

**CONSENT AGENDA**

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

**May 12, 2015**

**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:**

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

1. Classify certain tax forfeited parcels as ‘conservation’ and direct the Land and Minerals Department to notify the clerks of the municipalities or towns in which the parcels are located. *[15-181]*
2. Classify certain tax forfeited parcels as ‘non-conservation’ and direct the Land and Minerals Department to notify the clerks of the municipalities or towns in which the parcels are located. *[15-182]*
3. Agreement authorized with Ramsland and Vigen, Inc., to provide appraisal services for the Land and Minerals Department during 2015 at an estimated cost of \$50,000. *[15-183]*
4. Final approval granted to the plat of Easy Days, located in Part of Government Lot 1, and part of the SW ¼ of NW ¼, Section 35, Township 53 North, Range 14 West (Gnesen Township). *[15-184]*
5. Purchase of one (1) solid waste transfer trailer authorized from Wilkins Industries, Inc., of Morris, MN, for the total quoted price of \$83,575.50. *[15-185]*
6. Public hearing established for May 26, 2015, at 9:40 a.m. at the St. Louis County Courthouse, Hibbing, MN, to receive citizen comments on the proposed Ordinance 62, Zoning Regulations, which will repeal and replace current Zoning Ordinance 46. *[15-192]*
7. Approve the Lake Superior Wetland Bank Application proposed by Ecosystem Investment Partnership Credit Company, LLC (EIP) with all the conditions provided by the Technical Evaluation Panel Findings and Recommendations. *[15-193R]*
8. Approve the Lake Superior Wetland Bank Fund Agreement creating an endowment funded by EIP Credit Company, LLC, to benefit the county in conjunction with the sale of wetland credits; and further, authorize acceptance of distributions from the Lake Superior Wetland Bank Fund, to be deposited into the General Fund. *[15-194]*

## **ST. LOUIS COUNTY BOARD**

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9. Approve the Aquatic Invasive Species Prevention Plan and authorize the Planning and Community Director to solicit proposals for use of the 2014 and 2015 Aquatic Invasive Species Prevention Aid; and further, the Planning and Community Development Director shall review all proposals and provide a funding recommendation to the County Board for final consideration. *[15-196]*
10. Approve free conveyance of state tax forfeited property described as the SE ¼ of NW ¼, Section 3, Township 49 North, Range 15 West, City of Proctor, to the City of Proctor to be used for public park and trail purposes, upon total payment of \$572.65 for fees and deed tax. *[15-197]*

### **Public Works & Transportation Committee – Commissioner Raukar, Chair**

11. Agreement authorized with Lake County for a 2015 Crack Sealing project described as CP 0000-235367, SAP 69-030-036; and further, Resolution No. 15-157 adopted March, 10, 2015, is rescinded. *[15-186]*
12. Minnesota Department of Transportation for Advance Construction Agreement authorized for federal aid participation as set forth and contained in “Minnesota Department of Transportation Agency Agreement No. 1000502” for a pavement preservation project on County State Aid Highway 90/Arlington Avenue in Duluth, MN (CP 0090-8203, SP 69-690-013). *[15-187]*

### **Finance & Budget Committee – Commissioner Nelson, Chair**

13. Abatement list for Board approval. *[15-188]*
14. Workers’ compensation report dated May 1, 2015, as submitted by Safety and Risk Management.
15. Application to sell/serve intoxicating liquor outside the designated serving area of the County liquor license by Dawghouse Bar & Grill, LLC d/b/a Dawghouse Bar & Grill, Northland Township, for June 13 and 14, 2015.

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

16. Reallocation of a 1.0 FTE Information Specialist III position to a 1.0 FTE Information Specialist II position in the Sheriff’s Office approved. *[15-189]*
17. Reallocation of a 1.0 FTE Principal Appraiser position to a 1.0 FTE Assistant County Assessor position in the Assessor’s Office approved. *[15-190]*
18. Adopt the updated Post-Retirement Health Care Savings Plan Policy for the Civil Service Supervisory Unit; and further, rescind the previous Plan dated December 21, 2002. *[15-191]*

**Classification of December 2, 2014 Forfeitures (conservation)**

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

WHEREAS, The parcels described here forfeited to the State of Minnesota on December 2, 2014, for nonpayment of real estate taxes; and

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 as 'conservation' or 'non-conservation' as required by Minn. Stat. § 282.01, Subd. 1; and

WHEREAS, The Land and Minerals Department has recommended that the parcels be classified as 'conservation' after considering many factors including 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, the suitability or desirability for particular uses and the suitability of the forest resources on the land for multiple use and sustained yield management; and

WHEREAS, The forfeited parcels may be located inside the boundaries of a municipality or town and Minn. Stat. § 282.01 provides that notice of the classification or reclassification and sale of lands situated within a municipality or town must be transmitted to its governing body; and

WHEREAS, The classification of the forfeited parcels will be deemed approved if the County Board does not receive notice of a municipality's or town's disapproval within 60 days of the date on which this resolution is delivered to the clerks of the municipalities or towns in which the parcels are located;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board classifies the state tax forfeited parcels described in County Board File No. \_\_\_\_\_ as 'conservation', and a notice of the classification shall be transmitted by the Land and Minerals Department to the clerks of the municipalities or towns in which the parcels are located.

**Classification of December 2, 2014 Forfeitures (non-conservation)**

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

WHEREAS, The parcels described here forfeited to the State of Minnesota on December 2, 2014, for nonpayment of real estate taxes; and

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 as 'conservation' or 'non-conservation' as required by Minn. Stat. § 282.01, Subd. 1; and

WHEREAS, The Land and Minerals Department has recommended that the parcels be classified as 'non-conservation' after considering many factors including 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, the suitability or desirability for particular uses and the suitability of the forest resources on the land for multiple use and sustained yield management; and

WHEREAS, The forfeited parcels may be located inside the boundaries of a municipality or town and Minn. Stat. § 282.01 provides that notice of the classification or reclassification and sale of lands situated within a municipality or town must be transmitted to its governing body; and

WHEREAS, The classification of the forfeited parcels will be deemed approved if the County Board does not receive notice of a municipality's or town's disapproval within 60 days of the date on which this resolution is delivered to the clerks of the municipalities or towns in which the parcels are located;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board classifies the state tax forfeited parcels described in County Board File No. \_\_\_\_\_ as 'non-conservation', and a notice of the classification shall be transmitted by the Land and Minerals Department to the clerks of the municipalities or towns in which the parcels are located.

**Agreement for Appraisal Services – Ramsland and Vigen, Inc.**

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

WHEREAS, St. Louis County is committed to providing fair land appraisals; and

WHEREAS, The Land and Minerals Department is in need of contracted appraisal services for land sales on Park Point and other special projects;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to enter into an agreement with Ramsland and Vigen, Inc., to provide appraisal services for the Land and Minerals Department for 2015 at an estimated cost of \$50,000 payable from Fund 240, Agency 241003, Organization 241003, Object 629900.

**Final Plat Approval – Easy Days (Gnesen Township)**

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

WHEREAS, Minnesota Session Laws, 2012, Chapter 236, Section 28, authorizes St. Louis County to sell state tax forfeited shoreland parcels currently under lease, and directs that the parcels be surveyed, appraised and offered for sale to the current lease holder; and

WHEREAS, The final print of Easy Days has been submitted and conforms with the requirements of the St. Louis County Surveyor;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board grants final approval to the plat of Easy Days, located in Gnesen Township.

**Solid Waste Transfer Trailer Quotes/Purchase**

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

WHEREAS, St. Louis County requires the replacement/addition of new transfer trailers for waste haulage from transfer stations to the Regional Landfill; and

WHEREAS, The purchase of a new trailer was competitively quoted in March 2015, with three quotes received;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the purchase of a transfer trailer from Wilkins Industries, Inc., of Morris, MN, for the total quoted price of \$83,575.50, payable from Fund 600, Agency 604001.

**Establish Public Hearing to Consider Adoption of  
Proposed Ordinance 62, Zoning Ordinance**

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

WHEREAS, The St. Louis County Planning Commission, on December 28, 2014, initiated proposed St. Louis County Ordinance 62, Zoning Regulations; and

WHEREAS, The Planning Commission, after soliciting comments for 60 days, held a public hearing regarding the proposed St. Louis County Ordinance 62, Zoning Regulations on March 12, 2015; and

WHEREAS, The Planning Commission on March 12, 2015, approved ordinance language and provided an additional 30 days for public comment; and

WHEREAS, On April 16, 2015, the Planning Commission held a second public hearing; and

WHEREAS, The Planning Commission voted to recommend that the St. Louis County Board adopt the proposed Zoning Ordinance 62 repealing and replacing the current Zoning Ordinance 46;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes a public hearing to be held on Tuesday, May 26, 2015 at 9:40 a.m. at the St. Louis County Courthouse in Hibbing, Minnesota for the purpose of receiving citizen comments on the proposed Ordinance 62, Zoning Regulations.

**BOARD CONSENT AGENDA NO. 7  
REPLACEMENT**

**Lake Superior Wetland Bank Application**

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

WHEREAS, Ecosystem Investment Partnership Credit Company LLC (EIP) has proposed a unique and large scale wetland bank in St. Louis County, called the Lake Superior Wetland Bank; and

WHEREAS, In June 2014 by Resolution 14-384, St. Louis County accepted the designation as the responsible Local Government Unit for this project as allowed under the Minnesota Wetland Conservation Act; and

WHEREAS, The St. Louis County Board established a Wetland Replacement or Wetland Bank Policy, County Board Resolution 14-384, dated June 24, 2014, that requires the Lake Superior Wetland Bank Application to be considered by the St. Louis County Planning Commission, and that the Planning Commission hold a public hearing on the application; and

WHEREAS, The St. Louis County Planning Commission held a public hearing on April 09, 2015 in the town of McDavitt; and

WHEREAS, The St. Louis County Planning Commission recommended that the Lake Superior Wetland Bank application and public comments be forwarded to the St. Louis County Board for consideration; and

WHEREAS, The Technical Evaluation Panel (TEP) reviewed the application and recommended approval of the application with conditions that are in compliance with MN Rules Chapter 8420.0526, Subp. 8;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the Lake Superior Wetland Bank application with the conditions in the TEP Findings and Recommendations on file with the County Auditor;

RESOLVED FURTHER, That the applicant must adhere to all requirements in the St. Louis County Wetland Replacement or Wetland Bank Policy, including being responsible for the costs of monitoring the wetland bank;

RESOLVED FURTHER, That the Lake Superior Wetland Bank is contingent upon a separate resolution of the County Board, acting as the drainage authority, in approving the abandonment and repair or improvement of ditches within the proposed wetland bank area;

RESOLVED FURTHER, That the Planning and Community Development Director is designated to review all TEP recommendations and make all determinations that said conditions have been satisfied.

**Lake Superior Wetland Bank Fund Agreement**

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

WHEREAS, EIP Credit Company, LLC has proposed funding an endowment to benefit the county in conjunction with the sale of wetland credits from the Lake Superior Wetland Bank; and

WHEREAS, This fund will ensure that the county continues to receive distributions equivalent to current property tax revenue from the Lake Superior Wetland Bank area;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to execute the Lake Superior Wetland Bank Fund agreement as approved by the St. Louis County Attorney;

RESOLVED FURTHER, That the St. Louis County Board authorizes the acceptance of distributions from the Lake Superior Wetland Bank Fund, to be deposited into the General Fund.

**Aquatic Invasive Species Prevention Plan**

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

WHEREAS, In 2014 the Minnesota Legislative Session established the Aquatic Invasive Species Prevention Aid Program, Minnesota Session Law Chapter 308; and

WHEREAS, County Board Resolution No. 14-582, dated October 28, 2014, authorized the Planning and Community Development Department to develop an Aquatic Invasive Species Prevention Plan for St. Louis County; and

WHEREAS, After soliciting public input, a draft Aquatic Invasive Species Prevention Plan has been prepared and made available for public comment;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the Aquatic Invasive Species Prevention Plan and authorizes the Planning and Community Development Director to solicit proposals for use of the 2014 and 2015 Aquatic Invasive Species Prevention Aid; and

RESOLVED FURTHER, That the Planning and Community Development Director shall review all proposals and provide a funding recommendation to the St. Louis County Board for final consideration.

**Request for Conveyance of State Tax Forfeited Land to the City of Proctor**

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

WHEREAS, Pursuant to Minn. Stat. § 282.01a, Subd. 1, upon recommendation of the County Board, the Commissioner of Revenue may convey state tax forfeited land to another governmental subdivision for an authorized public use; and

WHEREAS, The City of Proctor has requested a free conveyance of state tax forfeited land for public park and trail purposes, legally described as:

CITY OF PROCTOR  
SE 1/4 OF NW 1/4,  
Township 49 North, Range 15 West, Section 3  
Parcel Code: 185-0240-00070  
40 acres

THEREFORE, BE IT RESOLVED, That the St. Louis County Board recommends that the Commissioner of Revenue convey the above described state tax forfeited land to the City of Proctor to be used for public park and trail purposes, upon payment of \$250 administrative fee, \$250 Department of Revenue fee, \$1.65 deed tax, \$25 deed fee, and \$46 recording fee; for a total of \$572.65, to be deposited into Fund 240 (Forfeited Tax Fund).

**Agreement with Lake County for 2015 Crack Sealing and  
Rescind Resolution No. 15-157**

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

RESOLVED, That the St. Louis County Board authorizes an agreement with Lake County, and any amendments approved by the County Attorney, where Lake County will pay its local share for items listed in the Schedule of Prices in the Proposal/Plan Package and Plan described as CP 0000-235367, SAP 69-030-036, Crack Sealing 2015, with the funds to be receipted into Fund 220, Agency 220351, Object 551508.

**Advance Construction Agreement for Federal Funds – CSAH 90/Arlington Avenue Preservation Project (Duluth)**

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

THEREFORE, BE IT RESOLVED, That pursuant to Minn. Stat. § 161.36, the Commissioner of Transportation is hereby appointed as agent of St. Louis County to accept as its agent, federal aid funds which may be made available for eligible transportation related projects;

RESOLVED FURTHER, That the Board Chairman and County Auditor are hereby authorized and directed for and on behalf of the county to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in “Minnesota Department of Transportation Agency Agreement No. 1000502”, a copy of which was before the County Board and is made a part hereof by reference for federal funding on County Project CP 0090-8203, SP 69-690-013. Funds to be receipted into Fund 220, Agency 220364.

**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. 60032.

**Workers' Compensation Report**

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

RESOLVED, That the workers' compensation report of claims by employees for work-related injuries, dated May 1, 2015, on file in the office of the County Auditor, identified as County Board File No. 60026, is hereby received and ratified as payable from Fund 730, Agency 730001.

**Application to Sell/Serve Liquor Outside the Designated Serving Area  
(Northland Township)**

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

RESOLVED, That pursuant to Ordinance No. 28, Section 11, Subd. 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. 60027.

Dawghouse Bar & Grill, LLC d/b/a Dawghouse Bar & Grill, Northland Township, June 13 and 14, 2015;

RESOLVED FURTHER, That said license is approved contingent on Environmental Services approval.

**Reallocation of an Information Specialist III to Information Specialist II –  
Sheriff's Office**

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

WHEREAS, The Sheriff's Office has requested the reallocation of an Information Specialist III to Information Specialist II classification; and

WHEREAS, County Fiscal Policies specify that any position change greater than three pay grades must go before the County Board for approval; and

WHEREAS, The funding decrease is necessary for additional staffing changes in the Sheriff's Office budget.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the reallocation of an Information Specialist III (pay grade 14) to an Information Specialist II (pay grade 10) in the Sheriff's Office (Fund 100, Agency 129003).

**Reallocation of Principal Appraiser to Assistant County Assessor –  
Assessor’s Office**

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

WHEREAS, The Assessor’s Office provides assessment services to the majority of the county’s jurisdictions and, due to the increased workload and responsibility, the Department needs to add a higher level of supervisory duties; and

WHEREAS, The Human Resources Department has determined that reallocation of a Principal Appraiser to an Assistant County Assessor is appropriate, given the job duties; and

WHEREAS, County Fiscal Policies specify that any position change greater than three pay grades must be approved by the County Board; and

WHEREAS, These changes will result in an annual budget increase of \$8,796 which the Assessor’s Office has available;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the reallocation of a Principal Appraiser Position to (Civil Service Basic Unit Pay Plan, Pay Grade B23) to an Assistant County Assessor (Civil Service Supervisory Unit Pay Plan, Pay Grade E27) in the Assessor’s Office. Funding for this reallocation is available in Fund 100, Agency 118001.

**Updated Post-Retirement Health Care Savings Plan Policy –  
Civil Service Supervisory Unit**

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

WHEREAS, The St. Louis County Board adopted a post-retirement health care savings plan policy for Civil Service Supervisors by County Board Resolution No. 02-766 on November 26, 2002; and

WHEREAS, The policy needs to be updated to reflect an agreement reached in 2015-16 collective bargaining to also contribute the cash equivalent of accrued unused comp time at retirement;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board hereby adopts the updated Post-Retirement Health Care Savings Plan Policy for the Civil Service Supervisory collective bargaining unit contained in County Board File No. \_\_\_\_\_;

RESOLVED FURTHER, That the previous Post-Retirement Health Care Savings Plan, dated December 21, 2002, is hereby rescinded.