

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

**October 22, 2013**

**McDavitt Town Hall, 9042 Zim Road, Zim, Minnesota**

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

RESOLUTIONS FOR APPROVAL:

**Minutes for October 8, 2013.**

**Environment & Natural Resources Committee – Commissioner Nelson, Chair**

1. Appraisal report for the sale of timber, as submitted by the Land Commissioner.
2. Appraisal report for the sale of timber to be offered at Public Oral Auction on November 7, 2013.

**Public Works & Transportation Committee – Commissioner Forsman, Chair**

3. Authorize the Public Works Department to acquire a parcel of state tax forfeited land located in the NE ¼ of NW ¼, Section 27, Township 52 North, Range 12 West (Duluth Township) for road right of way purposes.
4. Authorize an amendment to the Road Maintenance Agreement with the City of Duluth extending the term of the agreement through September 30, 2014.
5. Authorize extra work associated with County Project 8175/SAP 69-603-011 on County State Aid Highway (CSAH) 3/Becks Road in the amount of \$234,867 for rehabilitation of surrounding CSAH roads performed by Fahrner Asphalt Sealers, LLC.

**Finance & Budget Committee – Commissioner Raukar, Chair**

6. Allocate the FY 2013 Emergency Solutions Grant funding in the amount of \$124,995 and authorize county officials to execute the necessary agreements for the approved projects.
7. Property Management authorized to offer for sale a .86 acre parcel of county fee owned land located in Section 29, Township 50 North, Range 16 West (Solway Township) for a minimum bid amount of \$850; and further, the time for written bid consideration will be 9:40 a.m., November 12, 2013, at the St. Louis County Board meeting in the Fredenberg Town Hall, Duluth, MN.

## **ST. LOUIS COUNTY BOARD**

### **Consent Agenda**

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8. Authorize a partial refund in the amount of \$1,098 paid by Gary V. Burow, CEO, Vaughn, Inc., d/b/a Junction Bar & Grill, Unorganized Township 61-13, for the unused portion of intoxicating liquor licenses for the period October 1, 2013 through June 30, 2014, due to annexation by the City of Babbitt.
9. Public hearing established for 9:40 a.m., November 5, 2013, in the St. Louis County Courthouse, Duluth, MN, to consider allegations of a liquor law violation by Belo Enterprises, Inc., d/b/a Crossroads Convenience and Liquor Store, Clinton Township.
10. Public hearing established for 9:45 a.m., November 5, 2013, in the St. Louis County Courthouse, Duluth, MN, to consider allegations of a liquor law violation by Vermilion Fairways, Inc., d/b/a Vermilion Fairways, Beatty Township.
11. Application for on-sale and Sunday on-sale intoxicating liquor licenses by MSO & ALS L.L.C. d/b/a The Landing, Beatty Township, transfer.
12. Application for license to sell tobacco products at retail by MSO & ALS L.L.C. d/b/a The Landing, Beatty Township, transfer.
13. Worker's compensation report dated September 20, 2013.
14. Workers' compensation report dated October 4, 2013.
15. Claims and accounts for September 2013.

### **Central Management & Intergovernmental Committee – Commissioner Jewell, Chair**

16. Adopt the new Background Check and Notice of Alleged Criminal Conduct Policy and direct the Human Resources Department to develop and administer the necessary procedures.
17. Adopt the new Respectful Workplace, Bullying and Workplace Violence Policy and direct the Human Resources Department to develop and administer the necessary procedures.
18. Approve the revised Smoke and Tobacco Free Workplace Policy; and further, rescind Resolutions No. 88-148 (No Smoking Policy) and No. 94-271 (Smoking Cessation Reimbursement).
19. Approve the revised Discrimination, Harassment and Retaliation Policy; and further, rescind Resolutions No. 87-103, No. 02-102, and No. 05-494.

**Official Proceedings of the County Board of Commissioners**

BY COMMISSIONER \_\_\_\_\_

RESOLVED, That the official proceedings of the St. Louis County Board of Commissioners for the meeting of October 8, 2013, are hereby approved.

**Appraisal Report for the Sale of Timber**

BY COMMISSIONER \_\_\_\_\_

RESOLVED, That the appraisal report for sale of timber, numbered Tract 1 as submitted by the Land Commissioner, on file in the Office of the County Auditor, identified as County Board File No. 59590, is approved and the County Auditor is authorized to carry out the recommendation as listed in said appraisal report.

LAND COMMISSIONERS TRANSMITTAL OF  
APPRAISAL REPORTS TO BOARD OF COUNTY COMMISSIONERS

TO: BOARD OF COUNTY COMMISSIONERS, ST. LOUIS COUNTY, MINNESOTA

Listed below is one tract of timber to be offered for sale from State of Minnesota Tax Forfeited lands. Appraisal reports are on file in the Land Commissioner's Office upon request.

\_\_\_\_\_  
LAND COMMISSIONER'S REPRESENTATIVE

October 8, 2013  
Date

<u>TRACT NUMBER</u>	<u>DESCRIPTION</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>TIMBER VALUE</u>
1	S ½ - SW ¼	3	62	14	\$2,020.00
	NE ¼ - SW ¼	3	62	14	
	SW ¼ - SE ¼	3	62	14	

TOTAL VALUE OF TRACT:        \$2,020.00

The Land Commissioner's appraisal and recommendation as listed above was approved except as noted by the Board of County Commissioners, and the County Auditor is hereby authorized and directed to carry out the recommendation of said report as approved by the Board of County Commissioners.

County Board File No: 59590

By: \_\_\_\_\_  
Clerk of County Board

Date: October 22, 2013

**Appraisal Report for Sale of Timber to be Offered at Public Oral Auction**

BY COMMISSIONER \_\_\_\_\_

RESOLVED, That the appraisal reports for the sale of timber to be offered at PUBLIC ORAL AUCTIONS, Tracts 1 through 34 (totaling \$651,437.14), as submitted by the Land Commissioner, on file in the office of the County Auditor, identified as County Board File No. 59590, are approved and the County Auditor is authorized to carry out the recommendations as listed in said appraisal reports.

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

BY COMMISSIONER \_\_\_\_\_

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

Part of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 27, Township 52 North, Range 12 West, beginning 33 feet north and 33 feet west of the Southeast corner; thence North 253.29 feet; thence southwesterly 354.90 feet; thence easterly 253.29 feet to the point of beginning;

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

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

BY COMMISSIONER \_\_\_\_\_

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

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

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

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

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

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

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

BY COMMISSIONER \_\_\_\_\_

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

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

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

**Award 2013 Emergency Solutions Grant**

BY COMMISSIONER \_\_\_\_\_

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

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

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

**Agency-ESG Fund 173**

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

**Sale of Fee Land (Solway Township)**

BY COMMISSIONER \_\_\_\_\_

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

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

Commencing at the Northwest corner of the NW ¼ - SW ¼, Section 29, Township 50 North, Range 16 West, St. Louis County, Minnesota; thence North 88° 24' 08" East along the east-west quarter line of said Section 29 for a distance of 650.00 feet; thence South 01°35'52" East for a distance of 284.71 feet; thence South 27°01'08" West for a distance of 470.00 feet to the point of beginning; thence continuing South 27°01'08" West for a distance of 156.54 feet; thence South 88°24'08" West for a distance of 371.35 feet to the west line of said Section 29; thence North 00°07'37" West along the west line of said Section 29 for a distance of 53.31 feet; thence North 77°41'45" East for a distance of 452.84 feet to the point of beginning.

AND

That part of the first above-described property lying easterly and southerly of the following described line: Commencing at the Northwest corner of the NW ¼ - SW ¼, Section 29, Township 50 North, Range 16 West, St. Louis County, Minnesota: thence North 88° 24' 08" East along the east-west quarter line of said Section 29 for a distance of 650.00 feet to the point of beginning of the line to be described; thence South 01°35'52" East for a distance of 284.71 feet; thence South 27°01'08" West for a distance of 470.00 feet to the point of beginning; thence continuing South 27°01'08" West for a distance of 156.54 feet; thence South 88°24'08" West for a distance of 371.35 feet to the west line of said Section 29; and

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

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

**Partial Liquor License Fee Refund - Junction Bar & Grill  
(Unorganized Township 61-13)**

BY COMMISSIONER \_\_\_\_\_

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

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

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

RESOLVED FURTHER, That the refund will be as follows:

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

Payable from Fund 100, Agency 115003, Object 510200

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

BY COMMISSIONER \_\_\_\_\_

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

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

BY COMMISSIONER \_\_\_\_\_

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

**Application for On-Sale & Sunday On-Sale Intoxicating Liquor Licenses  
(Beatty Township)**

BY COMMISSIONER \_\_\_\_\_

RESOLVED, That pursuant to the provisions of Minnesota Statutes, § 340A, as amended, and Rules and Regulations adopted by this Board under St. Louis County Ordinance No. 28, dated May 22, 1978, as amended, the following application for an intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. 59580:

MSO & ALS L. L. C. d/b/a The Landing, Beatty Township, On-Sale Intoxicating Liquor License No. CMB14156 and Sunday On-Sale Intoxicating Liquor License No. SUN14156, transfer;

and

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

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

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

**Application for License to Sell Tobacco Products at Retail  
(Beatty Township)**

BY COMMISSIONER \_\_\_\_\_

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

MSO & ALS L. L. C. d/b/a The Landing, Township of Beatty, Tobacco Products License No. T13279, transfer;

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

**Workers' Compensation Report**

BY COMMISSIONER \_\_\_\_\_

RESOLVED, That the workers' compensation report of claims by employees for work-related injuries, dated September 20, 2013, on file in the office of the County Auditor, identified as County Board File No. 59592, is hereby received and ratified as payable from Fund 730, Agency 730001.

**Workers' Compensation Report**

BY COMMISSIONER \_\_\_\_\_

RESOLVED, That the workers' compensation report of claims by employees for work-related injuries, dated October 4, 2013, on file in the office of the County Auditor, identified as County Board File No. 59592, is hereby received and ratified as payable from Fund 730, Agency 730001.

**Claims and Accounts for September 2013**

BY COMMISSIONER \_\_\_\_\_

RESOLVED, That the recommendations of the Finance Committee for payment of claims and bills against the County of St. Louis, on file in the office of the County Auditor, identified as County Board File No. 59633, are hereby approved and the County Auditor shall issue checks in the following amounts:

**September 2013**

100	General Fund	\$5,927,569.68
149	Personnel Service Fund	355.24
150	Sheriff's Nemesis Fund Group	3,259.08
168	Sheriff's State Forfeitures	1,191.97
169	Attorney Trust Accounts-VW	1,115.06
170	Boundary Waters – Forfeiture	5,020.75
173	Emergency Shelter Grant	31,115.66
176	Revolving Loan Fund	304,416.51
179	Enhanced 9-1-1	6,535.48
180	Law Library	29,176.20
183	City/County Communications	261.22
184	Extension Service	21,767.58
200	Public Works	4,498,297.57
210	Road Maintenance – Unorg Townships	650,806.33
220	State Road Aid	7,531,132.86
225	PW – June 2012 Flood	1,065,722.59
230	Public Health & Human Services	5,210,184.16
240	Forfeited Tax	364,230.37
250	St. Louis County HRA	583.62
260	CDBG Grant	132,677.20
270	Home Grant	136,274.29
280	Federal Septic Loan – EPA Fund	21,245.00
281	SLC Septic Loans	14,600.00
290	Forest Resources	69,643.88
317	Capital Improv BAB Bond 2010A	3,710.00
321	2013C Refunding 2004A&2005A	6,095.00
400	County Facilities	80,287.43
402	Depreciation Reserve Fund	58,822.31
405	Public Works Building Const	23,218.40
407	Public Works – Equipment	52,201.46
440	**NEW 2013A CAPITAL IMPROV BOND	13,515.00
441	**NEW 2013B CAPITAL EQUIPMENT BOND	3,180.00

600	Environmental Services	436,330.58
616	On-Site Waste Water Division	63,546.12
715	County Garage	118,051.01
720	Property Casualty Liability	235,301.48
730	Workers Compensation	2217,506.53
770	Retired Employees Health Ins	177.52
826	Taconite Production Tax	5,293,578.00
855	Human Service Conference Fund	24,953.01
900	State of Minnesota	1,445,771.00
902	Courts	198,559.98
907	Special Taxes	10,271.16
908	Cities and Towns Taxes	26,085.05
909	Tax Refunds	40,721.95
910	School Districts Taxes	55,103.19
911	Taxes and Penalties	12,873.52
919	Cancelled Checks	240.76
925	Arrowhead Regional Corrections	1,658,827.96
955	Community Health Board	305,160.28
985	Collective Local Collaborative	25,404.92
989	Regional Railroad Authority	126,307.31
990	Northern Cities Land Use	5,904.95
992	Permits to Carry – Firearms	44,711.94
994	Sheriff Forfeits/Evidence	346.48
998	MPL-DUL Train Alliance	9,371.44
		<u>\$36,623,318.04</u>

**New Policy – Background Check and Notice of Alleged Criminal Conduct**

BY COMMISSIONER \_\_\_\_\_

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

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

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

**New Policy – Respectful Workplace, Bullying and Workplace Violence**

BY COMMISSIONER \_\_\_\_\_

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

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

**Revised Policy – Smoke and Tobacco Free Workplace Policy**

BY COMMISSIONER \_\_\_\_\_

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

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

**Revised Policy – Discrimination, Harassment and Retaliation**

BY COMMISSIONER \_\_\_\_\_

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

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

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