfer/Demotion in Lieu of Layoff. The employee may be considered for transfer or demotion to a vacant position in a class in which the employee has not previously served if the employee passes a qualifying assessment for the class.

3. Bumping. The employee has the right to bump back to a lower class provided the employee has permanent status in that lower class and more seniority than the least senior employee in that class. Bumping must occur first within the employee's seniority unit, then within the employee's department and lastly, within other departments in which the employee has seniority rights.
4. Accept the Layoff. The employee can choose to accept the layoff rather than exercising bumping rights or accepting a demotion in lieu of layoff.

11.3 OTHER TYPES OF SEPARATIONS. In addition to resignation and layoff, employees may also separate from county employment by:

- A. Failure to pass probation if a new county employee
- B. Discharge
- C. Death
- D. Retirement

*Reference: Minn. Stat. §383C.045 Layoff of Employees
Minn. Stat. §383C.051*

RULE 12

APPEALS & COMMISSION HEARINGS

12.1 APPEALS. Appeals, other than a veteran's appeal, must be made first to the Director. If the Director does not grant the appeal, the action may be appealed to the Commission. The Commission will handle the following types of appeals:

- A. Actions taken (or decisions made) in accord with St. Louis County Civil Service Law and these Rules are appealable as specified in the applicable law/rule;
- B. Any allegation that a provision of the law/rules has been incorrectly applied may be appealed;
- C. Veterans' appeals in accord with Minn. Stat. §197.46; and
- D. Appeals of other matters referred to the Commission by the Director.

12.2 HOW TO APPEAL. An appeal, other than a veteran's appeal in accord with Minn. Stat. 197.46, must be submitted to the Director in writing within 14 calendar days of the date of the action or decision, or notification thereof, whichever is later. The written appeal must specify the action or decision being appealed, contain a detailed description of why the action/decision was in error and identify the remedy requested.

A veteran's appeal must be filed in accord with the provisions of Minn. Stat. §197.46.

12.3 DIRECTOR'S REVIEW OF APPEALS. Appeals go first to the Director so that if the applicable law/rule was incorrectly applied, it may be corrected. The Director will generally respond in writing to appeals within 14 calendar days of receiving them. If more time is needed to investigate the matter, the person making the appeal will be notified within the 14 day period and will be given an estimate of when a decision will be provided.

If an appeal is denied by the Director, it may be appealed to the Commission by written request to the Director (who serves as the secretary to the Commission) within 14 calendar days of being notified of the Director's decision.

12.4 COMMISSION REVIEW OF APPEALS.

- A. Open Meetings. Appeals made to the Commission in accord with Rule 12.3 will be heard during a regularly scheduled meeting of the Commission unless circumstances exist which would justify calling a special meeting. The Commission is a public body appointed by the County Board, so its meetings are subject to the

Open Meeting Law (Minn. Stat., Chapter 13D). All meetings must be open to the public unless closed in accord with a provision of the Open Meeting Law. A person filing an appeal should assume that the appeal will be heard in a public meeting unless notified otherwise.

Commission Hearing Procedures. Commission hearings are intended to be a process for a person to have their appeal heard by a third party. Generally, commission hearings will proceed as follows:

1. The Director will introduce the appeal.
 2. The person bringing the appeal will explain their reason for appealing and the remedy requested.
 3. The Director or designee will explain the basis for the action resulting in appeal.
 4. Commission members may ask questions of participants at any time.
 5. The chair of the Commission will bring the discussion to a close when
 - a. s/he has determined they have sufficient information to reach a decision, or;
 - b. the Commission cannot reach a decision without additional information.
 6. The Commission will discuss what they have heard and make a decision on the appeal.
- B. Commission Decisions. The Commission may grant the appeal, deny the appeal, or table the appeal pending the collection of additional information. After the Commission has issued its final decision on the matter, the Director will send the person filing the appeal a copy of the meeting minutes documenting the decision. The Commission's decision on all appeals, except veterans' appeals in accord with Minn. Stat. §197.46, is final.

RULE 13

DEFINITIONS

The following words and terms as used in the application of these rules have the meanings indicated below:

“Anniversary Date” means the first of the month following the date the employee first began employment with the county exclusive of any adjustments made as a result of unpaid leave(s) of absence.

“Appointment” means the official designation by the hiring authority of a person to perform the duties of a position.

“Assessment” means the methods used to measure applicant qualifications for possible appointment to a position or class. See Rule 5.4.

“Civil Service” means a government personnel system based on the principle that employment decisions are based on individual merit. Federal law requires that state and local governments manage their employees using merit-based personnel systems in order to receive federal funds. The federal merit system principles include: (1) recruiting, selecting, and promoting employees based on job-related abilities, knowledge and skills; (2) providing equitable and adequate compensation; (3) retaining employees on the quality of their performance; (4) training employees as needed; and (5) fair treatment of applicants and employees based on job-related considerations.

“Class” means one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used to designate each position allocated to the class; that the same general types of qualifications are needed for the performance of the duties of the same class; and that the same pay rate(s) or range(s) may be applied with equity to all positions in the class under the same or substantially the same employment conditions.

“Classification” means the division of positions into sets of duties and responsibilities and the assignment of those positions into groupings of similar positions called “classes”.

“Classification Plan” means the list maintained by the Director in accord with Minn. Stat. §383C.037 of each county class in the classified and unclassified services.

“Classified Service” means all positions in county service except those specifically placed in the unclassified service as defined by Minnesota Statutes §383C.035 or other provisions of law.

“Commission” means the St. Louis County Civil Service Commission.

“Compensation” means the salary, wages, fees, allowances and all other forms of valuable consideration earned by or paid to any employee by reason of service in any position, but it does not include expense reimbursements. See also: “Total Compensation”.

“County Board” means the Board of County Commissioners of St. Louis County.

“Days” means calendar days except where otherwise specified.

“Director” means the Director of the St. Louis County Human Resources Department.

“Emergency Appointment” refers to appointments lasting no longer than 10 calendar days or hourly equivalent.

“Grade” means the level on a pay plan to which classes of comparable work value are assigned. All jobs in the same pay plan and grade have the same salary range.

“Layoff” means the removal of any employee from a position, class, and/or county employment because of lack of work, lack of funds, abolition of the employee’s job, or other reasons outside the employee’s control and which do not reflect negatively on the employee or the employee’s service.

“Hiring Authority” means any person or group of persons having power by law, or by lawfully delegated authority, to make appointments to any position in the classified service in the county.

“Merit” means that employment decisions are based on what a person deserves based on their knowledge, skills, abilities, work performance, work behavior or other important employment considerations.

“Military Leave” means a leave of absence granted by state law to employees entering active duty in the armed forces of the State of Minnesota or the United States.

“Minimum Qualifications” means the requirements set by the Director or by federal or state law which applicants must meet in order to be considered eligible for appointment to a position and/or class.

“Not in Good Standing” means that an employee has left county service in negative circumstances which the county considers as sufficient cause not to re-hire the person. Circumstances which can result in a designation of “not in good standing” include, but are not limited to, discharge, resignation without 2 weeks advance notice, resignation due to absence without approved leave for 3 days, and failure to return from an approved leave of absence upon the required/approved return date.

“Part-time Employees” Employees working a position that is less than full-time.

“Pay Plan” means a table or grid of salary rates and/or ranges established for the classes assigned to each bargaining unit for represented employees. Each set of rates and/or ranges is assigned to a “grade” on the pay plan. New pay plans are created whenever there is an adjustment to all of the rates and/or ranges contained in that pay plan.

“Permanent Employee” means an employee who has gained permanent status in the classified service by satisfactorily completing as a new county employee a trial work experience called a probationary period.

“Permanent Position” means any position which is fully funded and does not have a designated end date.

“Position” means a group of duties and responsibilities generally requiring the full-time or part-time employment of one employee. In some cases, the duties and responsibilities of a single position may be shared by more than one employee.

“Primary Assignment” an employee’s main job when working in more than one position.

“Promotion” means the movement of an employee from a position in one class to a position in another class in a higher salary grade.

“Promotional Employment Opportunity” means an exam which is open only to current employees who have attained permanent status.

“Promotional List” means the names of classified employees arranged in order of merit who have been found qualified through suitable tests for promotion to positions in higher classes than the class of position they are currently occupying.

“Qualifying Exam” means an exam given on a pass/fail basis to determine an employee’s qualifications to transfer or demote to a class in which the employee has not previously served, or to promote to the higher level in a junior/senior class series.

“Reallocation” means the change of an individual position to a higher class, a lower class, or another class at the same level on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in the position.

“Salary Range” means the range of pay rates from minimum to maximum set for a pay grade or class.

“Seniority Unit” means any geographical or functional division within a department necessitated by the administrative policy of the department.

“Supervisor” means a person who has been authorized to direct and manage the work and performance of other employees on behalf of the county. Supervisors are typically county employees who have been designated “supervisors” as defined in Minn. Stat. §179A.03, Subd. 17, that is, the employee must use independent judgment in performing (or effectively recommending) a majority of the following supervisory functions: hiring, promoting, transferring, disciplining, suspending, discharging, rewarding, assigning work, directing work, or adjusting employees' grievances on behalf of the employer.

“Temporary Employee” means an employee appointed to a position for a limited period of time. Typically this does not exceed 3 calendar months.

“Total compensation” includes all things defined as “compensation”, plus the value of fringe benefits (such as vacation leave, sick leave, and personal leave); the county’s contribution to health, dental and other insurance for the employee (and dependents); and the county’s contributions on behalf of the employee to Social Security, Medicare, and the Public Employees Retirement pension funds. See also: “Compensation”.

“Unclassified Employee” means any employee occupying a position in the unclassified service as designated by Minnesota Statutes §383C.035 or other provisions of law.

“Vacancy” or “Vacant Position” means an unoccupied permanent position which a hiring authority intends to fill.

“Veteran” means all persons defined as a veteran by Minnesota Statutes §197.447.

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CIVIL SERVICE RULES
HISTORY

Board Resolution Number	Date	Other
	December 1, 1943	First Civil Service Rules proposed by the Civil Service Director
	May 10, 1944	First Civil Service Rules adopted
	July 1978	
1978-991	November 27, 1978	Amended Rule 5.3 Qualifications of Applicants
1979-170	March 12, 1979	Amended Rules 9.2 and 9.3 regarding Service Ratings
	September 1997	Amended Rule 11.3 regarding disciplinary demotions
2008-424	August 5, 2008	
2009-256	June 2, 2009	County Board File # 58955
2010-337	July 6, 2010	County Board File # 59094
2012-		County Board File #