

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

October 7, 2014

County Board Room, Room No. 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 September 23, 2014.

Environment & Natural Resources Committee – Commissioner Dahlberg, Chair

1. Reclassify certain state tax forfeited lands as Non-Conservation.
2. Contracts authorized for the remainder of 2014 with Mahkahta Trucking, Inc., Eveleth, MN, for an estimated increase cost of \$39,999 for a total of \$103,660.75, and with The G-Men, Inc., Ely, MN, for an estimated increase cost of \$20,000 for a total of \$52,416.62 for loading and hauling Class I demolition waste from six (6) specified transfer locations to designated Minnesota Pollution Control Agency landfills for disposal.
3. Appraisal report for an informal sale of timber.

Public Works & Transportation Committee – Commissioner Raukar, Chair

4. Authorize the purchase of gasohol, fuel oil and diesel fuel from five (5) vendors with the lowest net costs (Bid No. 5177).
5. Amend the agreement with the Minnesota Department of Management and Budget and Minnesota Department of Transportation to correct certain legal descriptions and to accept Minnesota State General Obligation Bond Grant funds in the amount of \$400,000 for the Depot Roof Repair project (State Project 69-595-006, County Project 3761).
6. Acquisition of necessary lands and temporary easements authorized for the reconstruction of County State Aid Highway (CSAH) 155/Eighth Avenue East in the city of Ely (County Project 0155-194358, State Aid Project 069-755-001).

Finance & Budget Committee – Commissioner Nelson, Chair

7. Dedication of permanent highway easements over county fee owned property located in Township 56 North, Range 19 West (Lavelle Township) and in Township 52 North, Range 18 West (Alborn Township).
8. Quit claim deed authorized for the sale of one (1) acre of non-conforming fee land located in the Northeast corner of the SE ¼ of NE ¼, Section 24, Township 56 North, Range 19 West (Lavelle Township) to adjoining property owners Alan H. Hemenway and Shari Hemenway for the amount of \$725 plus recording and filing fees.

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9. Easement for ingress and egress across county fee owned land located in Section 31, Township 52 North, Range 12 West (Duluth Township) authorized to Seth Levanen upon payment of a \$425 land use fee.
10. Public hearing established for 9:45 a.m., October 28, 2014, in the Mesabi Station, Eveleth, MN, to consider allegations of a liquor law violation by Red Swan Catering, LLC d/b/a Clearwater Grille & Event Center, Duluth Township.
11. Public hearing established for 9:50 a.m., October 28, 2014, in the Mesabi Station, Eveleth, MN, to consider allegations of a liquor law violation by Grand View Golf, LLC d/b/a Grand View Golf Links, Midway Township.
12. Public hearing established for 9:55 a.m., October 28, 2014, in the Mesabi Station, Eveleth, MN, to consider allegations of a liquor law violation by Sullivan's Mercantile, Inc., d/b/a Twig General Store, Grand Lake Township.
13. Public hearing established for 10:00 a.m., October 28, 2014, in the Mesabi Station, Eveleth, MN, to consider the issuance of an off-sale intoxicating liquor license to Michael Fink and Robert Pierce d/b/a Eagle's Nest Resort, Fredenberg Township.
14. Memorandum of Understanding with the City of Duluth authorized for a joint repair project of the Duluth Courthouse front entrance stairs and sidewalks in an amount of \$87,862.50; approximately 18.75% of the required work is for the county.
15. Workers' compensation report dated September 19, 2014.

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

16. Reappoint Rudy Semeja and Laurence Cuffe to the Community Development Block Grant (CDBG) Citizen Advisory Committee for three-year terms expiring April 30, 2017, and authorize the County Auditor to advertise and accept applications until November 15, 2014, for two (2) vacant positions: one (1) representing Rice Lake Township and one (1) At-Large representative, both for three-year terms expiring April 30, 2017.

Public Safety & Corrections Committee – Commissioner Boyle, Chair

17. Application and acceptance of a 2014 State of Minnesota Emergency Management Performance Grant in the amount of \$82,714 authorized to assist the Sheriff's Office for local emergency management programs.

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 23, 2014, are hereby approved.

Reclassification of State Tax Forfeited Lands to Non-Conservation

BY COMMISSIONER _____

WHEREAS, All parcels of land becoming the property of the State of Minnesota in Trust through forfeiture for nonpayment of real estate taxes shall be classified or reclassified as conservation or non-conservation as required by Minn. Stat. § 282.01, Subd. 1; and

WHEREAS, The parcels described in the attached County Board File forfeited to the State of Minnesota for nonpayment of real estate taxes and were previously classified as conservation; and

WHEREAS, The St. Louis County Land and Minerals Department has recommended that the parcels be reclassified as non-conservation and approved for sale after considering, among other things, the present use of adjacent land, the productivity of the soil, the character of forest or other growth, the accessibility of lands to established roads, schools, and other public services, and their peculiar suitability or desirability for particular uses; and

WHEREAS, These parcels of land may be located inside the boundaries of a municipality or town and Minn. Stat. § 282.01 provides that classification or reclassification and sale of lands situated within a municipality or town must be approved by the governing body of the municipality or town; and

WHEREAS, The reclassification and sale of the parcels will be deemed approved if the county board does not receive notice of the municipality's or town's disapproval of the reclassification and sale of any parcel within 60 days of the date on which this resolution is delivered to the clerk of the municipality or town in which the parcels are located;

THEREFORE, BE IT RESOLVED, That the state tax forfeited parcels described in County Board File No. 59937 shall be reclassified as non-conservation and offered for sale, and the request for approval of the reclassification shall be transmitted by the St. Louis County Land and Minerals Department to the clerk of the municipality or town in which the parcels are located.

Class I Demolition Waste Haulage Contract Adjustments

BY COMMISSIONER _____

WHEREAS, St. Louis County believes in effective and efficient waste management programs to enhance services to residents and businesses while protecting the environment; and

WHEREAS, St. Louis County requires a contractor to load and haul Class I demolition waste from six (6) specified transfer locations to designated Minnesota Pollution Control Agency landfills for disposal; and

WHEREAS, The haulage service was bid in June 2013, with bids awarded to Mahkahta Trucking, Inc., Eveleth, MN, and The G-Men, Inc., Ely, MN; and

WHEREAS, The annual amounts for 2014 have greatly exceeded the 10 year averages listed in the original bid documents;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes an increase to the annual haulage contract with Mahkahta Trucking, Inc., Eveleth, MN, for the remainder of 2014 at an estimated increased cost of \$39,000, for a total cost of \$103,660.75, payable from Fund 600, Agency 605001, Object 629900; and

RESOLVED FURTHER, That the St. Louis County Board authorizes an increase to the annual haulage contract with The G-Men, Inc., Ely, MN, for the remainder of 2014 at an estimated increased cost of \$20,000, for a total cost of \$52,416.62, payable from Fund 600, Agency 605001, Object 629900.

Appraisal Report for the Sale of Timber (Informal)

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. 59811, 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

Date

<u>TRACT NUMBER</u>	<u>CONTRACT NUMBER</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>TIMBER VALUE</u>
1	C19140105	12	60	14	\$2,626.81

TOTAL VALUE OF TRACT: \$2,626.81

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. 59811

By: _____
Clerk of County Board

Date: _____

Award of Bid – Gasohol, Fuel Oil and Diesel Fuel

BY COMMISSIONER _____

WHEREAS, The St. Louis County Purchasing Division solicits bids annually for the purchase of fuels for use throughout the county; and

WHEREAS, The Purchasing Division received bids from five (5) different vendors; and

WHEREAS, Each location and fuel type is treated as a separate bid award providing the county with the lowest cost;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Purchasing Division to purchase fuels from the vendor with the lowest net cost as indicated on the attached Bid Tabulation found in County Board File No. _____.

Amendment to Agreement for Depot Roof General Obligation Bond Project

BY COMMISSIONER _____

WHEREAS, St. Louis County has been awarded \$400,000 in General Obligation Bond funds through the Minnesota Department of Management and Budget (MMB) for the construction of the Depot Roof repair project, SP 69-595-006, CP 3761, in Duluth, MN; and

WHEREAS, The Commissioner of MMB has given notice that funding for this project is available; and

WHEREAS, The amount of the grant is anticipated to be \$400,000 by reason of the low responsible bid; and

WHEREAS, Minnesota Department of Transportation Agreement No. 99866, Damion Number 2011-6675, County Board Resolution No. 11-488, dated September 13, 2011, needs to be amended to correct certain legal descriptions;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board agrees with the needed changes to the legal descriptions as set forth by the County Attorney's Office in the amendment and authorizes the appropriate county officials to execute the grant agreement amendment with the Minnesota Commissioner of Management and Budget and the Minnesota Department of Transportation concerning the above-referenced grant.

Acquisition of Right of Way – CSAH 155/Eighth Avenue East (Ely)

BY COMMISSIONER _____

WHEREAS, The St. Louis County Public Works Department plans to reconstruct 0.45 miles of County State Aid Highway (CSAH) 155/Eighth Avenue East from East James Street 0.45 miles northerly to East Camp Street/CSAH 152 within the city of Ely, County Project 0155-194358, State Aid Project 069-755-001; and

WHEREAS, These improvements consist of grading, aggregate base, replacement of drainage structures, curb, gutter, sidewalk, and bituminous surfacing as determined necessary to provide for the safety and convenience of the public; and

WHEREAS, In addition to the existing highway right of way, certain lands are required for this construction, together with temporary construction easements;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Public Works Director to proceed with the acquisition of the necessary lands and temporary easements for this project, payable from Fund 200, Agency 203001.

**Dedication of Permanent Highway Easements over County Fee Owned Property
(Townships 56 North, Range 19 West and 52 North, Range 18 West)**

BY COMMISSIONER _____

WHEREAS, St. Louis County owns property that is being considered for sale;
and

WHEREAS, It is the intent of the St. Louis County Board to reserve additional highway right of way necessary to construct and maintain said segments of road when the county owned parcels are sold or transferred;

THEREFORE, BE IT RESOLVED, That pursuant to Minn. Stat. § 163.11, the St. Louis County Board dedicates to the public the permanent highway easements more particularly described on the attached exhibits:

EXHIBIT A & B Parcel 1 County State Aid Highway 25 and Township Road 7912
Township 56 North, Range 19 West

EXHIBIT A & B Parcel 2 County State Aid Highway 47 and County Road 719
Township 52 North, Range 18 West

**EXHIBIT A
PARCEL 1**

County State Aid Highway 25 (CSAH 25) and Township Road 7912

Property Legal Description:

One acre of land in the Northeast Corner of the southeast quarter of the northeast quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section twenty-four (24) Township Fifty-six (56) North of Range 19 West. reof.

Rights to be acquired:

A PERMANENT EASEMENT for highway purposes over, under and across the easterly 50.00 feet of the above described property.

TOGETHER WITH A PERMANENT EASEMENT for highway purposes over, under and across the northerly 50.00 feet of the above described property.

Said permanent easements contain 0.42 acres of highway right of way.

Parcel Code: 420-0024-03690

Exhibit B
Parcel 1
CSAH 25 and Town Road 7912 Hemenway Rd

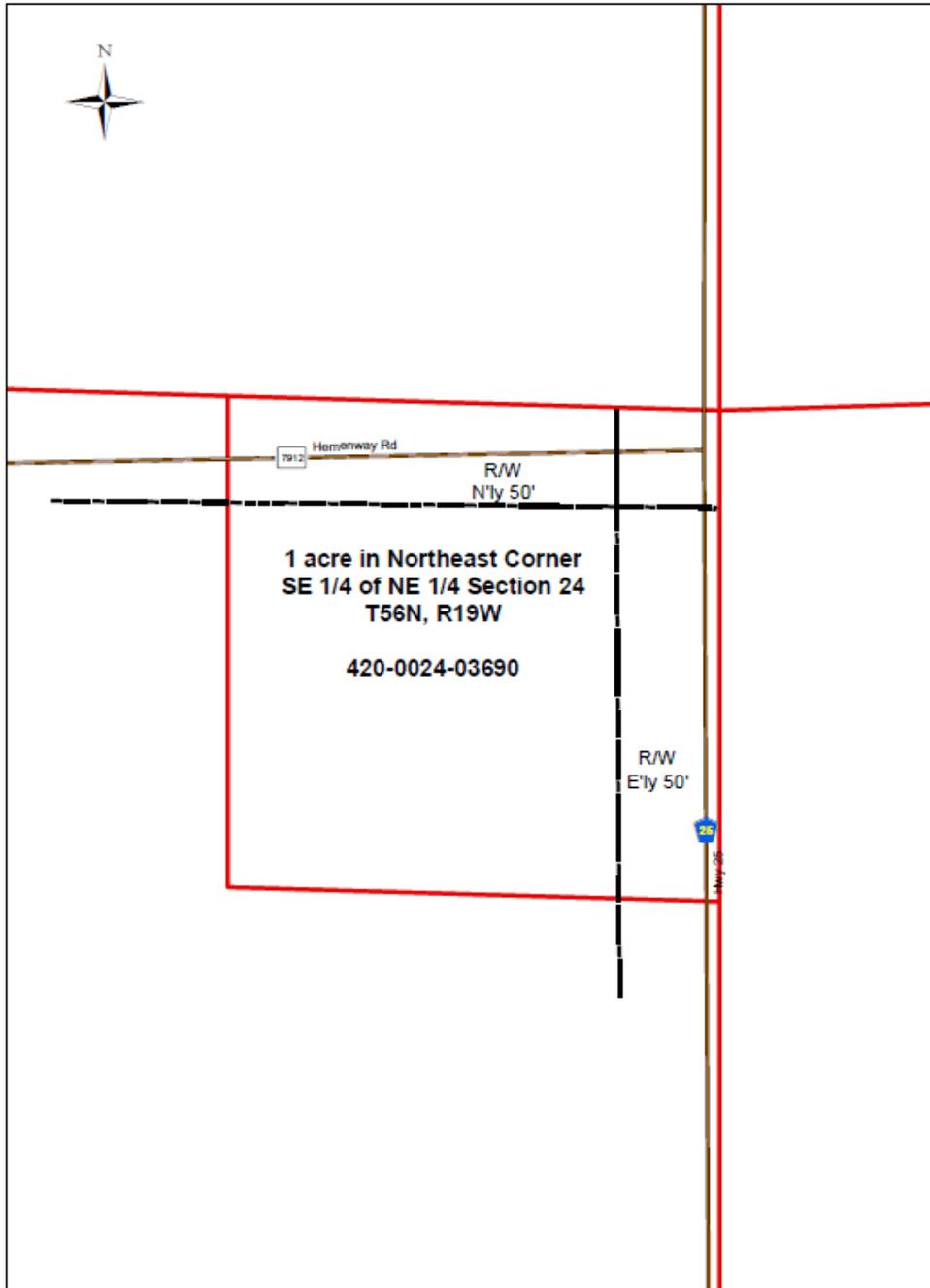


EXHIBIT A
Parcel 2
CSAH 47 and County Rd. 719 (Chase Drive)

Property Legal Description:

That part of the SE1/4 of SE1/4 and NE1/4 of SE1/4 of Section 9, Township 52 North, Range 18 West, lying Northeasterly of the former Duluth, Missabe and Iron Range Railway right of way and easterly and southerly of the following described line:

Commencing at the southeast corner of said Section 9; thence South 85 degrees 34 minutes 08 seconds West, along the south line of said Section 9 a distance of 467.47 feet; thence North 22 degrees 14 minutes 03 seconds West a distance of 271.73 feet; thence northerly, along a tangential curve concave to the east, having a radius of 1091.34 feet and central angle of 6 degrees 10 minutes 57 seconds, a distance of 117.76 feet to the point of beginning of the line to be described; thence northerly, continuing along said curve having a central angle of 49 degrees 18 minutes 00 seconds, a distance of 939.04 feet; thence North 33 degrees 14 minutes 53 seconds East a distance of 246.78 feet; thence northeasterly along a tangential curve concave to the northwest, having a radius of 1091.34 feet and a central angle of 7 degrees 13 minutes 11 seconds, a distance of 137.52 feet; thence South 63 degrees 58 minutes 18 seconds East, on a radial line a distance of 33.23 feet; thence southeasterly, along a tangential curve concave to the southwest, having a radius of 272.84 feet and a central angle of 60 degrees 13 minutes 43 seconds, a distance of 286.80 feet to the east line of said Section 9 and there terminating

EXCEPT the Southerly 250.0 feet of that part of the SE1/4 of SE1/4, lying northeasterly of the former Duluth, Missabe and Iron Range Railway right of way.

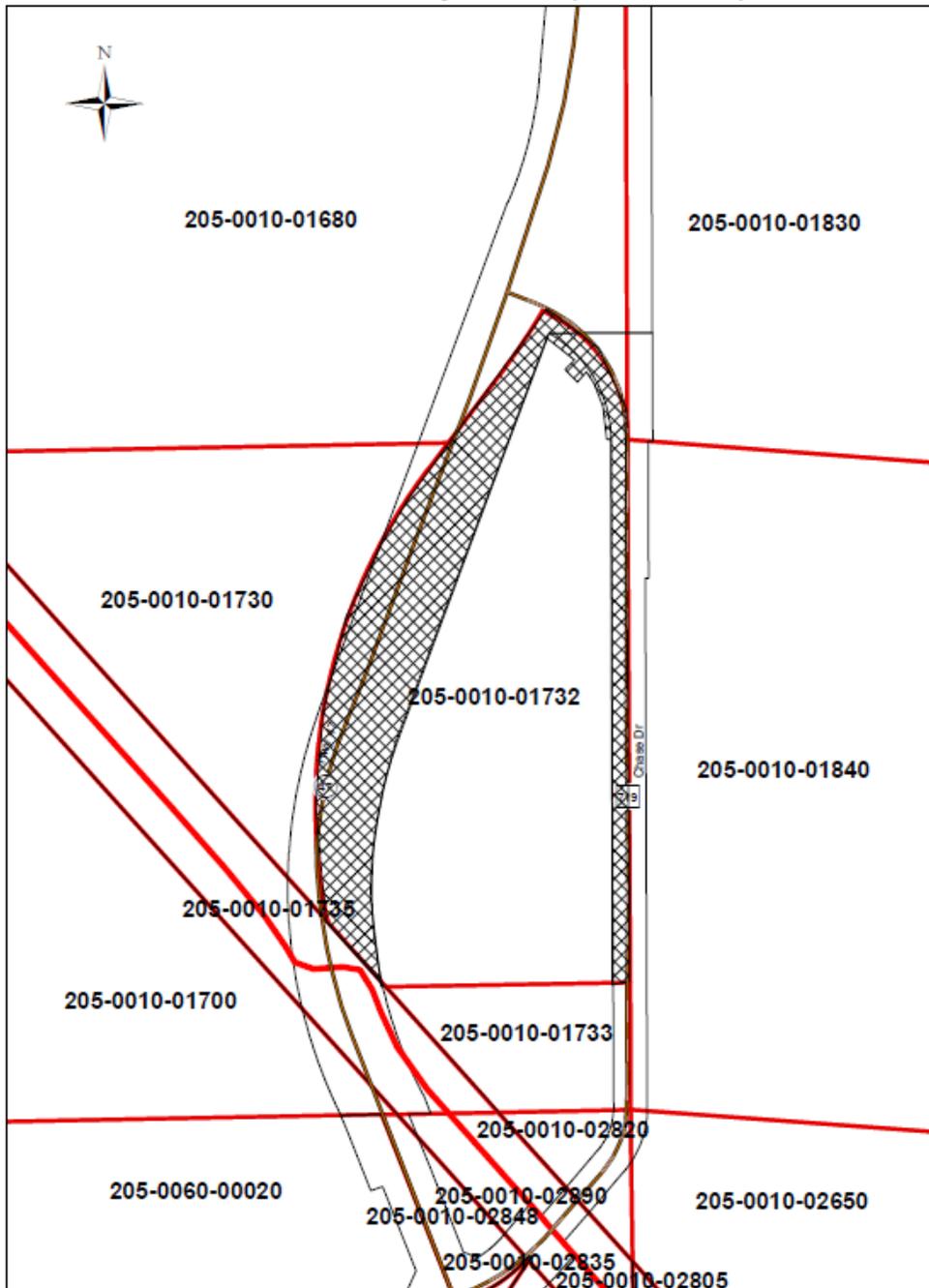
As currently embodied in Certificate of Title number 283844

Rights to be acquired:

A PERMANENT EASEMENT for highway purposes over, under, and across all that part of the above described property which lies westerly of a line drawn parallel with, and distant 90.00 feet easterly of, the following described highway centerline:

Commencing at the Southeast Corner of Section 9, Township 52 North, Range 18 West of the Fourth Principal Meridian, and assuming the south line of said Section 9 bears South 85 degrees 27 minutes 25 seconds West; thence westerly along said section line 487.61 feet; thence North 25 degrees 02 minutes 20 seconds West a distance of 155.18 feet to the point of beginning of the line to be described; thence northeasterly along a tangential curve, concave to the east, having a radius of 848.83 feet and a central angle of 41 degrees 51 minutes 03 seconds, a distance of 620.01 feet; thence North 16 degrees 48 minutes 43 seconds East a distance of 1140.55 feet and there terminating.

Exhibit B
Parcel 2
CSAH 47 and County Rd. 719 (Chase Drive)



**Sale of Non-Conforming Fee Land to Adjoining Property Owner
(Lavell Township)**

BY COMMISSIONER _____

WHEREAS, A request to purchase county fee land was submitted by Alan H. Hemenway and Shari Hemenway and the County Property Acquisition Team has reviewed the request and has no objections to the sale of this non-conforming parcel; and

WHEREAS, The property is described as follows:

One acre of land in the Northeast corner of the southeast quarter of the northeast quarter (SE ¼ of NE ¼) of Section Twenty-four (24) Township Fifty-six (56) North of Range Nineteen (19) West; and

WHEREAS, Alan H. Hemenway and Shari Hemenway have agreed to pay the assessed value of the property in the amount of \$725;

THEREFORE, BE IT RESOLVED, That pursuant to the requirements and procedures of Minn. Stat. § 373.01, Subd. (i), the Chair of the County Board and the County Auditor are authorized to execute and deliver a quit claim deed conveying the above listed property to Alan H. Hemenway and Shari Hemenway for the amount of \$725, payable to Fund 100, Agency 128014, Object 583202. The Hemenways are also responsible for recording and associated filing fees.

**Easement for Ingress and Egress across County Fee Owned Land
(Duluth Township)**

BY COMMISSIONER _____

WHEREAS, St. Louis County owns in fee the following described property in Duluth Township;

Beginning at a point 400.0 feet east of the northwest corner of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 31, Township 52 North, Range 12 West, and running thence easterly along the north line of the above described tract of land for a distance of 417.42 feet; thence southerly at an angle of 90° for a distance of 208.71 feet; thence westerly at an angle of 90° for a distance of 417.42 feet; thence northerly at an angle of 90° for a distance of 208.71 feet to the point of beginning, containing 2.0 acres, lying wholly within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31, Township 52 North, Range 12 West; and

WHEREAS, Seth Levanen has requested an easement for ingress and egress across the above described property to access his property; and

WHEREAS, The Public Works Department and the Property Acquisition Team have no objections to granting this easement; and

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

THEREFORE, BE IT RESOLVED, That pursuant to the requirements and procedures of Minn. Stat. § 373.01, Subd.1(4), the Chair of the County Board and the County Auditor are authorized to execute an easement for ingress and egress across the above described county fee owned land;

RESOLVED FURTHER, That the granting of this easement is conditioned upon payment of \$425 land use fee, to be deposited in Fund 100 Agency 128014 Object 583202.

**Establish Public Hearing to Consider Violation Allegations of Liquor Law –
Clearwater Grille & Event Center (Duluth Township)**

BY COMMISSIONER _____

RESOLVED, That a public hearing will be held at 9:45 a.m., on Tuesday, October 28, 2014, in the Mesabi Station, Eveleth, MN, for the consideration of the allegations and, if proven, the suspension or revocation of the liquor licenses issued to Red Swan Catering, LLC d/b/a Clearwater Grille & Event Center, Duluth Township, and/or the imposition of civil penalties for the violation.

**Establish Public Hearing to Consider Violation Allegations of Liquor Law –
Grand View Golf Links (Midway Township)**

BY COMMISSIONER _____

RESOLVED, That a public hearing will be held at 9:50 a.m., on Tuesday, October 28, 2014, in the Mesabi Station, Eveleth, MN, for the consideration of the allegations and, if proven, the suspension or revocation of the liquor licenses issued to Grand View Golf, LLC d/b/a Grand View Golf Links, Midway Township, and/or the imposition of civil penalties for the violation.

**Establish Public Hearing to Consider Violation Allegations of Liquor Law –
Twig General Store (Grand Lake Township)**

BY COMMISSIONER _____

RESOLVED, That a public hearing will be held at 9:55 a.m., on Tuesday, October 28, 2014, in the Mesabi Station, Eveleth, MN, for the consideration of the allegations and, if proven, the suspension or revocation of the liquor license issued to Sullivan's Mercantile, Inc. d/b/a Twig General Store, Grand Lake Township, and/or the imposition of civil penalties for the violation.

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

BY COMMISSIONER _____

RESOLVED, That a public hearing will be held at 10:00 a.m., on October 28, 2014, in the Mesabi Station, Eveleth, MN, for the purpose of considering an Off-Sale Intoxicating Liquor License to Michael Fink and Robert Pierce d/b/a Eagle's Nest Resort, Fredenberg Township.

**Memo of Understanding with City of Duluth – Duluth Courthouse
Front Entrance Stairs and Sidewalk Repair**

BY COMMISSIONER _____

WHEREAS, The granite front stairway of the County Courthouse in Duluth has settled and the sidewalks have deteriorated, rendering them unsafe; and

WHEREAS, The City of Duluth has experienced similar stairway and sidewalk failures on two sides of City Hall, and approached the county on a joint project scope; and

WHEREAS, The city's portion of the project is approximately 81.25% of the work and the county's portion approximately 18.75%; and

WHEREAS, The bids were advertised and managed by the City of Duluth's purchasing department, with the county's portion of this project at \$87,862.50; and

WHEREAS, The city is ready to complete the project prior to winter and a Memo of Understanding is necessary to formalize project cost allocations, requirements and project responsibilities;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to execute a Memo of Understanding with the City of Duluth for the repair of the Duluth Courthouse front entrance stairs and sidewalk in an amount of \$87,862.50, payable from Fund 402, Agency 402003.

Workers' Compensation Report

BY COMMISSIONER _____

RESOLVED, That the workers' compensation report of claims by employees for work-related injuries, dated September 19, 2014, on file in the office of the County Auditor, identified as County Board File No. 59787, is hereby received and ratified as payable from Fund 730, Agency 730001.

**Committee Vacancy Appointments
to the CDBG Citizen Advisory Committee**

BY COMMISSIONER _____

WHEREAS, The St. Louis County Board appoints citizens to serve on the Community Development Block Grant (CDBG) Citizen Advisory Committee; and

WHEREAS, Two (2) current members have requested to serve another term on the CDBG Citizen Advisory Committee; and

WHEREAS, There are two (2) vacancies on this committee to be filled through an advertised application process;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board reappoints the following citizens to the CDBG Citizen Advisory Committee with terms expiring April 30, 2017:

Rudy Semeja (At Large - Virginia)
Laurence Cuffe (Virginia);

FURTHER RESOLVED, That the County Auditor is authorized to advertise and accept applications until November 15, 2014, for two (2) vacant positions on the Community Development Block Grant Citizen Advisory Committee, one (1) representing Rice Lake Township and one (1) At-Large representative, serving three-year terms expiring April 30, 2017.

**Application and Acceptance of 2014 Emergency
Management Performance Grant**

BY COMMISSIONER _____

WHEREAS, The State of Minnesota has made \$82,714 available through the Emergency Management Performance Grant to assist the St. Louis County Sheriff's Office for local emergency management programs;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes application and acceptance of the 2014 State of Minnesota, Emergency Management Performance Grant in the amount of \$82,714, to be accounted for in Fund 100, Agency 132999, Grant 13203;

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