



COMMITTEE OF THE WHOLE AGENDA
Board of Commissioners, St. Louis County, Minnesota

September 8, 2015
Immediately following the Board Meeting, which begins at 9:30 A.M.
Morse Town Hall, 911 South Central Avenue, Ely

Directions: North on Highway 169 to Ely. Turn right on Central Avenue (first set of stop lights in Ely) Proceed less than one mile, Morse Town Hall is on your right (overlooking the Ely Golf Course).

CONSENT AGENDA:

All matters listed under the consent agenda are considered routine and/or non-controversial 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.

Minutes of September 1, 2015

Environment & Natural Resources Committee, Commissioner Rukavina, Chair

1. Cancellation of Contracts for Repurchase of State Tax Forfeited Land – Smith, Estate of Forrest J. Richardson [15-407]
2. Repurchase of State Tax Forfeited Land – Rajkovich [15-408]

Public Works & Transportation Committee, Commissioner Raukar, Chair

3. Acceptance of Quote: Guardrail Project on St. Louis County Roads and Township Road 5702 (Brevator Township) [15-409]
4. Acquisition of Right of Way – Replacement of County Bridge 209 over Joula Creek (Cedar Valley Township) [15-410]

Finance & Budget Committee, Commissioner Nelson, Chair

5. Wall Repairs – A.P. Cook Building, Public Safety Campus (Duluth) [15-411]
6. St. Louis County Sheriff's North Rescue Squad Building – Phase II Construction Services [15-412]
7. Lawful Gambling Application (Gnesen Township) [15-413]

Public Safety & Corrections Committee, Commissioner Dahlberg, Chair

8. Application and Acceptance of 2014 Homeland Security Operation Stonegarden Grant [15-414]
9. Application and Acceptance of 2015 Emergency Management Performance Grant [15-415]

ESTABLISHMENT OF PUBLIC HEARINGS:

Finance & Budget Committee, Commissioner Nelson, Chair

1. Establish Public Hearing to Consider Off-Sale Intoxicating Liquor License – Portage Township (Tuesday, October 6, 2015, 9:40 a.m., Duluth Town Hall, 6092 Homestead Road, Duluth, MN) [15-416]

REGULAR AGENDA:

For items on the Regular Agenda, citizens will be allowed to address the Board at the time a motion is on the floor.

Public Works & Transportation Committee, Commissioner Raukar, Chair

1. **Interim ATV Permit Process and Ordinance for St. Louis County Road Right of Way [15-417]**
Resolution directing Administration and the Public Works Department to develop an interim permit process for use of ATVs in the road right of way and to develop an ATV Ordinance.

Finance & Budget Committee, Commissioner Nelson, Chair

1. Certification of 2016 Maximum Property Tax Levy [15-418]

Certification of the 2016 tax levy to be moved to the September 22 County Board agenda without recommendation.

Central Management & Intergovernmental Committee, Commissioner Jewell, Chair

1. Request for Progress Report on “Fredenberg Park” Plan [15-419]

Commissioner Jewell has requested that the County Board pass a resolution asking Fredenberg Township for a progress report on “Fredenberg Park”.

COMMISSIONER DISCUSSION ITEMS AND REPORTS:

Commissioners may introduce items for future discussion, or report on past and upcoming activities.

ADJOURNED:

NEXT COMMITTEE OF THE WHOLE MEETING DATES:

September 22, 2015 St. Louis County Courthouse, Duluth, MN

October 6, 2015 Duluth Town Hall, 6092 Homestead Road, Duluth, MN

October 13, 2015 City Council Chambers, 5105 Maple Grove Road, Hermantown, MN

BARRIER FREE: *All St. Louis County Board meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual needs for special services. Please contact St. Louis County Property Management (218-725-5085) early so necessary arrangements can be made.*

COMMITTEE OF THE WHOLE ST. LOUIS COUNTY BOARD OF COMMISSIONERS

September 1, 2015

Location: St. Louis County Courthouse, Duluth, Minnesota

Present: Commissioners Jewell, Boyle, Rukavina, Nelson, Raukar, and Chair Stauber

Absent: Commissioner Dahlberg

Convened: Chair Stauber called the meeting to order at 1:53 p.m.

CONSENT AGENDA

Raukar/Jewell moved to approve the consent agenda without Item #4, State Tax Forfeited Lease – Shoreland Lease Lots [15-384] and without Item #14, Fire Protection/First Responder Services Contract for Unorganized Territories – 2016 [15-394]. The motion passed. (6-0, Dahlberg absent)

- Minutes of August 11, 2015
- Approval of Registered Land Survey No. 128 (Morse Township) [15-381]
- Access Easement Across State Tax Forfeited Land to Boyd J. and R. Wendell Snyder (Beatty Township) [15-382]
- Legal Services for the Sale of Shoreland Lease Lots – Hanft Fride [15-383]
- Authorization to Accept SSTS Base, Incentive & Low-Income Fix-up Grant Funding [15-385]
- Award of Bid: Grader Blades, Cutting Edges, Pick Blades and Bits [15-386]
- State Contract Purchase of Equipment Trailer [15-387]
- Award of Bid: Gasohol, Fuel Oil and Diesel Fuel [15-388]
- Drainage/Pipe Easements in Connection with Relocated CSAH 102 (Mt. Iron) [15-389]
- Acceptance of Bids – Culvert Purchase for Bridge 484 on CR 310/Keenan Road (Clinton Township) [15-390]
- Acceptance of County Veterans Service Office Operational Enhancement Grant [15-391]
- Duluth GSC Parking Ramp Alley Level Repairs [15-392]
- Abatement List for Board Approval [15-393]
- Reallocation of Assistant Human Resources Director and Senior Human Resources Advisor to Human Resources Manager [15-395]
- Application and Acceptance of the 2015 Port Security Grant [15-396]

Establishment of Public Hearings

Nelson/Stauber moved to establish a public hearing on the City of Hermantown's request for additional tax abatement financing for the Hermantown Marketplace Project on Tuesday, October 13, 2015 at 9:40 a.m. at the Hermantown City Council Chambers, Hermantown, MN [15-397]. The motion passed. (6-0, Dahlberg absent)

At 1:55 p.m., St. Louis County Public Works Director Jim Foldesi gave the Committee an informational presentation regarding an All-Terrain Vehicle (ATV) pilot program. Chair Stauber

stepped out of the meeting from 2:03 p.m. to 2:04 p.m. Commissioner Dahlberg entered the meeting at 2:15 p.m. Chair Stauber stepped out of the meeting from 2:19 p.m. to 2:20 p.m. Commissioner Boyle stepped out of the meeting from 2:22 p.m. to 2:23 p.m. Commissioner Dahlberg stepped out of the meeting from 2:28 p.m. to 2:29 p.m. Commissioner Nelson stepped out of the meeting from 2:29 p.m. to 2:30

Public Works & Transportation Committee

Rukavina/Nelson moved to rename the Ely Joint Public Works Facility as the “Michael D. Forsman Public Works Facility,” in honor of former St. Louis County Commissioner Mike Forsman and his continuous dedication to the transportation needs of St. Louis County and Minnesota. [15-398]. The motion passed without recommendation. (7-0)

Finance & Budget Committee

Nelson/Stauber moved that the County Board, acting on behalf of unorganized townships for the purpose of road and bridge maintenance and construction, adopts and certifies a maximum levy of \$1,582,000 for the year 2016 to be levied only in such unorganized townships. [15-399]. After further discussion, the motion passed without recommendation. (6-1, Rukavina)

Commissioner Jewell exited the meeting at 3:25 p.m.

Rukavina/Raukar moved that the County Board certify the St. Louis County Housing and Redevelopment Authority maximum property tax levy for 2016 in the amount of \$208,940. [15-400]. The motion passed. (6-0, Jewell absent)

Nelson/Boyle moved to authorize the County Auditor to spread local levies for the provision of fire protection and/or first responder services to identified unorganized territories within the county beginning January 1, 2016, and to authorize the agreements with the listed corporations for the provision of these services. [15-394]. Commissioner Dahlberg stepped out of the meeting at 3:26 p.m. The motion passed without recommendation. (5-0, Jewell, Dahlberg absent)

Central Management & Intergovernmental Committee

Stauber/Nelson moved to appoint Virginia Katz of Duluth, MN, to the Arrowhead Library System Board of Directors for a term expiring on December 31, 2015. [15-401]. Commissioner Dahlberg returned to the meeting at 3:28 p.m. The motion passed. (6-0, Jewell absent)

Commissioner Rukavina stepped out of the meeting at 3:29 p.m.

Nelson/Dahlberg moved to appoint Commissioner Jewell and Commissioner Rukavina as representatives to the County Election Canvassing Board with terms expiring on December 31, 2015 [15-402]. The motion passed. (5-0, Jewell, Rukavina absent)

Nelson/Stauber moved to appoint Lisa Sweet and Amy Gundersen to the County Absentee Board and the County Mail Ballot Board. The County Auditor and/or Elections Supervisor may make appointments to vacancies should they occur [15-403]. Commissioner Rukavina returned to the meeting at 3:31 p.m. The motion passed. (6-0, Jewell absent)

Raukar/Nelson moved to approve the establishment of the Camp Esquagama Advisory Group with a membership of seven (7) citizen representatives selected from each Commissioner District to be appointed by that Commissioner, with the approval of the County Board. These seven (7) citizen representatives will be added to the existing County Board appointments to the Camp Esquagama Advisory Group consisting of two (2) Commissioners and the County Auditor. The County Auditor is directed to advertise for seven (7) potential citizen appointees to the Camp Esquagama Advisory Group to obtain a selection of applications from each Commissioner District for appointment [15-404]. The motion passed. (6-0, Jewell absent)

Environment & Natural Resources Committee

Nelson/Boyle moved to authorize the County Auditor to enter into an annual lease agreement with shoreland leaseholders subject to the terms and conditions [15-384]. Commissioner Raukar exited the meeting at 3:37 p.m. Commissioner Boyle stepped out of the meeting from 3:47 p.m. to 3:48 p.m. Commissioner Stauber stepped out of the meeting from 4:02 p.m. to 4:04 p.m. Commissioner Jewell returned to the meeting at 4:15 p.m. Commissioner Dahlberg exited the meeting at 4:20 p.m. Commissioners held a discussion relating to the sale of leased shoreland lots. The motion passed. (5-0, Dahlberg, Raukar absent)

COMMISSIONER DISCUSSION ITEMS

Commissioner Jewell said that ballast water testing will take place in October. Due to the water temperature in October, the test will take place in Lake Ontario rather than Lake Superior.

Chair Stauber commented on the high quality of customer service that St. Louis County Deputy Land Commissioner Jason Meyer has been providing when assisting people with questions relating to the sale of leased shoreland lots.

At 4:25 p.m., Jewell/Boyle moved to adjourn the Committee of the Whole meeting. The motion passed. (5-0, Dahlberg, Raukar absent)

Pete Stauber, Chair of the County Board

Phil Chapman, Clerk of the County Board

BOARD LETTER NO. 15 - 407

ENVIRONMENT & NATURAL RESOURCES COMMITTEE
CONSENT NO. 1

BOARD AGENDA NO.

DATE: September 8, 2015 **RE:** Cancellation of Contracts for
Repurchase of State Tax
Forfeited Land – Smith, Estate
of Forrest J. Richardson

FROM: Kevin Z. Gray
County Administrator

Mark Weber, Director
Land and Minerals

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENT GOAL:

To perform public services; provide financial return to the county and taxing districts.

ACTION REQUESTED:

The St. Louis County Board is requested to cancel contracts for repurchase of state tax forfeited land.

BACKGROUND:

The County Auditor has attached information in reference to state tax forfeited land contracts which have been entered into under the provisions of Minn. Stat. Chapter 282. The purchase agreements have defaulted due to the purchasers' failure to pay the required installments and/or taxes and/or failure to provide proof of insurance. The purchasers, James Smith of Duluth, MN, and the Estate of Forrest J. Richardson of Kasson, MN have been served with Notice of Cancellation of Contract by civil process or publication but have failed to cure the defaults.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve cancellation of these contracts and authorize the disposal of abandoned personal property that may remain on the site.

James Smith, Duluth, MN

Legal Description	CITY OF DULUTH WLY 1/2 OF LOTS 13 THRU 16, BLOCK 14 GREYSOLON FARMS 1ST DIVISION OF DULUTH 010-2010-03630 C22120069
Purchase Price	\$18,794.42
Principal Amount Remaining	\$12,403.54
Date of Last Payment	9/24/2014
Installment Payments Not Made	\$0
Subsequent Del Taxes and Fees	\$1,986.07
Amount Needed to Cure Default	\$1,986.07
Insurance	N/A

Estate of Forrest J. Richardson, Kasson, MN

Legal Description	TOWN OF FAIRBANKS N 300 FT OF S 500 FT OF E 300 FT OF SE 1/4 OF SW 1/4 SEC 22 TWP 56 RGE 12 335-0010-03755 C22130116
Purchase Price	\$2,158.15
Principal Amount Remaining	\$1,940.15
Date of Last Payment	8/28/2013
Installment Payments Not Made	\$194.02
Subsequent Del Taxes and Fees	\$799.58
Amount Needed to Cure Default	\$993.60
Insurance	Failure to provide insurance

Cancellation of Contract for Repurchase of State Tax Forfeited Land - Smith

BY COMMISSIONER _____

WHEREAS, The contract with James Smith of Duluth, MN, for the repurchase of state tax forfeited land is in default for nonpayment of taxes; and

WHEREAS, The purchaser was properly served with Notice of Cancellation of Contract by publication and have failed to cure the default for lands legally described as:

CITY OF DULUTH
WLY 1/2 OF LOTS 13 THRU 16, BLOCK 14
GREYSOLON FARMS 1ST DIVISION OF DULUTH
010-2010-03630
C22120069

WHEREAS, Minn. Stat. § 282.04, Subd, 2(d) and 504B.271 authorizes the County Auditor to dispose of abandoned personal property; and

WHEREAS, The previous owners of the property will be notified by posting of the property or by mail;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the cancellation of contract for the purchase of state tax forfeited land described above, according to the provisions of Minn. Stat. § 282.01, Subd. 5, and Minn. Stat. § 282.40, and according to the procedures of Minn. Stat. § 559.21.

RESOLVED FURTHER, That the County Auditor is authorized to dispose of abandoned personal property from the above described state tax forfeited property.



St. Louis County Land & Minerals Department Tax Forfeited Land Sales

Cancellation of Contract

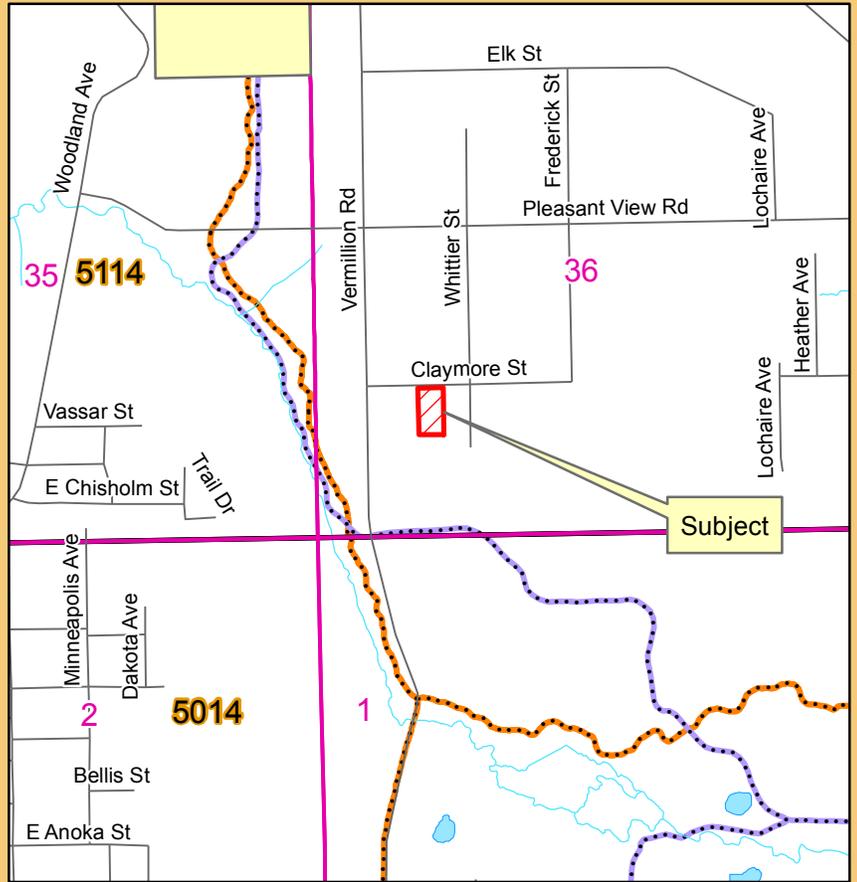
Legal : CITY OF DULUTH WLY 1/2
OF LOTS 13 THRU 16, BLOCK 14,
GREYSOLON FARMS 1ST DIVISION
OF DULUTH

Parcel Code : 010-2010-03630

LDKEY : 71775

Acres: 1.95

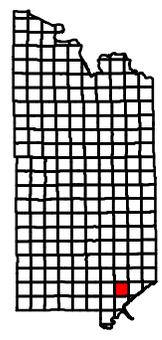
Address: 410 Claymore St
Duluth, MN 55803



City of Duluth Sec: 36 Twp: 51 Rng: 14

Commissioner District # 2

-  State Tax Forfeited Land
-  Water
-  Road
-  Area of Interest
-  Tract



St. Louis County, Minnesota

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. This drawing is a compilation of recorded information and data located in various city, county, state and federal offices. St. Louis County is not responsible for any incorrectness herein.

**St. Louis County
Land & Minerals
Department
2015**



2003 NAIP Photo

**Cancellation of Contract for Repurchase of State Tax Forfeited Land –
Estate of Forrest J. Richardson**

BY COMMISSIONER _____

WHEREAS, The contract with the Estate of Forrest J. Richardson of Kasson, MN, for the repurchase of state tax forfeited land is in default for nonpayment of taxes and installments and failure to provide proof of insurance; and

WHEREAS, The purchaser was properly served with Notice of Cancellation of Contract by civil process and has failed to cure the default for lands legally described as:

TOWN OF FAIRBANKS
N 300 FT OF S 500 FT OF E 300 FT OF SE 1/4 OF SW 1/4
SEC 22 TWP 56 RGE 12
335-0010-03755
C22130116

WHEREAS, Minn. Stat. § 282.04, Subd, 2(d) and 504B.271 authorizes the County Auditor to dispose of abandoned personal property; and

WHEREAS, The previous owner of the property will be notified by posting of the property or by mail;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the cancellation of contract for the purchase of state tax forfeited land described above, according to the provisions of Minn. Stat. § 282.01, Subd. 5, and Minn. Stat. § 282.40, and according to the procedures of Minn. Stat. § 559.21.

RESOLVED FURTHER, That the County Auditor is authorized to dispose of abandoned personal property from the above described state tax forfeited property.



St. Louis County Land & Minerals Department Tax Forfeited Land Sales

Cancellation of Contract

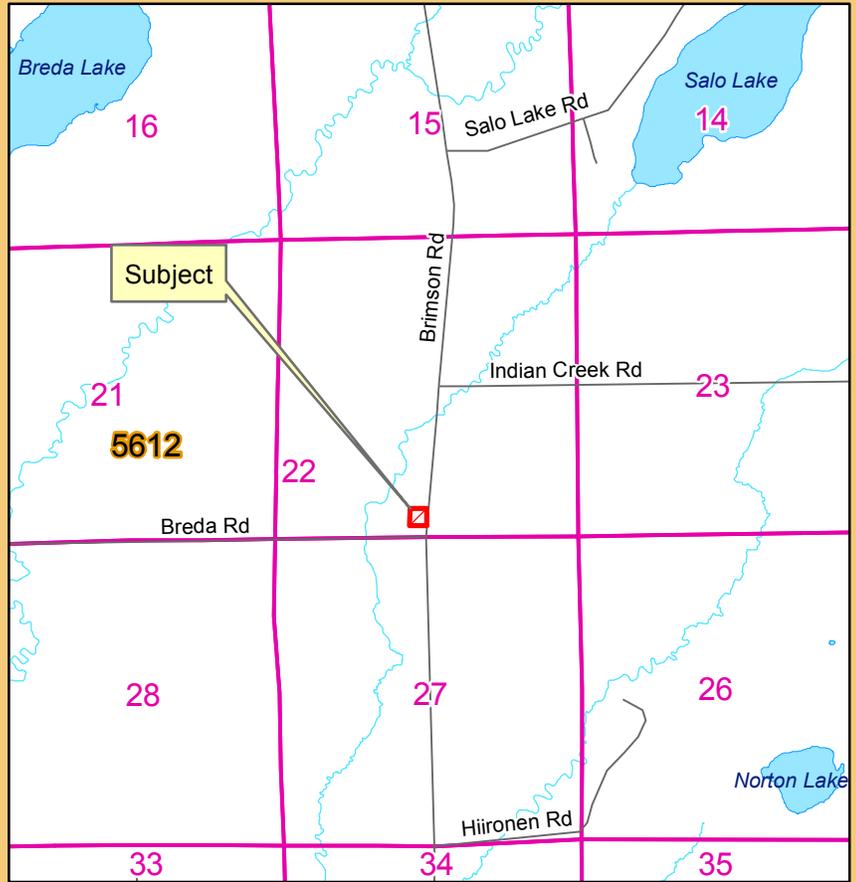
Legal : TOWN OF FAIRBANKS
N 300 FT OF S 500 FT OF E 300 FT
OF SE 1/4 OF SW 1/4, Sec 22 Twp 56
Rge 12

Parcel Code : 335-0010-03755

LDKEY : 72532

Acres: 2.10

Address: 2713 Hwy 44
Brimson, 55602

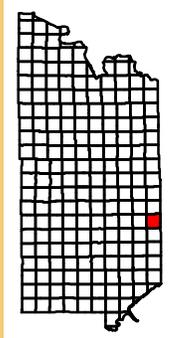


Town of Fairbanks

Sec: 22 Twp: 56 Rng: 12

Commissioner District # 4

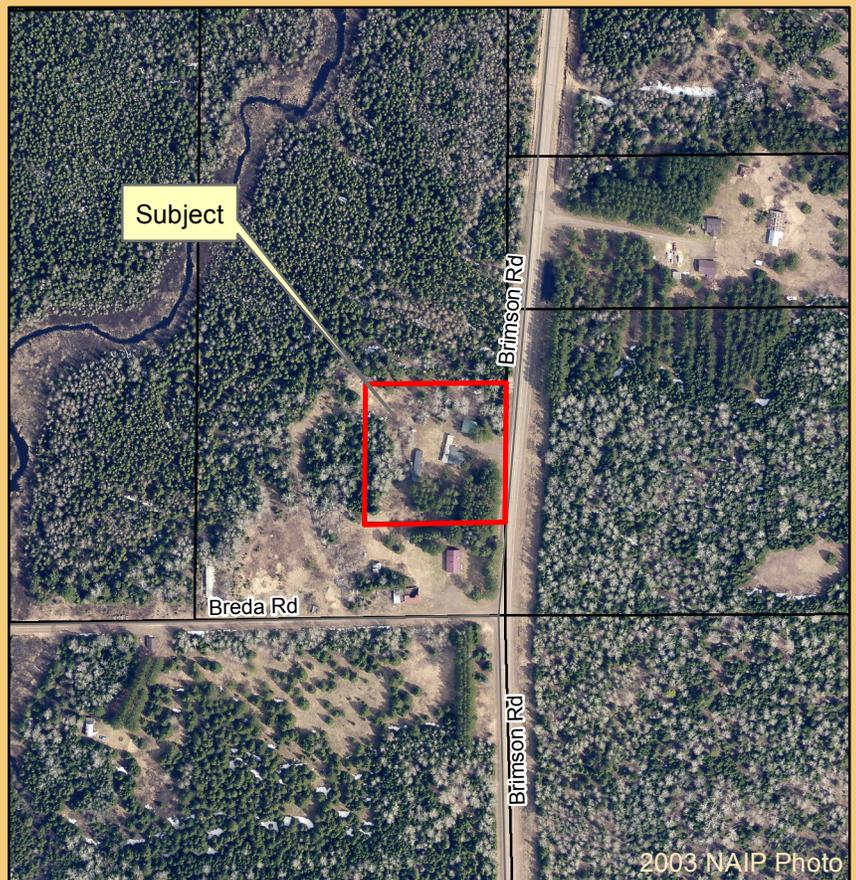
-  State Tax Forfeited Land
-  Water
-  Road
-  Area of Interest
-  Tract



St. Louis County, Minnesota

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**St. Louis County
Land & Minerals
Department
2015**



2003 NAIP Photo

Dennis & Kimberly Rajkovich, East Bethel, MN

Parcel Code	139-0069-00090
Taxes and Assessments	\$1,140.92
Service Fees	\$114.01
Deed Tax	\$3.77
Deed Fee	\$25.00
Recording Fee	\$46.00
Total Consideration	\$1,329.70

Repurchase of State Tax Forfeited Land - Rajkovich

BY COMMISSIONER: _____

WHEREAS, Minn. Stat. § 282.241 provides that state tax forfeited land may be repurchased by the previous owners subject to payment of delinquent taxes and assessments, with penalties, costs, and interest; and

WHEREAS, The applicants, Dennis & Kimberly Rajkovich of East Bethel, MN, have applied to repurchase state tax forfeited land legally described as:

CITY OF HIBBING
LOTS 1 & 2, BLOCK 2
ASPENWOODS THREE CITY OF HIBBING
139-0069-00090

WHEREAS, The applicants were the owners of record at the time of forfeiture and are eligible to repurchase the property; and

WHEREAS, Approving the repurchase will correct undue hardship and promote the use of lands that will best serve the public interest;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the repurchase application by Dennis & Kimberly Rajkovich of East Bethel, MN, on file in County Board File No.____, subject to payments including total taxes and assessments of \$1,140.92, service fee of \$114.01, deed tax of \$3.77, deed fee of \$25, and recording fee of \$46; for a total of \$1,329.70, to be deposited into Fund 240 (Forfeited Tax Fund).

APPLICATION FOR REPURCHASE OF TAX FORFEITED LANDS

Pursuant to Minnesota Statutes 1986, Section 282.241, as amended by Chapter 268, Laws of 1987.

TO THE COUNTY BOARD AND COUNTY AUDITOR OF ST. LOUIS COUNTY, MINNESOTA:

The undersigned, Dennis & Kimberly Rajkovich, hereby makes application to repurchase from the State of Minnesota the following described land, pursuant to Minnesota Statutes 1987, Section 282.241, as amended; said land is situated in St. Louis County, Minnesota, and more particularly described as follows:

CITY OF HIBBING, LOTS 1 & 2, BLOCK 2, ASPENWOODS THREE CITY OF HIBBING

Applicant states and shows that at the time of the forfeiture to the State, he/she was (please check one):

- the owner
- heir(s) of the owner
- the representative of the owner
- the person to whom the right to pay taxes is given by statute, to wit:
- designating under what claim of right, whether mortgage or otherwise the right is exercised

That such taxes became delinquent in 2008 and remained delinquent and unpaid for the subsequent years of: 2012, 2013 \$18- short in 2008... instead of applying payments to shortage I get refund for overpayment

That pursuant to Minnesota Statutes, the total cost of repurchase \$1,329.70 which is the greater value of all delinquent taxes and assessments computed under Section 282.241, together with all accrued interest and penalties, including fees. Please contact our office at 218-726-2606 for the current amount due which increases monthly.

That a hardship would result to the petitioner unless said repurchase is allowed, for the reason that:

applicant to state reasons why taxes were not paid.

I became disabled, \$176.20 sent 5/6/11 + \$500.00 9/13/14 + received refund for overpayment 7/20/15 for \$234.82 that is being returned with payment of \$1329.70 today... lots of confusion.

WHEN BECOMING DISABLED I FELL BEHIND, PLEASE RECONSIDER & POSSIBLY REFUND FEES TO BUY BACK.

Please check the appropriate box below:

- There are one or more wells on this property (See enclosed well disclosure information sheet)
- No change since last well certificate
- Well disclosure completed - \$50.00 enclosed
- There are no wells on this property

APPLICANT REQUESTS THAT REPURCHASE BE MADE IN THE NAME OF:

Name (s):

Are you currently in active military service? NO

If you have been discharged within the last 6 months, provide discharge date 8/19/15 and documentation.

Applicant offers to pay upon such repurchase, by check or money order, as directed by the St. Louis County Board, the full price of repurchase as stated above, the terms of which will be stated by the contract and required by law.

Dated: 8/19 2015

By: Dennis Rajkovich
(Signature)

Address: 651 229th Lane N.E.
City: EAST BETHEL State: MN Zip: 55005
Phone: 763.923.1125



St. Louis County Land & Minerals Department Tax Forfeited Land Sales

Repurchase of Property

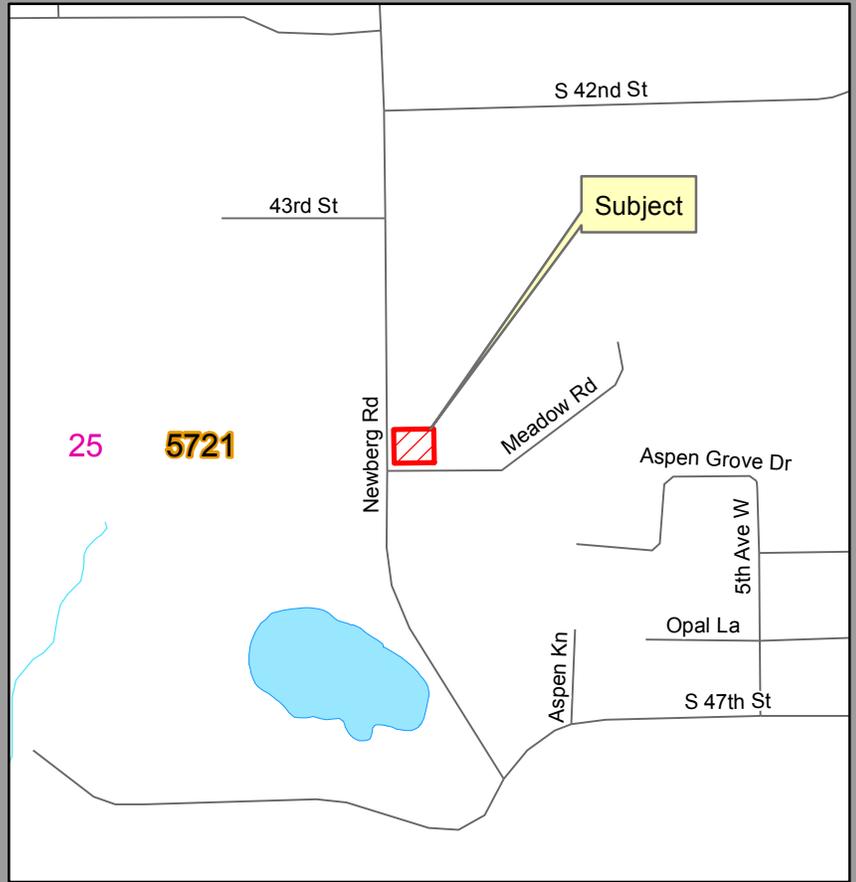
Legal : CITY OF HIBBING
LOTS 1 & 2, BLOCK 2
ASPENWOODS THREE CITY OF HIBBING

Parcel Code : 139-0069-00090

LDKEY : 120541

Acres:

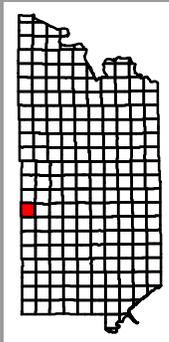
Address:



City of Hibbing Sec: 25 Twp: 57 Rng: 21

Commissioner District # 7

- State Tax Forfeited Land
- Water
- Road
- Area of Interest
- Tract



St. Louis County, Minnesota

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**St. Louis County
Land & Minerals
Department
2015**



PQI: N.A.
Construction: Steel Plate Beam Guardrail
Funding: Fund 200, Agency 203394, Object 652800
Anticipated Start Date: September 28, 2015
Anticipated Completion Date: November 13, 2015
Engineer's Estimate: \$88,490.00

QUOTES:

Mattison Contractors, Knapp, WI	\$74,985.00 (-\$13,505.00, -15.26%)
H & R Construction Co., Dalton, MN	\$90,567.50

RECOMMENDATION:

It is recommended that the St. Louis County Board award CP 0000-269602 (Low)/ SAP 69-030-037 and CP 5702-269692 (Tied) to Mattison Contractors, of Knapp, WI in the amount of \$74,985, payable from Fund 220, Agency 220371, Object 652700, and Fund 200, Agency 203394, Object 652800.

**Acceptance of Quote: Guardrail Project on St. Louis County Roads and
Township Road 5702 (Brevator Township)**

BY COMMISSIONER _____

WHEREAS, Quotes have been received by St. Louis County Public Works Department for the following tied project:

CP 0000-269602(Low)/SAP 69-030-037, Various County Highways within St. Louis County,
CP 5702-269692 (Tied), located East of T.H. 33 in Brevator Township

WHEREAS, Quotes were opened in the Richard H. Hansen Transportation & Public Works Complex, Duluth, MN, on August 27, 2015, and the low responsible quote determined;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the award on the above project as follows:

<u>LOW QUOTE</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Mattison Contractors	P.O. Box 238 Knapp, WI 54749	\$74,985.00

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 as follows:

CP 0000-269602(Low)/SAP 69-030-037: Fund 220, Agency 220371, Object 652700	\$43,095.00
CP 5702-269692 (Tied): Fund 200, Agency 203394, Object 652800	\$31,890.00

BOARD LETTER NO. 15 – 410

PUBLIC WORKS & TRANSPORTATION COMMITTEE
CONSENT NO. 4

BOARD AGENDA NO.

DATE: September 8, 2015 **RE:** Acquisition of Right of Way –
Replacement of County Bridge
209 over Joula Creek (Cedar
Valley Township)

FROM: Kevin Z. Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

Provide a safe, well maintained road and bridge system.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize the acquisition of right of way for County Project (CP) 0189-243857, and to authorize the County Auditor to grant the necessary easements for this project over tax forfeited lands.

BACKGROUND:

The Public Works Department plans to reconstruct a short segment of the Eagle Road (County Road 189) and to replace the existing bridge (County Bridge 209, State Bridge 92241) over the Joula Creek in Cedar Valley Township. Additional right of way will be needed from adjacent private property and from an adjacent parcel of tax forfeited land. Minn. Stat. § 282.04, Subdivision 4, provides that the county auditor may grant easements on tax-forfeited land for highways and that future sale or lease of the land affected by such easement would be subject to the easement. The project will affect one parcel of land that is currently Tax Forfeited property in Cedar Valley Township (Parcel ID 285-0010-03860).

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the acquisition of right of way necessary for the reconstruction of County Road 189 and the replacement of County Bridge 209, and authorize the County Auditor to grant the necessary easements over tax forfeited land. Right of way acquisition is payable from Fund 200, Agency 203001.

Acquisition of Right of Way – Replacement of County Bridge 209 over Joula Creek (Cedar Valley Township)

BY COMMISSIONER _____

WHEREAS, The St. Louis County Public Works Department plans to reconstruct a small segment of the Eagle Road/County Road 189 and to replace the existing bridge (County Bridge 209) over the Joula Creek in Cedar Valley Township, County Project 0189-243857; and

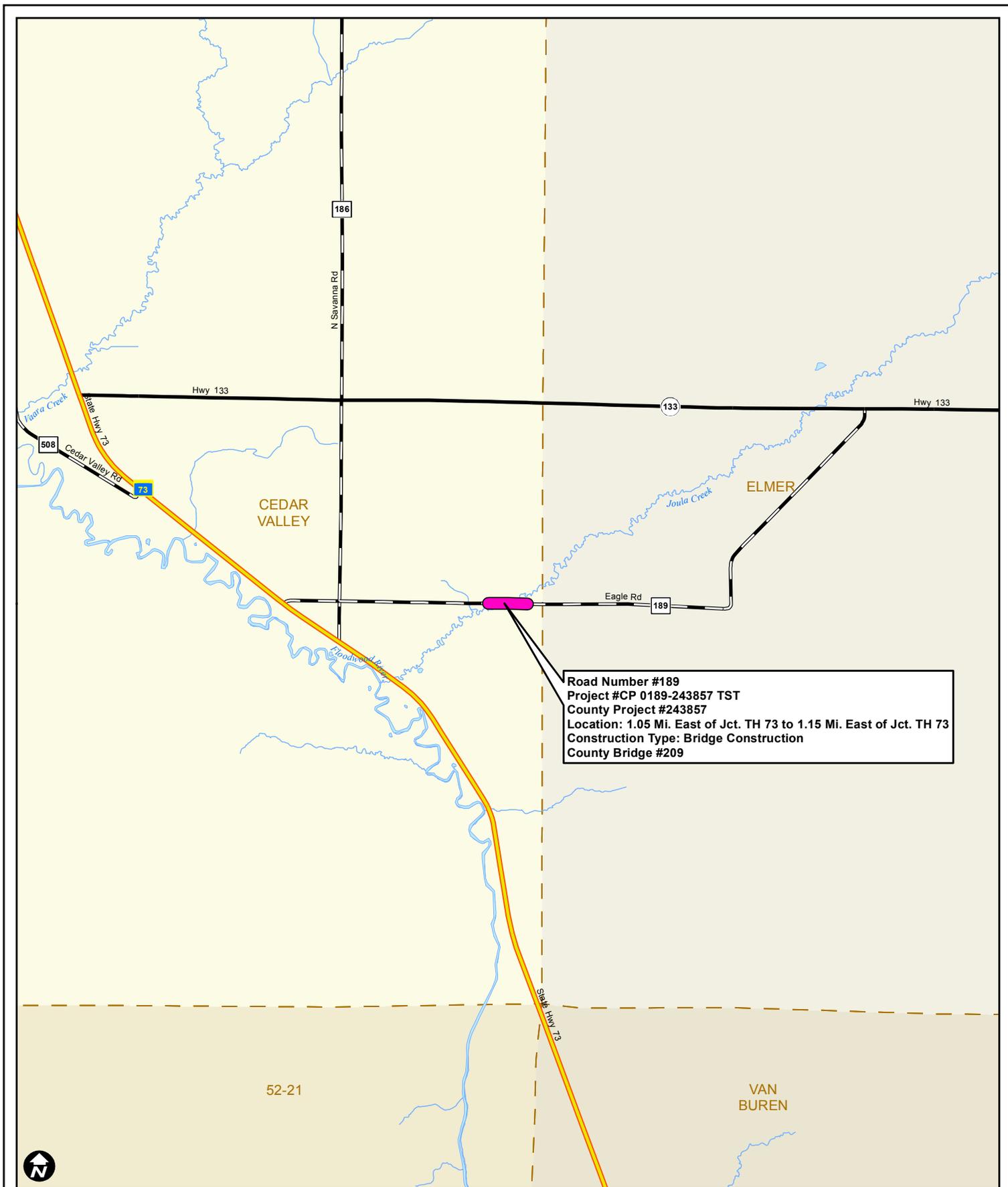
WHEREAS, These improvements consist of replacing the existing bridge with a new bridge at the same location and reconstructing the roadway as determined necessary to provide for the safety and convenience of the public; and

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;

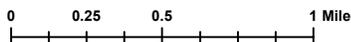
RESOLVED FURTHER, That pursuant to Minn. Stat. §282.04, Subdivision 4, the St. Louis County Board hereby authorizes the County Auditor to grant the necessary easements for highway purposes over the following tax forfeited parcel:

The East Half of the Northeast Quarter (E 1/2 of NE 1/4), EXCEPT the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4 of NE 1/4), Section 25, Township 53 North, Range 21 West of the Fourth Principal Meridian. (parcel ID No. 285-0010-03860)



Road Number #189
Project #CP 0189-243857 TST
County Project #243857
Location: 1.05 Mi. East of Jct. TH 73 to 1.15 Mi. East of Jct. TH 73
Construction Type: Bridge Construction
County Bridge #209

St. Louis County 2017 Road & Bridge Construction



Map Components

2017 Road & Bridge Construction

- Bridge Construction
- Interstate Highway
- U.S./State Highway
- County/Unorg. Twp. Road - Paved
- County/Unorg. Twp. Road - Gravel
- Local Road/City Street
- Railroad
- Commissioner District

- Township Boundary
- City/Town
- Lake
- River/Stream

BOARD LETTER NO. 15 – 411

FINANCE & BUDGET COMMITTEE CONSENT NO. 5

BOARD AGENDA NO.

DATE: September 8, 2015 **RE:** Wall Repairs – A.P. Cook
Building, Public Safety
Campus (Duluth)

FROM: Kevin Z. Gray
County Administrator

Tony Mancuso, Director
Property Management

RELATED DEPARTMENT GOALS:

To execute capital building projects, to perform building maintenance, to bring facilities up to current building and life safety codes, to extend life cycle of facilities, and to increase building operational efficiency.

ACTION REQUESTED:

The St. Louis County Board is requested to approve a contract with Amendola Builders Incorporated of Duluth, MN, in an amount of \$67,500 for the repair of the south wall of the A. P. Cook Building on the Public Safety Campus in Duluth.

BACKGROUND:

The Chris Jensen Health & Rehabilitation Facility and adjoining property was sold in November 2013. The County Board distributed a portion of the sale proceeds for improvements to the Public Safety Campus, including the A. P. Cook Building. Property Management and the Purchasing Division have segregated the improvements into three categories/phases, as the scope of work for each is so diverse that one contractor would not cover the very distinct requirements. This requested work is for the A. P. Cook Building exterior improvements.

Structural investigations of the building shell revealed extensive water damage to the south wall from lack of roof maintenance during the building's use as a laundry facility. Work can now start on this portion of the project, as all laundry functions have been removed from the building.

The Purchasing Division solicited quotes which opened on August 21, 2015, with only one qualified quote from Amendola Builders Incorporated of Duluth, MN. The engineer's estimate was \$75,000.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve a contract with Amendola Builders Incorporated of Duluth, MN, in an amount of \$67,500, for the repair of the south wall of the A. P. Cook Building on the Public Safety Campus in Duluth. Funds are available from Fund 400-400003-630900.

Wall Repairs – A.P. Cook Building, Public Safety Campus (Duluth)

BY COMMISSIONER _____

WHEREAS, The Chris Jensen Health & Rehabilitation Facility and adjoining property was sold in November 2013, and the County Board distributed a portion of the sale proceeds for improvements to the Public Safety Campus, including the A. P. Cook Building; and

WHEREAS, Structural engineering investigations of the building shell revealed extensive water damage to the south wall from lack of roof maintenance during the building's use as a laundry facility; and

WHEREAS, The Purchasing Division solicited quotes which opened on August 21, 2015, with only one qualified quote from Amendola Builders Incorporated of Duluth, MN;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes a contract with Amendola Builders Incorporated of Duluth, MN, in an amount of \$67,500, for the repair of the south wall of the A. P. Cook Building on the Public Safety Campus in Duluth, payable from Fund 400-400003-630900.

BOARD LETTER NO. 15 – 412

FINANCE & BUDGET COMMITTEE CONSENT NO. 6

BOARD AGENDA NO.

DATE: September 8, 2015 **RE:** St. Louis County Sheriff's
North Rescue Squad Building –
Phase II Construction Services

FROM: Kevin Z. Gray
County Administrator

Ross Litman
Sheriff

Tony Mancuso, Director
Property Management

RELATED DEPARTMENT GOALS:

Provide safe, secure, efficient, and code compliant facilities and facility operations.

ACTION REQUESTED:

The St. Louis County Board is requested to approve a professional construction contract for North Rescue Squad Facility Phase II – oversized vehicle cold storage building project.

BACKGROUND:

Until this past year, the St. Louis County Sheriff's Rescue Squad had no permanent facility for northern operations. The former Public Works Virginia motor pool building is being renovated to house the North Rescue Squad (Phase I) and is scheduled for completion in September 2015.

The existing building has 14 foot walls which will only accommodate 12 foot high overhead doors. The Sheriff's Office mobile command vehicle, tracked recovery vehicle, and Lake Assault emergency response watercraft all require a 14 foot overhead door. After confirming that the existing building could not be modified without risk to the structural integrity, a second building was designed to store the oversized vehicles to meet Sheriff and Rescue Squad requirements. This phase of the project calls for the construction of a three bay cold storage building with 14 foot overhead doors to accommodate this equipment. The structure will be located adjacent to the newly renovated Rescue Squad facility.

Bids were solicited and opened on August 26, 2015 with the following results:

Lenci Enterprises – Virginia MN	\$341,400
Max Gray Construction – Hibbing MN	\$354,200

The 2014 legislature approved bond proceeds for the Sheriff's North Rescue Squad building renovation project in an amount of \$700,000. These state funds were used to renovate the existing building in Phase I. County funds in the amount of \$700,000 were also committed to the project for a total project budget of \$1,400,000. The entire project, including this Phase II building, will be completed within budget.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize a professional construction contract with Lenci Enterprises of Virginia, MN, for the Sheriff's North Rescue Squad Facility Phase II oversized vehicle cold storage building project in an amount of \$341,400, payable from Fund 400, Agency 400039.

**St. Louis County Sheriff's North Rescue Squad Building –
Phase II Construction Services**

BY COMMISSIONER _____

WHEREAS, The former Public Works Virginia motor pool building is being renovated to house the Sheriff's North Rescue Squad operations (Phase I) and is scheduled for completion in September of 2015; and

WHEREAS, The existing building will not accommodate the 14 foot overhead doors necessary to house the squad's rescue equipment necessitating the construction of a three-bay cold storage building (Phase II); and

WHEREAS, Bids were opened on August 26, 2015 with Lenci Enterprises of Virginia, MN offering the lowest responsible bid in an amount of \$341,400;

THEREFORE, BE IT RESOLVED, The St. Louis County Board authorizes the appropriate county officials to enter into a professional construction contract with Lenci Enterprises of Virginia, MN for the Sheriff's North Rescue Squad facility, Phase II oversized vehicle cold storage building project in an amount of \$341,400, payable from Fund 400, Agency 400039.

Lawful Gambling Application (Gnesen Township)

BY COMMISSIONER _____

RESOLVED, That pursuant to Minn. Stat. § 349.213, Subd. 2, the St. Louis County Board of Commissioners hereby approves the following Lawful Gambling License Application (raffle/tipboards) on file in the office of the County Auditor, identified as County Board File No. 60091, for the following organization:

Gnesen Volunteer Fire Department, 4504 Datka Road, Duluth, MN 55803, to conduct off-site gambling on October 17, 2015, raffle/tipboards, at Gnesen Town Hall, 4011 West Pioneer Road, Duluth, MN 55803, Gnesen Township.

BOARD LETTER NO. 15 - 414

PUBLIC SAFETY & CORRECTIONS COMMITTEE CONSENT NO. 8

BOARD AGENDA NO.

DATE: September 8, 2015 **RE:** Application and Acceptance of
2014 Homeland Security
Operation Stonegarden Grant

FROM: Kevin Z. Gray
County Administrator

Ross Litman
Sheriff

RELATED DEPARTMENT GOAL:

To protect lives, property and environment from natural and/or manmade disasters through preparation, mitigation, response and recovery.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize application and acceptance of the 2014 Homeland Security Operation Stonegarden grant from the Minnesota Department of Public Safety, Homeland Security and Emergency Management Division.

BACKGROUND:

The County Board previously accepted six "Stonegarden" grants from the State of Minnesota. The purpose of the grants was to increase patrols on the roadways and waterways of the United States/Canadian border. Now a 2014 Operation Stonegarden grant is being made available for the same purpose.

Approval of activities for this grant is given by the U.S. Border Patrol which forwards operational orders to the Federal Emergency Management Agency (FEMA) for payment approval to the border counties. Sheriff's Office staff has met with Border Patrol staff assigned to oversee this grant within St. Louis County, and the Border Patrol approved the following agencies for additional patrol presence: Duluth Police, St. Louis County Sheriff, and the Minnesota Department of Natural Resources. St. Louis County will serve as fiscal agent for the \$60,907 grant, and will coordinate grant activities on behalf of the participating governmental agencies. There is management and administration money and no local match is required for this grant.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize application and acceptance of the 2014 Homeland Security Operation Stonegarden grant in an amount not to exceed \$60,907, and to serve as the fiscal agent on behalf of the Homeland Security Operation Stonegarden joint mission. The grant will be accounted for in Fund 100, Agency 129999, Grant 12931, Year 2014.

**Application and Acceptance of 2014 Homeland Security
Operation Stonegarden Grant**

BY COMMISSIONER _____

WHEREAS, The State of Minnesota Department of Public Safety, through the Homeland Security and Emergency Management Division, has made available an Operation Stonegarden grant to enhance the security of the international border and ports of entry between St. Louis County and Canada;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes application and acceptance of the 2014 Homeland Security Operation Stonegarden Grant, not to exceed \$60,907, to be accounted for in Fund 100, Agency 129999, Grant 12931, Year 2014;

RESOLVED FURTHER, That the appropriate county officials are authorized to execute all agreements and contracts necessary to fulfill the application and acceptance of the 2014 Homeland Security Operation Stonegarden Grant as approved by the St. Louis County Attorney, with St. Louis County serving as coordinator and fiscal agent for the grant through the Sheriff's Office.

GRANT APPROVAL FORM

GRANT NAME: Operation Stonegardent GRANT AMOUNT: 60,907
 GRANTOR: HSEM, Dept of Public Safety MATCH AMOUNT: 0
 FUND: 100 AGENCY: 129999 GRANT: 12931 GRANT YEAR: 2014
 AGENCY NAME: Sheriff
 CONTACT PERSON: Dawn Sathers PHONE: 218-726-2389
 GRANT PERIOD: BEGIN DATE: ??? END DATE: ???
 STATE GRANT AWARD NUMBER OR FEDERAL CFDA # 97.067

FILL IN THE ABOVE INFORMATION ON THIS FORM AND IDENTIFY THE CATEGORY OF THE GRANT FROM THE CHOICES BELOW. ATTACH THIS FORM TO THE GRANT APPLICATION AND ANY OTHER PERTINENT OTHER DOCUMENTATION AND ROUTE THE PACKET TO THE INDIVIDUALS LISTED FOR THE TYPE OF GRANT.

IT IS ESSENTIAL THAT DEPARTMENTS SUBMIT THE COMPLETED APPROVAL FORM ON THOSE GRANTS THAT DO NOT REQUIRE BOARD RESOLUTION TO THE AUDITOR'S OFFICE ACCOUNTING DEPARTMENT FOR BUDGETING PURPOSES. NO GRANT ACTIVITY WILL BE RECORDED WITHOUT AN ESTABLISHED BUDGET.

GRANTS OF \$25,000 OR LESS

A grant of \$25,000 or less may be applied for and/or accepted by the department without a separate County Board Resolution if it meets the following:

1. The grant fits within the department's functions, and
2. If the grant requires a County match (not to exceed in money or value an amount equal to the actual grant), and if that match is "in kind", that "in-kind" match is part of the ongoing operations, or if the match is monetary, that the department can find the necessary amount within its existing budget.

DOES THIS GRANT QUALIFY UNDER "GRANTS OF \$25,000 OR LESS"?

YES NO

If so, this type of grant requires the following review approval:

County Auditor	<input type="text"/>	Date:	<input type="text"/>
County Administrator	<input type="text"/>	Date:	<input type="text"/>
County Attorney	<input type="text"/>	Date:	<input type="text"/>

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this signed approval form and any other pertinent information to the Auditor's Office-Accounting, so the budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

NEW GRANTS GREATER THAN \$25,000

All new grants that exceed \$25,000 and all recurring grants that exceed \$25,000 that contain changes in the grant's requirements which may affect either County resources or the scope of the grant need two (2) board resolutions. One board resolution is required to apply for the grant and a second resolution is required to accept the grant.

DOES THIS GRANT QUALIFY UNDER "GRANTS GREATER THAN \$25,000"?

YES NO

If this is a new grant greater than \$25,000, it requires the following review approval:

County Auditor _____ Date: _____
County Administrator _____ Date: _____

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this completed approval form and the Board Resolution to the Auditor's Office-Accounting, so a budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

RECURRING GRANTS GREATER THAN \$25,000

A recurring grant greater than \$25,000 that is a repeat of a grant which has been received by the County in past year(s) and that has no changes in the use of County resources or in the scope of the grant, requires one Board Resolution to both apply for and/or accept the grant.

DOES THIS GRANT QUALIFY AS "RECURRING GRANTS GREATER THAN \$25,000"?

YES NO

If yes, this recurring grant greater than \$25,000 requires the following review approval:

County Auditor Don D. Schlich Date: 9-1-15
County Administrator AM Schenker Date: 9-3-15

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this completed approval form and the Board Resolution to the Auditor's Office-Accounting, so a budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

BOARD LETTER NO. 15 – 415

PUBLIC SAFETY & CORRECTIONS COMMITTEE CONSENT NO. 9

BOARD AGENDA NO.

DATE: September 8, 2015 **RE:** Application and Acceptance of
2015 Emergency Management
Performance Grant

FROM: Kevin Z. Gray
County Administrator

Ross Litman
Sheriff

RELATED DEPARTMENT GOAL:

To enhance public safety.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize application and acceptance of the 2015 State of Minnesota, Emergency Management Performance Grant.

BACKGROUND:

The Emergency Management Division of the St. Louis County Sheriff's Office receives the Emergency Management Performance Grant (EMPG) each year to supplement the county's emergency management program. The grant supports the development, maintenance, and improvement of local emergency management programs to include mitigation, preparedness response, and recovery capabilities for all hazards. The grant award is based on a formula including population and net tax capacity, the current Emergency Management budget, and the total EMPG monies that the state has available. The 2015 available funding is \$75,387 and will support up to 50% of the Emergency Management Agency's 2015 operating expenses.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the application and acceptance of the 2015 State of Minnesota Emergency Management Performance Grant in the amount of \$75,387, to be accounted for in Fund 100, Agency 132999, Grant 13203.

**Application and Acceptance of 2015 Emergency
Management Performance Grant**

BY COMMISSIONER _____

WHEREAS, The State of Minnesota has made \$75,387 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 2015 State of Minnesota, Emergency Management Performance Grant in the amount of \$75,387, 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.

NEW GRANTS GREATER THAN \$25,000

All new grants that exceed \$25,000 and all recurring grants that exceed \$25,000 that contain changes in the grant's requirements which may affect either County resources or the scope of the grant need two (2) board resolutions. One board resolution is required to apply for the grant and a second resolution is required to accept the grant.

DOES THIS GRANT QUALIFY UNDER "GRANTS GREATER THAN \$25,000"?

YES NO

If this is a new grant greater than \$25,000, it requires the following review approval:

County Auditor _____ Date: _____
County Administrator _____ Date: _____

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this completed approval form and the Board Resolution to the Auditor's Office-Accounting, so a budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

RECURRING GRANTS GREATER THAN \$25,000

A recurring grant greater than \$25,000 that is a repeat of a grant which has been received by the County in past year(s) and that has no changes in the use of County resources or in the scope of the grant, requires one Board Resolution to both apply for and/or accept the grant.

DOES THIS GRANT QUALIFY AS "RECURRING GRANTS GREATER THAN \$25,000"?

YES NO

If yes, this recurring grant greater than \$25,000 requires the following review approval:

County Auditor Dan D'Albich Date: 9-1-15
County Administrator G.W. Frenkenberg Date: 9-3-15

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this completed approval form and the Board Resolution to the Auditor's Office-Accounting, so a budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

BOARD LETTER NO. 15 – 416

ESTABLISHMENT OF PUBLIC HEARINGS FINANCE & BUDGET COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: September 8, 2015 **RE:** Establish Public Hearing to Consider Off-Sale Intoxicating Liquor License (Portage Township)

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENT GOAL:

Provide mandated and discretionary licensing services in a timely manner.

ACTION REQUESTED:

The St. Louis County Board is requested to establish a public hearing to consider an off-sale intoxicating liquor license for an establishment in Portage Township.

BACKGROUND:

Myrtle Lake Resort, LLC, has made application for an Off-Sale Intoxicating Liquor License for the establishment known as Myrtle Lake Resort, LLC, Portage Township.

Minn. Stat. §340A.405, subdivision 2d, relating to the issuance of off-sale intoxicating liquor licenses provides that "No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, and the character and reputation of the applicant, and the propriety of the location."

The County Liquor Licensing Committee considered and approved the application and recommends County Board approval. According to the St. Louis County Fee Schedule, this establishment is applying for an Off-Sale Intoxicating Liquor License located in Area 3 and the annual license fee is \$150.

RECOMMENDATION:

It is recommended that the St. Louis County Board establish a public hearing on the matter for 9:40 a.m., Tuesday, October 6, 2015, Duluth Town Hall, 6092 Homestead Road, Duluth, MN.

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

BY COMMISSIONER _____

RESOLVED, That a public hearing will be held at 9:40 a.m., on October 6, 2015, in the Duluth Town Hall, 6092 Homestead Road, Duluth, MN, for the purpose of considering an Off-Sale Intoxicating Liquor License to Myrtle Lake Resort, LLC d/b/a Myrtle Lake Resort, LLC, Portage Township.

**Interim ATV Permit Process and Ordinance for St. Louis County
Road Right of Way**

BY COMMISSIONER _____

WHEREAS, There are many locations in St. Louis County where county roads are the only feasible connection between roads and trails open to all terrain vehicle (ATV) use; and

WHEREAS, Many road right of ways do not have ditches or back slopes that are traversable by ATVs; and

WHEREAS, St. Louis County has received a number of requests from townships and ATV clubs to establish designated corridor access trails in the right of way to make connections between trails; and

WHEREAS, Minn. Stat. §84.928 allows a road authority, by permit, to designate corridor access trails on public road right of ways for purposes of accessing established ATV trails; and

WHEREAS, Minn. Stat. §84.928 states that a county, acting through its governing body by ordinance, may allow a person to operate an all-terrain vehicle on a public road or street under its jurisdiction to access businesses and residences and to make trail connections; and

WHEREAS, Robust trail networks that are easy to navigate are attractive to ATV tourists and hunters and ATV related activities are poised to become an economic driver in St. Louis County's tourist related economy;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board directs Administration and the Public Works Department to develop and implement an interim ATV permit process that will permit ATV use in the road right of way in up to three geographical areas of the county;

RESOLVED FURTHER, That the Public Works Department and Sheriff shall perform an ongoing evaluation and review of ATV activities during the interim permit period;

RESOLVED FURTHER, That the Public Works Department shall develop and implement the interim ATV permit and shall have discretion to select the road or portions of roads that will be permitted and will also have the discretion to revoke the permit and the permittee shall be an ATV club duly organized under the laws of the State of Minnesota and recognized by the Minnesota Secretary of State;

RESOLVED FURTHER, That if the location of any roads designated under the interim permit process for ATV use are in a duly organized township or city, the Public Works Department shall receive an official resolution or communication from the township or city indicating its general support for ATV use in the county right of way;

RESOLVED FURTHER, That the St. Louis County Board directs Administration and the Public Works Department to develop a comprehensive ATV policy or ordinance that may permit ATV use in the road right of way by April 5, 2016.



S A I N T
LOUIS ❖
COUNTY
.....
M I N N E S O T A



ATV Policy Informational Presentation

21st Century Transportation Systems:
St. Louis County Challenges & Solutions

St. Louis County Board Committee of the Whole
Tuesday, September 1, 2015
Duluth Courthouse



ST. LOUIS COUNTY ❖
Public Health and Human Services

Agenda

1. ATV Policy/Ordinance – Why now?
2. Applicable State Statutes
3. What are others doing?
 - a) Itasca County
 - b) Koochiching County
 - c) Lake County
 - d) Pine County
 - e) City of Hermantown
4. ATV Policy Options
 - a) Permit Policy versus Ordinance
 - b) Permit versus System Wide Approach
 - c) Implementation Timeline
5. Interim Permit Process
6. Discussion & Questions



1. Why now?

A policy or ordinance is needed for the following reasons:

- We have received a number of recent requests to use road R/W for ATV use from Embarrass, Crane Lake, Camp 5, Portage and Leiding Townships.
- Trail connectivity is a big issue, similar to the early years of the snowmobile trail system.
 - More difficult and expensive to site and build ATV trails
 - Riders don't want to trailer between trails and roads open to ATV use
 - Maps and signing in the field are incomplete and confusing. People want to ride legally.
 - Many road R/W's do not have a rideable ditch or backslope.
- Robust trail networks that are easy to navigate and provide a full weekend of riding are attractive to ATV tourists and hunters.
- There are now more ATV's registered in MN than snowmobiles. ATV's could become a larger economic driver in our St. Louis County economy if more riding opportunities become available.
- Should improve compliance with the law and possibly aid in law enforcement.
- Some would say this is overdue in St. Louis County.



2. Applicable State Statutes

M.S. 84.92 – What is an ATV?

- "All-terrain vehicle" or "vehicle" means a motorized vehicle with: (1) not less than three, but not more than six low pressure or non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.
- "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less.
- "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.

Class 1

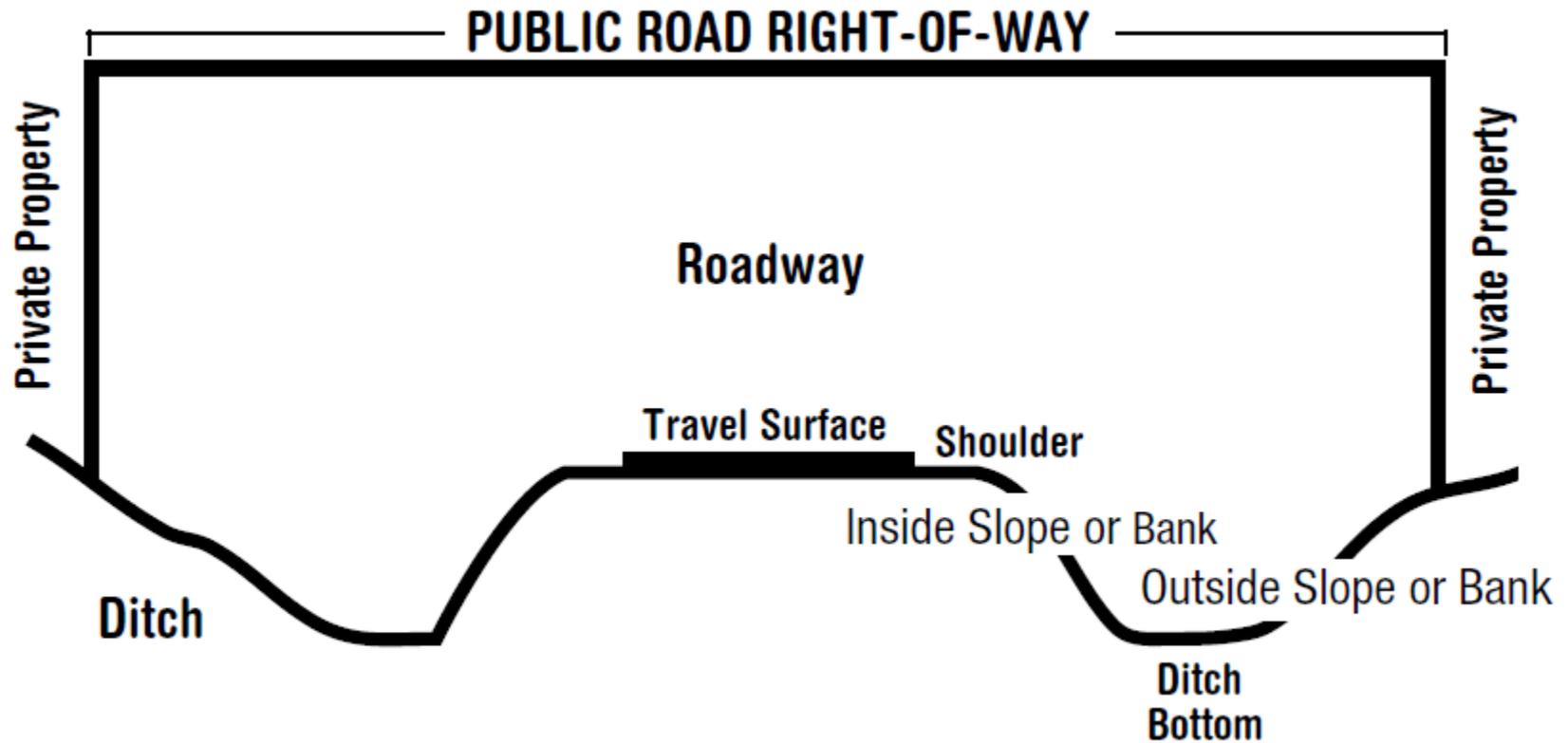


Class 2



2. Applicable State Statutes

Terms:



2. Applicable State Statutes

M.S. 84.92 – General Operation in the R/W

- ATV's can legally ride in the road R/W today.
- Unless otherwise allowed by statute or local ordinance, a class 1 all-terrain vehicle **shall not** operate along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway.
- A person **may** operate a class 1 all-terrain vehicle in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway.
- A person **may** operate a class 1 all-terrain vehicle designed by the manufacturer for off-road use to be driven by a steering wheel and equipped with operator and passenger seat belts and a roll-over protective structure or a class 2 all-terrain vehicle:
 - within the public road right-of-way of a county state-aid or county highway on the right shoulder or the extreme right-hand side of the road and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions
 - on the bank, slope, or ditch of a public road right-of-way of a trunk, county state-aid, or county highway but only to access businesses or make trail connections, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions; and
 - on the bank or ditch of a public road right-of-way on a designated class 2 all-terrain vehicle trail.



2. Applicable State Laws

M.S. 84.92 – General Operation in the R/W

Crossing a public road right-of-way.

- (a) An all-terrain vehicle **may** make a direct crossing of a public road right-of-way

- (b) An all-terrain vehicle **may** be operated upon a bridge, other than a bridge that is part of the main-traveled lanes of an interstate highway, or roadway shoulder or inside bank of a public road right-of-way when required for the purpose of avoiding obstructions to travel or environmentally sensitive areas when no other method of avoidance is possible; provided the all-terrain vehicle is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge, obstacle, or sensitive area, and the crossing is made without undue delay.



2. Applicable State Statutes

M.S. 84.92 – County & Road Authority Powers

- A road authority may after a public hearing restrict the use of all-terrain vehicles in the public road right-of-way under its jurisdiction.
- A county, city, or town, acting through its governing body, may by ordinance allow a person to operate an all-terrain vehicle on a public road or street under its jurisdiction to access businesses and residences and to make trail connections.
- A road authority may by permit designate corridor access trails on public road rights-of-way for purposes of accessing established all-terrain vehicle trails. A driver's license is not required to operate an all-terrain vehicle on a designated corridor access trail.
- Notwithstanding any law to the contrary, a county board by ordinance may allow the operation of all-terrain vehicles on the road right-of-way shoulder, or inside bank or slope of a county highway or county state-aid highway, if safe operation in the ditch or outside slope is impossible, and the county posts the appropriate notice.



3. What are others doing?

Review of Other County and City Policies

a) Koochiching County

- Ordinance
- Blanket policy – ATV's allowed on all roads
- Must operate on extreme right hand side of road
- No operation in inslope, ditch or backslope
- 20 mph speed limit

b) Lake County

- Ordinance
- Blanket policy – ATV's allowed on all roads except two
- Must operate on extreme right hand side of road
- No operation in inslope, ditch or backslope
- 40 mph speed limit, unless posted road speed limit is lower, 10 mph within 100' of slower moving road users

c) Cook County

- Ordinance
- Blanket policy – ATV's allowed on all roads except portions of Gunflint Trail
- Must operate on extreme right hand side of road
- No operation in inslope, ditch or backslope
- Safe and reasonable speed for the conditions, 10 mph within 100' of slower moving road users

3. What are others doing?

Review of Other County and City Policies

d) Pine County

- Policy
- Permit process – ATV's allowed only on permitted roads
- Can operate anywhere in the R/W depending on permit stipulations
- Permittee must be recognized, legal ATV club
- Permitter is the County Board
- Permit may be suspended or modified due to damage or public safety issues
- Appeals process in place
- Speed limit is safe and reasonable speed for the conditions and applicable state statutes
- Necessary signs are placed by the county and paid for by the ATV club

e) Itasca County

- Policy
- Permit process – ATV's allowed only on permitted roads
- Can operate anywhere in the R/W depending on permit stipulations
- Permittee must be recognized, legal ATV club
- Permitter is the County Board
- Permit may be suspended or modified due to damage or public safety issues
- Appeals process in place
- Speed limit is safe and reasonable speed for the conditions, 10 mph within 100' of slower moving road users and a maximum of 30 mph. County is considering going to 25 mph.
- Necessary signs are placed by the county
- Gravel roads preferred over paved roads
- ATV's are restricted from March 15 to May 1 (spring road restrictions) to reduce damage.
- Permits expire after 5 years



3. What are others doing?

Review of Other County and City Policies

f) City of Hermantown

- Ordinance
- City permit required with fee
- Blanket policy – ATV's allowed on most city streets. A map is used to designate which roads allow ATV's. Most of the area between Stebner Road and Haines Rd. is off limits to ATV's.
- Must operate on extreme right hand side of road, shoulder or inside bank or slope of roadway. No operation in ditch, sidewalks, boulevards, parks, playgrounds, school grounds, etc.
- Safe and reasonable speed for the conditions, 30 mph maximum.



3. What are others doing?

Review of Other County and City Policies

- When creating ATV policies or ordinances for the first time, most counties have allowed ATV's on a limited number of roads and/or on a pilot basis with an ongoing review of issues by the Sheriff and Public Works Department.



4. ATV Policy Options

Policy versus Ordinance

- ATV Permit Policy
 - Does not have full set of legal options for placing ATV's on the road surface or shoulder
 - May have issues with enforcement.
- ATV Ordinance
 - Allows full set of legal options for ATV placement in the R/W
 - Can allow for permit process, system wide approach or a combination if desired.
 - Provides highest level of legal authority and sets highest bar for discretionary immunity.



4. ATV Policy Options

Permit versus System Wide Approach

- Permit Process
 - Engages ATV club and local agencies in administrative process
 - Allows for review of each road segment to be used by ATV's
 - Signing and other improvements part of implementation process
 - Damage or law enforcement Issues can be brought back to the ATV club to be addressed
 - Administrative process could be time consuming depending on volume of requests
 - Addresses GIA trails and designated corridor access trails in the R/W, but does not address the individual ATV going to the mailbox, grocery store or to the neighbors house



4. ATV Policy Options

Permit versus System Wide Approach

- System Wide Approach
 - Does not engage ATV club and local agencies
 - No review of each road segment to be used by ATV's
 - Signing would be limited to entry points to the county and for actual designated corridor access trails?
 - Damage or law enforcement Issues cannot be brought back to the ATV club to be addressed
 - Minimal administrative burden
 - Addresses the individual ATV going to the mailbox, grocery store or to the neighbors house



4. ATV Policy Options

Hybrid Permit and System Wide Approach

- Could use permit system for actual grant-in-aid trails and designated corridor access trails in the R/W where ATV use is concentrated and use a blanket policy for portions of the system deemed low risk and appropriate for ATV'S (i.e. gravel roads under 100 or 200 vehicles per day for instance).



4. ATV Policy Options

Implementation Timeline

- Goal is to have ordinance in place within 6 to 9 months
 - Propose a minimum of two open houses (one north, one south) prior to drafting Ordinance to vet options and gather public input this Fall
 - Possible info sessions with township organizations
 - Draft ordinance and post to county website. Should keep public comment period open long enough for town boards to meet, discuss and provide official feedback
 - Hold official public hearing on ordinance
 - Publish ordinance in the official newspaper and implement



5. Interim Permit Process

Reasoning:

- Provide some experience with process and issues.
- Will inform the proposed ordinance.
- Will provide a chance to see what impacts ATV's have on the R/W and any enforcement issues that arise.
- Would be putting this in place after the major tourist season, lower traffic volumes
- By providing a quality riding experience this fall, this could help tourist-related businesses fill a void between their summer and winter seasons



5. Interim Permit Process

Implementation:

- Timeline – this fall/winter
- Choose up to three areas in the county that appear viable and will help to inform the policy.
- Work with willing ATV clubs and townships to designate county roads used in the pilot.
- County Boards acts as Town Board in unorganized townships
- Create permit and administrative review process
- Develop signing standards and partner with ATV clubs for installation and maintenance responsibilities
- Perform ongoing review of designated roads during the 2015 fall riding season from both a maintenance and law enforcement perspective.
- If concept is viewed favorably, we could come back to the Board as soon as September 8 with proposed areas.



6. Discussion & Questions



Thank You



BOARD LETTER NO. 15 - 418

FINANCE & BUDGET COMMITTEE NO. 1

BOARD AGENDA NO.

DATE: September 8, 2015
FROM: Kevin Z. Gray
County Administrator

RE: Certification of 2015 Maximum
Property Tax Levy

RELATED DEPARTMENT GOAL:

To ensure that board directives are followed and are in full compliance with state laws and regulations.

ACTION REQUESTED:

The St. Louis County Board is requested to move the certification of the 2016 maximum property tax levy to the September 22, 2015, County Board agenda.

BACKGROUND:

Minn. Stat. § 275.065 requires the County Board to adopt a maximum proposed property tax levy for taxes payable in 2016 and certify that amount to the County Auditor on or before September 30, 2015.

RECOMMENDATION:

The 2016 maximum property tax levy recommendation based on a preliminary proposed budget will be provided to the County Board for consideration at the September 22, 2015 County Board meeting.

Certification of 2016 Maximum Property Tax Levy

BY COMMISSIONER _____

WHEREAS, The St. Louis County Board must establish a maximum proposed property tax levy and have this amount certified to the County Auditor by the St. Louis County Board by September 30, 2015;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board certifies the maximum property tax levy for 2016 in the amount of \$_____.

RECOMMENDATION:

Should Commissioners wish to request a progress report on the design and implementation of the "Freundenberg Park" plan, a resolution is provided to accomplish this by October 31, 2015.

Request for Progress Report on “Fredenberg Park” Plan

BY COMMISSIONER _____

WHEREAS, The St. Louis County Board free conveyed 80 acres of tax forfeited land to Fredenberg Township by County Board Resolution No. 14-535, dated October 7, 2014, with the resolution noting that Fredenberg Township had requested to use the land as “pristine park land for public use;” and

WHEREAS, On its application requesting that the county withhold the land from public sale pending acquisition, the township described the public purpose for a free conveyance in detail, as follows: *“The Town Board wishes to use this 80 acres parcel as parkland for public use. The Board’s intent at this time is to leave the land in the natural state it currently is in for the public enjoyment for hiking, cross country skiing, and snowmobiling, dog sledding;”* and

WHEREAS, On March 4, 2015 the town board unanimously approved a 17 point park plan, adding a final point “to not allow any businesses to operate on the park land now or in the future,” and set a special meeting of the Town Board for March 23, 2015 to “discuss rules/regulations/penalties and postings for the park.”

THEREFORE, BE IT RESOLVED, That the St. Louis County Board hereby requests that the Fredenberg Town Board provide a progress report on the “Fredenberg Park” plan design and implementation to date, no later than October 31, 2015.

Date: 6 Aug 14.

To: St. Louis County Board
c/o Land and Minerals Department
320 West 2nd Street, Room 208
Duluth, MN 55802

From: Town of Fredenberg.
City/Town Clerk

Re: Application to Withhold Tax Forfeited Land From Sale Pending Acquisition

The Town Board of Fredenberg does hereby request the following-described
City Council/Town Board City/Town
parcel of tax forfeit land be withheld from public sale for six (6) months. #365-000-02320.

Legal Description
E 1/2 of SE 1/4 of Section B, Township 52.0.

Type of Acquisition
 Free conveyance for an authorized public use.
 Purchase for appraised value for an authorized public purpose.

Describe public purpose or use in detail:
The Town Board wishes to use this 80 acres parcel as parkland for Public Use. The Board's intent at this time is to leave the land in the natural state it currently is in for the public enjoyment for hiking, cross country skiing, and snowmobiling - Day Sledding etc

Note: Please attach a certified copy of a City Council/Town Board Resolution specifying the means of acquisition and a description of the proposed public purpose (for purchase) or proposed public use (for free conveyance), and a copy of the statute, law, or local charter which authorizes the intended public purpose or use.

By Clayton Cich 

9/23/14
C.O.W. Clayton cid
Handout.

Committee Sign - Up

Name

Contact info

Phil heckett.	
Stephanie Love	218-348-9161
Kathy Stig L	218-391-0147
Michael Boyer	721-4225
Julie Boyer	612-578-6445
Debra Pawlowicz	612-578-6164
Tom Pawlowicz	218428 4539
Belle Li/HCI	218 391 @467
JAMES ANDERSON	218-348-0649
	218-348-4172
LYNN VANDEELEN	218 393-2097



*Resolution
of the
Board of County Commissioners*

St. Louis County, Minnesota

Adopted on: October 7, 2014 Resolution No. 14-535

Offered by Commissioner: Dahlberg

**Request for Free Conveyance of State Tax Forfeited Land
to the Township of Fredenberg**

WHEREAS, Pursuant to Minn. Stat. § 282.01, Subd. 1a, 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 Township of Fredenberg has requested a free conveyance of eighty acres of state tax forfeited land to use as pristine park land for public use, legally described as:

TOWNSHIP OF FREDENBERG

E ½ of SE ¼, Township 52 North, Range 15 West, Section 13

Parcel Code: 365-0010-02320

80 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 Township of Fredenberg for an authorized public use, upon payment of \$250 administrative fee, \$250 Department of Revenue fee, \$25 deed fee, \$1.65 deed tax, and \$46 recording fee; for a total of \$572.65, to be deposited into Fund 240 (Forfeited Tax Fund).

Commissioner Dahlberg moved the adoption of the Resolution and it was declared adopted upon the following vote:

Yeas – Commissioners Jewell, Boyle, Dahlberg, Stauber, Nelson, Raukar and Chair Forsman - 7

Nays – None

STATE OF MINNESOTA
Office of County Auditor, ss.
County of St. Louis

I, DONALD DICKLICH, Auditor of the County of St. Louis, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 7th day of October, A.D. 2014, and that this is a true and correct copy.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 7th day of October, A.D., 2014.

DONALD DICKLICH, COUNTY AUDITOR

By

Deputy Auditor/Clerk of the County Board

2/4/15

PARK COMMITTEE REPORT

FINAL RECOMMENDATIONS

The Park Committee makes the following recommendations to Fredenberg Township Board of Governors for the design and operation of the property described as follows:

W ½ of SE ¼ of SE ¼ of Sec. 18 T52N R15W

1. The park will be known as FREDENBERG PARK
2. Signage for park; one suggestion is: FREDENBERG PARK PLEASE RESPECT OUR PARKLAND AND FELLOW PARK USERS.
3. The park shall be maintained as close as possible to its present near pristine condition.
4. The existing trails will be open to the public at all times unless otherwise posted. The exception is the Reservoir Riders Trail which is snowmobile use only from Dec 1st to Apr 1st.
5. There will be no new trails made on the park
6. If any trails run onto private property will be posted or allowed to grow in, which ever the land owner prefers, and will not be included as a park trail.
7. Trails will be maintained by volunteers as they are now.
8. Any wetlands will be posted to keep them from harm (exception Reservoir Riders Trail)
9. Hunting both gun and bow are allowed.
10. Trapping is allowed with a setback of 20 ft. from trails and 50 feet from adjacent land owners
11. Volunteers will be asked to help with fundraising/grant writing etc. when needed.
12. No overnight camping
13. No fires
14. Parking will be at the crescent off the N. Datka Rd. (across from Bog) and allow for 4-5 cars
15. Parking lot will not be maintained in winter months.
16. No bathroom facilities on site
17. No garbage receptacles on site
18. Business use; the committee is not in unanimous agreement on this issue. Therefore, it will be left for the township board members to decide this outcome.

**FREDENBERG TOWN BOARD
SAINT LOUIS COUNTY, MINNESOTA**

**MINUTES OF PROCEEDINGS
March 4, 2015**

**TIME & PLACE: 7:00 PM
COMMUNITY CENTER/TOWN HALL**

The monthly meeting was CALLED TO ORDER at 7:00 p.m. by Chairman Jeff Blix. Board members present: Supervisors Liz Blix, Clay Cich, Mark Toms and Clerk Sherri Armstrong. Thirteen residents and guests stood with the Board to recite the Pledge of Allegiance.

- 1) ITEMS FROM THE FLOOR: The Chairman announced there would be no further comments taken from the floor on the park project as they had listened to both sides of the issue at last month's meeting.
- 2) APPROVAL OF MINUTES: Mark Toms moved to accept the minutes with the correction of the receipt numbers listed, Liz Blix seconded and minutes from the February 4 meeting were approved as otherwise written.
- 3) TREASURER'S REPORT: Treasurer was not present.
- 4) CORRESPONDENCE: Eleven (11) total items of correspondence were received during the month and reviewed.
- 5) REVIEW OF BILLS: Jeff Blix moved to pay vouchers #8138 – 8153 in the amount of \$7,220.44, Clay Cich, seconded and motion passed. (NOTE: the claims list for approval at the meeting actually had two months of claims on. So motion passed with the stipulation the clerk would re-run the report.)
- 6) REPORTS:

The Clerk reported that Connie and Mort had helped her clear out the old monitors, printers, computers and copier from the file room and had hauled them to the reclamation center. The dot matrix printer – which some couldn't even recognize – was still in the board room. She reported that the issue with the assessor and the claims against her is in process. She asked who would be attending short course (Clay and herself). She also reported on a phone call from a small township in southern Minnesota who had called asking questions about impeachment after locating information on it from our website. Approximately 40 minutes of conversation ensued and she sent out some information she hoped would help him.

Road Report - the roads have just been driven on Thursday and were in good shape at that time.

Fire Department – the department had a quiet month with 1 report of a brush fire which was in actuality a permit burn and 1 mutual aid call to Grand Lake for a train derailment which was eventually found to be in Northland Township. They have 2 members attending a Firefighter I & II class and one attending an EMT refresher. They paid honor to fallen firefighter Randy Hiti from Rice Lake as part of the escort from both the ME's office and during the funeral procession. They also helped with funeral preparation and support for the Rice Lake Department.

Law Enforcement - nothing at this time

Cemetery - nothing at this time

Parks & Rec - Liz asked if we had heard from the Reservoir Riders about a donation request she had submitted for hockey nets – we haven't. The season is pretty much over for the rink this year.

Community Center - nothing from here.

Recycling Center – things are fine. The clerk indicated she had received an email that day about the recycling grant with the note that paper copies were coming.

Other Meetings Attended – Supervisors Cich and Toms attended the audit committee; the clerk attended the

SLATCO meeting.

7) OLD BUSINESS:

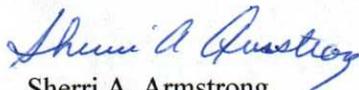
- a) **Datka Road Park Update** – Having received the committee's recommendations and listened to comments at the February meeting with a month to consider the comments, Clay Cich moved to approve suggestions 1-17 of the proposed recommendations as written and to not allow any businesses to operate on the park land now or in the future. Mark Toms seconded and motion **PASSED** unanimously. (List of recommendations is attached to these minutes.) The board then set a special meeting for March 23rd at 7pm to discuss rules/regulations/penalties and postings for the park.
- b) **Independent Audit** – Fran Williams, speaking for the audit committee, stated that records had been reviewed for the last six years. No fraudulent activities or other misappropriation of assets were identified. Fran reported that the auditor had recommendations for adjustments to the book and had been working with the deputy clerk on these and the simplified budget report was an example of the changes. The clerk noted she had not been in touch with Mr. Christensen recently. There will be a final meeting with the auditor.

8) NEW BUSINESS:

- a) **Resolution # 15-002, Concerning liquor licenses for 2 one-day special events from the Eagles Nest** - Mark Toms moved to adopt the resolution granting the Eagles Nest approval for selling alcohol outside for these two events, Clay Cich seconded and motion **PASSED** unanimously.
- b) **Budget/Levy Amounts** - the board decided to keep the amounts essentially the same as the 2015 amounts with the removal of the \$2000 in law enforcement. They also wanted to ensure that we had \$20,000 in a deferred maintenance fund. The clerk noted that we would be seeing the parcel with the old fire hall and old Town Hall on the tax rolls this year.

- 9) ADJOURNMENT: The board was reminded of all upcoming meetings. Jeff Blix moved to adjourn the meeting; Liz Blix seconded and we adjourned at 7:44 pm.

Respectfully submitted,


Sherri A. Armstrong,
Clerk