

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

September 25, 2012

Historic Miner's Dry, 105 Miner's Dry Landing Road, Ely, 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 the September 4, 2012, meeting.

Minutes for the September 11, 2012, meeting.

Environment & Natural Resources Committee – Commissioner Dahlberg, Chair

1. Withdrawal of certain state tax forfeited parcels from memorial forest status.
2. Authorize the lease of one acre of state tax forfeited land located in the SE ¼ of the NE ¼, Section 22, Township 54 North, Range 19 West (Toivola Township), to the Friends of Sax-Zim Bog for a visitor center and parking lot at a lease fee of \$800 per year for a ten (10) year term.
3. Authorize an adjoining owner private sale of state tax forfeited land described as an undivided ½ interest of the SW ¼ of NW ¼, Section 12, Township 55 North, Range 20 West (Lavell Township); and further, notice of the sale shall be given to the other owners of the undivided interest in the land.

Finance & Budget Committee – Commissioner Raukar, Chair

4. Authorize an amendment to Federal Railroad Administration Grant Contract (Minnesota Department of Transportation Contract No. 94577) for the Minneapolis-Duluth/Superior Passenger Rail Alliance's Northern Lights Express (NLX project) environmental study, extending the contract period to January 30, 2013.
5. Abatement list for Board approval.
6. Lawful gambling license application for Gnesen Volunteer Fire Department to conduct off-site gambling (raffle) at the Gnesen Town Hall on October 22, 2012 (Gnesen Township).
7. Public hearing established for October 9, 2012, at 9:40 a.m. in the St. Louis County Courthouse, Duluth, Minnesota, to consider allegations of a liquor law violation by Ballz Deep, Inc., d/b/a The Other Place Bar and Grill (Rice Lake Township).

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8. Public hearing established for October 9, 2012, at 9:45 a.m. in the St. Louis County Courthouse, Duluth, Minnesota, to consider allegations of a liquor law violation by Vernon Skoglund d/b/a Silver Fox Lodge (Gnesen Township).
9. Authorize a contract with Perkins & Will of Minneapolis, Minnesota, in the amount of \$827,000 for design-development services (Phase II) for the Duluth Government Services Center infrastructure replacement and general remodeling project.
10. Reduced tort liability insurance requirements for timber sale and aggregate contracts.
11. Authorization to sell/serve outside the designated serving area of the county liquor license for Breeze Inn Duluth, LLC d/b/a The Breeze Inn, Lakewood Township, for September 29 and 30, 2012, contingent on township approval.
12. Workers' compensation report dated September 7, 2012.
13. Claims and accounts for August 2012.

**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 September 4, 2012, are hereby approved.

**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 September 11, 2012, are hereby approved.

Withdrawal of State Tax Forfeited Land from Memorial Forest Status

BY COMMISSIONER _____

WHEREAS, the state tax forfeited parcels described below are currently included in an established memorial forest:

N 1/2 OF SW 1/4 EX N 1/2 OF S 1/2 & EX N 1/2 & LOT 6, SEC 6, T52N, R19W
TOWN OF NESS
PARCEL CODE: 470-0010-00940
LAKE UPHAM MEMORIAL FOREST

SW 1/4 OF SE 1/4, SEC 10, T52N, R17W
TOWN OF NEW INDEPENDENCE
PARCEL CODE: 475-0010-01630
LAKE UPHAM MEMORIAL FOREST

GOV LOT 2, SEC 5, T53N, R16W
UNORGANIZED 53-16
PARCEL CODE: 673-0010-00700
ISLAND LAKE MEMORIAL FOREST

WHEREAS, pursuant to Minn. Stat. § 459.06, Subd. 3, state tax forfeited land which has been included in an established memorial forest and found more suitable for other purposes may, by resolution of the County Board, be withdrawn from the forest for disposal if the Commissioner of Natural Resources approves the sale of such land; and

WHEREAS, the state tax forfeited parcels described above are more suitable for purposes other than forest management and have been approved for sale by the Commissioner of Natural Resources.

NOW, THEREFORE, BE IT RESOLVED, that the state tax forfeited parcels described above shall be withdrawn from Lake Upham and Island Lake Memorial Forests.

State Tax Forfeited Land Lease - Friends of Sax-Zim Bog

BY COMMISSIONER _____

WHEREAS, Minnesota Statutes, § 282.04, Subd. 1(d), authorizes the County Auditor, as directed by the County Board, to lease state tax forfeited land to individuals, corporations or organized subdivisions of the state for temporary uses at such prices and under such terms as the County Board may prescribe; and

WHEREAS, the Friends of Sax-Zim Bog has requested to lease one acre of state tax forfeited land in the SE1/4 of the NE1/4, Section 22, Township 54 North, Range 19 West, for a visitor center and parking lot for birding and recreational purposes; and

WHEREAS, the St. Louis County Land and Minerals Department has reviewed the request and recommends a lease fee of \$800 per year for a ten year term.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the County Auditor to lease one acre of state tax forfeited land to the Friends of Sax-Zim Bog for a visitor center and parking lot, under the terms and conditions set forth in a lease agreement, for a lease fee of \$800 per year for a ten (10) year term, revenues to be deposited into Fund 240 (Forfeited Tax Fund).

Adjoining Owner Sale (Lavell Township)

BY COMMISSIONER _____

WHEREAS, Minn. Stat. § 282.01, Subd. 7(a), provides that the sale of state tax forfeited lands located in a home rule charter or statutory city, or in a town, which cannot be improved because of noncompliance with local ordinances may be sold if the County Auditor determines that a non-public sale will encourage the approval of sale by the city or town and promote its return to the tax rolls; and

WHEREAS, the following described tax forfeited parcel cannot be improved because the property consists of undivided interest in land:

UND 1/2 INT OF SW1/4 OF NW1/4
SECTION 12, TOWNSHIP 55 NORTH, RANGE 20 WEST
TOWN OF LAVELL
PARCEL CODE: 420-0030-01880
APPRAISED VALUE: \$16,000

WHEREAS, the County Auditor has determined that a non-public sale to other owners of undivided interest will encourage the approval of the sale and promote its return to the tax rolls; and

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

WHEREAS, the parcel of land which borders public waters has been approved for private sale pursuant to Laws of Minnesota 2011, Chapter 98, Section 26.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approves the sale of state tax forfeited land described above, and the County Auditor is authorized to offer the parcel at private sale to other owners of undivided interest, with proceeds from the sale to be deposited into Fund 240 (Forfeited Tax Fund).

RESOLVED FURTHER, that the Land Commissioner shall give at least 30 days' notice of the sale to the other owners of undivided interest in the land.

**Amendment to Federal Railroad Administration Grant Contract between MnDOT
and St. Louis County – Rail Alliance Environmental Study (NLX Project)**

BY COMMISSIONER _____

RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to execute an amendment to Minnesota Department of Transportation Agreement No. 94577 extending the contract expiration date to January 30, 2013.

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.

**Lawful Gambling Application (Raffle)
(Gnesen Township)**

BY COMMISSIONER _____

RESOLVED, that pursuant to Minn. Stat. 349.213, Subd. 2, the St. Louis County Board hereby approves the following Lawful Gambling License Application (raffle), on file in the office of the County Auditor, identified as County Board File No. _____, for the following organization:

Gnesen Volunteer Fire Department, 4504 Datka Road, Duluth, MN, 55803, to conduct off-site gambling on October 22, 2012, raffle, at Gnesen Town Hall, 4011 West Pioneer Road, Duluth, MN 55803, Gnesen Township.

Establish Public Hearing to Consider Allegations of Liquor Law Violation – The Other Place Bar and Grill (Rice Lake Township)

BY COMMISSIONER _____

RESOLVED, that a public hearing will be held at 9:40 a.m. on Tuesday, October 9, 2012, in the St. Louis County Courthouse, Duluth, Minnesota, for the consideration of liquor law violation allegations, sale to minor on July 27, 2012, and, if proven, the suspension or revocation of the liquor licenses issued to Ballz Deep, Inc., d/b/a The Other Place Bar and Grill, Rice Lake Township, and/or the imposition of civil penalties for the violation.

**Establish Public Hearing to Consider Allegations of Liquor Law
Violation – Silver Fox Lodge (Gnesen Township)**

BY COMMISSIONER _____

RESOLVED, that a public hearing will be held at 9:45 a.m. on Tuesday, October 9, 2012, in the St. Louis County Courthouse, Duluth, Minnesota, for the consideration of liquor law violation allegations, and, if proven, the suspension or revocation of the liquor licenses issued to Vernon Skoglund d/b/a Silver Fox Lodge, Gnesen Township, and/or the imposition of civil penalties for the violation.

**Project Scope and Budget Development Services –
GSC Duluth Second through Seventh Floor Remodeling**

BY COMMISSIONER _____

WHEREAS, the St. Louis County master space plan for the Duluth area offices has been in place since 1995 with the Government Services Center (GSC) being the primary site for consolidation of county provided services; and

WHEREAS, State of Minnesota tenants have vacated the building and the next phase of the master space plan is to develop construction and bid documents for the GSC remodeling project as the basis for the most accurate bond amount possible; and

WHEREAS, the Purchasing Division solicited proposals in December 2011; and

WHEREAS, the design team offering the best product/service at the best value was Perkins & Will of Minneapolis, Minnesota, Krech-Ojard & Associates of Duluth, Minnesota, and Gausman & Moore Engineers of Duluth, Minnesota.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to enter into a Phase II contract with Perkins & Will of Minneapolis, Minnesota, for design-development for the Duluth GSC infrastructure replacement and general remodeling project in the amount of \$827,000, payable from Fund 100, Agency 104005, to be reimbursed by the associated bond sale proceeds.

**Reduced Tort Liability Requirements
for Timber Sale and Aggregate Contracts**

BY COMMISSIONER _____

WHEREAS, Minn. Stat. § 466.04 establishes the maximum tort liability for municipalities on claims arising on or after January 1, 2009, at \$500,000 per individual claim and \$1.5 million per occurrence for any number of claims arising out of a single occurrence on or after July 1, 2009; and

WHEREAS, the St. Louis County Board has determined that it is in the best interest of the county to establish a policy with respect to tort liability insurance requirements for timber sales and aggregate contractors; and

WHEREAS, the County Board feels it is necessary to provide adequate opportunity so that representatives of the Minnesota timber industry contractors may petition the state legislature for relief from the maximum tort liability insurance requirements.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board establishes that all timber sale and aggregate contracts requiring tort liability insurance shall include proof of insurance in the amount currently purchased by the contractor but not less than \$300,000 per individual claim and \$1 million for any number of claims arising out of a single occurrence, effective immediately.

RESOLVED FURTHER, that this tort liability insurance requirement shall be the policy of the St. Louis County Board until such time as representatives of the Minnesota timber industry contractors are successful in receiving relief from the state legislature from the maximum tort liability insurance requirements established in Minn. Stat. § 466.04.

**Authorization to Sell/Serve Outside the Designated Serving Area
of the County Liquor License (Lakewood Township)**

BY COMMISSIONER _____

RESOLVED, that pursuant to Ordinance No. 28, Section 11, Subdivision 11.06, authorization is hereby approved for the following application to sell/serve outside the designated serving area of the county liquor license, as per application on file in the office of the County Auditor, identified as County Board File No. 59385.

Breeze Inn Duluth, LLC d/b/a The Breeze Inn, Lakewood Township,
September 29 and 30, 2012.

RESOLVED FURTHER, that said license is approved contingent on Lakewood Township approval.

Workers' Compensation Report

BY COMMISSIONER _____

RESOLVED, that the workers' compensation report of claims by employees for work-related injuries, dated September 7, 2012, on file in the office of the County Auditor, identified as County Board File No. 59383, is hereby received and ratified as payable from Fund 730, Agency 730001.

Claims and Accounts for August 2012

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. 59440, are hereby approved and the County Auditor shall issue checks in the following amounts:

AUGUST 2012

| | | |
|-----|--------------------------------|----------------|
| 100 | General Fund | \$7,470,780.29 |
| 148 | Volunteer Fire Departments | 21,044.76 |
| 149 | Personnel Service Fund | 859.04 |
| 150 | Sheriff's Nemesis Fund Group | 75,447.97 |
| 160 | MN Trail Assistance | 33,593.94 |
| 167 | Attorney's Forfeitures | 315.28 |
| 168 | Sheriff's State Forfeitures | 1,295.98 |
| 169 | Attorney Trust Accounts-VW | 1,195.47 |
| 173 | Emergency Shelter Grant | 4,741.33 |
| 179 | Enhanced 9-1-1 | 8,607.24 |
| 180 | Law Library | 31,945.68 |
| 183 | City/County Communications | 359.60 |
| 184 | Extension Service | 49,532.54 |
| 200 | Public Works | 6,490,434.16 |
| 210 | Road Maint – Unorg Townships | 227.72 |
| 220 | State Road Aid | 5,170,665.34 |
| 225 | PW – June 2012 Flood | 2,177,424.00 |
| 230 | Public Health & Human Services | 7,275,533.41 |
| 240 | Forfeited Tax | 549,904.24 |
| 260 | CDBG Grant | 331,022.71 |
| 270 | Home Grant | 62,149.78 |
| 290 | Forest Resources | 895.80 |
| 400 | County Facilities | 209,963.40 |
| 402 | Depreciation Reserve Fund | 125,049.39 |
| 405 | Public Works Building Const | 74,464.26 |
| 438 | 2008B Capital Improvement Bond | 115,734.70 |
| 439 | 2010A Capital Improvement Bond | 556,584.16 |
| 600 | Environmental Services | 854,632.44 |
| 616 | On-Site Waste Water Division | 52,118.19 |
| 640 | Plat Books | 27,535.68 |
| 715 | County Garage | 129,959.49 |
| 720 | Property Casualty Liability | 200,720.04 |
| 730 | Workers Compensation | 253,816.29 |

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|-----|--------------------------------|------------------------|
| 770 | Retired Employees Health Ins | 622.18 |
| 826 | Taconite Production Tax | 5,244,666.00 |
| 900 | State of Minnesota | 2,356,348.83 |
| 902 | Courts | 382,760.66 |
| 907 | Special Taxes | 26,121.54 |
| 908 | Cities and Towns Taxes | 983,810.83 |
| 909 | Tax Refunds | 82,811.27 |
| 910 | School Districts Taxes | 1,552,977.79 |
| 925 | Arrowhead Regional Corrections | 1,974,546.11 |
| 955 | Community Health Board | 208,345.38 |
| 985 | Collective Local Collaborative | 61,591.07 |
| 989 | Regional Railroad Authority | 145,806.18 |
| 990 | Northern Cities Land Use | 879.33 |
| 992 | Permits to Carry – Firearms | 4,610.00 |
| 998 | MPL-DUL Train Alliance | 39,877.97 |
| | | <hr/> |
| | | \$45,424,329.46 |