

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

June 11, 2013

County Board Room, Room 200, St. Louis County Courthouse, Duluth, 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 May 28, 2013.

Public Works & Transportation Committee - Commissioner Forsman, Chair

1. Purchase of one (1) Wheeled Excavator from Titan Machinery of Duluth, MN, for a total cost of \$127,181.25.
2. Acquisition of necessary right of way through eminent domain proceedings for County Project 177718, replace County Bridge 81 and reconstruct a portion of County State Aid Highway (CSAH) 10/Strand Road in Lakewood Township.
3. Award of bids:
 - a. **Asphalt Surface Technologies Corp.**, St. Cloud, MN, in the amount of **\$381,271.84** for Crack/Chip Sealing and Micro Surfacing on CSAH 48/LaVaque Road in Canosia Township (SAP 69-648-028, CP 0048-189420).
 - b. **Veit & Company, Inc.**, Duluth, MN, in the amount of **\$174,894.00** for Approach Grading, Bituminous Paving and Bridge 69J97 and Approaches on CR 284/Ugstad Road in the City of Proctor (SAP 69-598-041, CP 0284-177705 Storm).
4. Establish a no parking zone on both sides of CSAH 6/Maple Grove Road from Stebner Road to the entrance of Stebner Park in Hermantown, MN.

Finance & Budget Committee – Commissioner Raukar, Chair

5. Abatement list for Board approval.
6. Authorize a project change order for the Virginia Courthouse remodel and addition project in the amount of \$52,278.06 to Max Gray Construction, Hibbing, MN.
7. Workers' compensation report dated May 31, 2013.

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8. Application for a temporary on-sale 3.2 percent malt liquor license by Buyck Volunteer Fire Department, Town of Portage, for August 3, 2013.
9. Application for a temporary on-sale intoxicating liquor license by Bear River Fair Committee, Morcom Township, for August 16, 17, & 18, 2013.

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

10. Extend the authority to settle property damage claims up to \$10,000 to the Director of Safety and Risk Management.

**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 May 28, 2013, are hereby approved.

Purchase of Wheeled Excavator

BY COMMISSIONER _____

WHEREAS, The Public Works Department equipment budget includes the replacement of three tracked excavators; and

WHEREAS, The department has determined it would be beneficial to eliminate one tracked excavator from its budget and purchase a wheeled excavator in its place; and

WHEREAS, Titan Machinery of Duluth, MN, responded with the low bid price for one Wheeled Excavator in the amount of \$119,000; and

WHEREAS, The purchase will be subject to State of Minnesota sales taxes of \$8,181.25 for a total cost of \$127,181.25;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the purchase of one Wheeled Excavator from Titan Machinery of Duluth, Minnesota, for a total cost of \$127,181.25, payable from Fund 407, Agency 407001, Object 666400.

**Acquisition of Right of Way for County Project 177718
by Condemnation Proceedings**

BY COMMISSIONER _____

WHEREAS, The St. Louis County Public Works Department plans to replace County Bridge 81 (State Bridge 88558) over an unnamed tributary to the Lester River and reconstruct approximately 600 feet of County State Aid Highway 10 (Strand Road) located in the Town of Lakewood between the North Tischer and Lester River Roads; and

WHEREAS, The following two described parcels of needed right of way have not been acquired by negotiation and direct purchase:

Parcel 1

Owners and Interests:

Robert N. Roningen Jr., and Mara J. Roningen
as fee owners
5233 Lester River Road
Duluth, MN 55804
Heritage Financial Services, Inc.
as mortgagee
1732 London Road
Duluth, MN 55812

Property Legal Description:

Northeast Quarter of Southwest Quarter, Section 21, Township 51
North of Range 13 West of the Fourth Principal Meridian.
As currently embodied in Certificate of Title # 244068 (torrens
property)

Parcel Identification Number 415-0010-06160

Rights to be acquired:

A 78.00 foot wide PERMANENT EASEMENT for Highway purposes
over, under, and across the above described property. Said Easement
being 78.00 feet to the left of the following described line:

Commencing at the east quarter corner of Section 21, Township 51
North, Range 13 West and assuming the east to west quarter section
line bears South 89 degrees 28 minutes 28 seconds West; thence
along said quarter section line 2,658.62 feet to the northeast corner of
the Northeast Quarter of the Southwest Quarter of Section 21; thence

North 00 degrees 09 minutes 47 seconds West a distance of 0.17 feet to the point of beginning; thence South 89 degrees 29 minutes 39 seconds West a distance of 100.00 feet and there terminating.

TOGETHER WITH A 50.00 foot wide PERMANENT EASEMENT for Highway purposes over, under, and across the first above described property. Said Easement being 50.00 feet to the left of the following described line:

Beginning at the terminus of the above described line; thence continue South 89 degrees 29 minutes 39 seconds West a distance of 295.00 feet and there terminating.

Described permanent easement contains approximately 0.52 acre, of which 0.30 acre is existing roadway and 0.22 acre is new highway right of way.

AND TOGETHER with a TEMPORARY CONSTRUCTION EASEMENT over two strips of land southerly of and adjoining the above described strip:

one strip being 85.00 feet in width and lying between lines drawn perpendicular to the highway centerline from engineer's stations 208+00 and 209+00; and the second being 20.00 feet in width and lying between the east property line and a line drawn perpendicular to the highway centerline from engineer's station 209+00.

Described Temporary Easement contains approximately 0.24 acre and shall expire on December 31, 2015.

Parcel 2

Owners and Interests:

James B. Atkinson and Jeanne R. Atkinson,
husband and wife,
as joint tenants
2985 Strand Road
Duluth, MN 55804
BMO Harris Bank, N.A.
as mortgagee
111 West Monroe Street
Chicago, IL 60603
M&I Marshall & Ilsley Bank
As mortgagee
PO Box 5160
Appleton, WI 54912-5160
Countrywide Bank, N.A.
As mortgagee

PO Box 67009
Dallas, TX 75267-0009

Property Legal Description:

The westerly 450.00' of the following described land: Beginning at the NW corner of the S 1/2 of NE 1/4 of Sec 21 T51 R 13 W running thence S on the section line to the SW corner of said S 1/2 Sec of NE 1/4 of said Sec 21, thence E on the 1/2 Sec line to the center of the main channel of Lester River as the same flows thru said lands, thence following the center main channel of said river Nly according to the meandering to the N line of said S 1/2 of NE 1/4 of said Sec 21 thence W to the place of beginning. Containing 13.7 acres more or less.

Parcel Identification Number 415-0010-06095

Rights to be acquired:

A PERMANENT EASEMENT for Highway purposes over, under, and across the westerly 185.00 feet of the southerly 50.00 feet of the above described property as measured at right angle to the south property line.

Described easement contains approximately 0.21 acre, of which 0.14 acre is existing roadway and 0.07 acre is new highway right of way.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board, pursuant to Minn. Stat. Chapter 163.02 et.al., authorizes the County Attorney to proceed under Minn. Stat. Chapter 117.02 et. al., to acquire the remaining necessary highway right of way by condemnation proceedings, payable from Fund 200, Agency 203001, Objects 636500, 636600, and 637500.

Award of Bid: Crack/Chip Seal and Micro Surfacing (Canosia Township)

BY COMMISSIONER _____

WHEREAS, Bids have been received by the County Auditor for the following project:

SAP 69-648-028, CP 0048-189420 located on CSAH 48 (LaVaque Road) between CSAH 9 (Martin Road) and CSAH 35 (Schultz Road) in Canosia Township;

and

WHEREAS, Bids were opened in the St. Louis County Courthouse, Duluth, MN, on May 30, 2013, and the low responsible bid determined;

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

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Asphalt Surface Technologies Corp. a/k/a ASTECH Corp.	P.O. Box 1025 St. Cloud, MN 56302	\$381,271.84

RESOLVED FURTHER, That the appropriate county officials are authorized to approve the Contractor's Performance Bonds and to execute the bonds and contract for the above listed project payable from Fund 220, Agency 220296, Object 652700.

Award of Bid: Bridge Project (Proctor)

BY COMMISSIONER _____

WHEREAS, Bids have been received by the County Auditor for the following project:

SAP 69-598-041, CP 0284-177705 (Storm) located on CR 284 (Ugstad Road) between CSAH 11 (Stark Road) and CN Railyard, in Proctor, MN;
and

WHEREAS, Bids were opened in the St. Louis County Courthouse, Duluth, MN, on May 30, 2013, and the low responsible bid determined;

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

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Veit & Company, Inc.	1100 W. Gary Street Duluth, MN 55808	\$174,894.00

RESOLVED FURTHER, That the appropriate county officials are authorized to approve the Contractor's Performance Bonds and to execute the bonds and contract for the above listed project payable from Fund 225, Agency 177705, Object 652706.

Establishment of No Parking Zone on CSAH 6/Maple Grove Road (Hermantown)

BY COMMISSIONER _____

WHEREAS, Overflow parking onto County State Aid Highway (CSAH) 6 (Maple Grove Road) is generated by soccer games at Stebner Park; and

WHEREAS, The Hermantown Youth Soccer Association has requested a no parking zone on both sides of CSAH 6/Maple Grove Road from Stebner Road to the entrance of Stebner Park; and

WHEREAS, The Hermantown City Council adopted Resolution No. 2013-59 requesting this no parking zone; and

WHEREAS, The St. Louis County Public Works Department has reviewed this issue and has determined that a no parking zone is warranted at this location;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board establishes a no parking zone on both sides of County State Aid Highway 6/Maple Grove Road from Stebner Road to the entrance of Stebner Park in Hermantown, MN.

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. 59577.

**Project Change Order – Virginia Courthouse
Remodel and Addition**

BY COMMISSIONER _____

WHEREAS, The 2010A bond project package includes remodeling, energy upgrades, window replacement, and new addition for the courthouse in Virginia, MN, approved by County Board Resolution No. 10-480, dated October 5, 2010; and

WHEREAS, This project will complete the Virginia Courthouse long term master space plan and bring the facility up to date for building safety, building code, and current efficiency standards; and

WHEREAS, The Virginia Courthouse remodeling and addition project began in 2011 is nearing completion and a change order is necessary for unforeseen work needed to comply with life safety code changes, State Courts change requests and other small adjustments to HVAC, electrical feeders, heaters, outlets, data drops and painting;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes a project change order adjustment for the Virginia Courthouse remodel and addition in the amount of \$52,278.06 to Max Gray Construction, Hibbing, MN, payable from Fund 400, Agency 400033.

Workers' Compensation Report

BY COMMISSIONER _____

RESOLVED, That the workers' compensation report of claims by employees for work-related injuries, dated May 31, 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.

**Application for Temporary On-Sale 3.2 Percent Malt Liquor License
(Portage Township)**

BY COMMISSIONER _____

RESOLVED, that the application for a Temporary On-Sale 3.2 Percent Malt Liquor License, on file in the office of the County Auditor, identified as County Board File No. 59581 is hereby approved and the County Auditor is authorized to issue the license to the applicant:

Buyck Volunteer Fire Department, Town of Portage, Temporary On-Sale 3.2 Percent Malt Liquor License No. TB1349, for August 3, 2013.

**Application for Temporary On-Sale Intoxicating Liquor License
(Morcom Township)**

BY COMMISSIONER _____

RESOLVED, That pursuant to the provisions of Minnesota Stat. § 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 a temporary on-sale intoxicating liquor license is hereby approved, on file in the office of the County Auditor, identified as County Board File No. _____:

Bear River Fair Committee, Morcom Township, Temporary On-Sale Intoxicating Liquor License No. TL1315, for August 16, 17, & 18, 2013.

Litigation Settlement Authority Extended to Safety & Risk Management

BY COMMISSIONER _____

WHEREAS, The Safety and Risk Management Division of County Administration now includes an Insurance and Claims Investigator, who is responsible for evaluating and negotiating property damage claims of up to \$10,000; and

WHEREAS, To aid in the efficiency of processing and settling tort claims, the County Board authorized the County Attorney's Office to negotiate and settle all tort claims up to \$10,000; and

WHEREAS, The Insurance and Claims Investigator position was transferred from the County Attorney's Office to the Safety and Risk Management Division (County Board Resolution No.12-317); and

WHEREAS, Delegation of the authority to settle property damage claims up to \$10,000 to the Director of Safety and Risk Management is desirable and will promote county efficiency;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board extends the authority to settle property damage claims up to \$10,000 to the Director of Safety and Risk Management.