



(\*) AMENDED  
**COMMITTEE OF THE WHOLE AGENDA**  
**Board of Commissioners, St. Louis County, Minnesota**

**September 11, 2012**  
**Immediately following the Board Meeting, which begins at 9:30 A.M.**  
**Commissioners' Conference Room, St. Louis County Courthouse, Duluth, MN**

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**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 4, 2012**

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

1. Withdrawal of State Tax Forfeited Land from Memorial Forest Status [12-351]
2. State Tax Forfeited Land Use Lease - Friends of Sax-Zim Bog [12-352]
3. Adjoining Owner Sale (Lavell Township) [12-353]

**Finance & Budget Committee – Commissioner Raukar, Chair**

4. Amendment to Federal Railroad Administration Grant Contract between MnDOT and St. Louis County – Rail Alliance Environmental Study (NLX Project) [12-354]
5. Abatement List for Board Approval [12-355]
6. Lawful Gambling Application (Gnesen Township) [12-356]

**ESTABLISHMENT OF PUBLIC HEARINGS:**

**Finance & Budget Committee – Commissioner Raukar, Chair**

7. Establish Public Hearing to Consider Allegations of Liquor Law Violation – The Other Place Bar and Grill (Rice Lake Township) October 9, 2012, 9:40 a.m., St. Louis County Courthouse, Duluth, MN [12-357]
8. Establish Public Hearing to Consider Allegations of Liquor Law Violation – Silver Fox (Gnesen Township) October 9, 2012, 9:45 a.m., St. Louis County Courthouse, Duluth, MN [12-358]

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**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.*

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

- \* 1. **Mineral Resource Management Update – Discussion**

**Finance & Budget Committee – Commissioner Raukar, Chair**

1. **Phase II, Project Design Development – GSC Duluth Second through Seventh Floor Remodeling [12-360]**  
Resolution authorizing a contract with Perkins & Will of Minneapolis, MN in partnership with Krech-Ojard & Associates of Duluth, MN for design-development services for Phase II of the Government Services Center Duluth remodel.
2. **Reduced Tort Liability Requirements for Timber Sale and Aggregate Contracts [12-361]**  
Commissioner Raukar has requested a discussion on tort liability requirements for timber sale and aggregate contracts in the county.

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**COMMISSIONER DISCUSSION ITEMS AND REPORTS:**

*At this time, Commissioners may introduce items for discussion or report on past and future activities.*

**ADJOURNED:**

**NEXT COMMITTEE OF THE WHOLE MEETING DATES:**

**September 25, 2012** Historic Miner's Dry, 105 Miners Lake Landing Road, Ely, MN

**October 2, 2012** Commissioners' Conference Room, Courthouse, Duluth, MN

**October 9, 2012** Commissioners' Conference Room, Courthouse, Duluth, 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**

**Tuesday, September 4, 2012**

**Location:** County Board Conference Room, Duluth Courthouse

**Present:** Commissioners Jewell, Dahlberg, Sweeney, Forsman, O'Neil, Raukar and Chair Nelson

**Absent:** None

**Convened:** Chair Nelson called the meeting to order at 10:01 a.m.

**CONSENT AGENDA**

Raukar/Dahlberg moved to approve the consent agenda. (7-0)

- Minutes of August 14, 2012
- Public Sale of State Tax Forfeited Lands on October 11, 2012
- State Contract Purchase of Tandem Axel Diesel Trucks
- State Contract Purchase of Two Dump Bodies with Hydraulic Systems and Snow Fighting Equipment
- Award of Bid – Gasohol, Fuel Oil and Diesel Fuel
- Fire Protection/First Responder Services Contracts for Unorganized Territories
- Abatement List for Board Approval
- Sale of Surplus Fee Land – Section 23, T54N, R17W (Cotton Township)
- Sale of Surplus Fee Land – Section 11, T60N, R14W (Waasa Township)
- 2012 Justice Assistance Grand
- Title III Funds for Firewise Communities Activities
- Establish Public Meeting on 2013 Property Tax and Operating Budget (Thursday, December 6, 2012, 7:00 p.m., St. Louis County Courthouse, Duluth, MN)

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**Public Works & Transportation Committee**

Forsman/Raukar moved to authorize an award of bid for two culvert replacement projects in Unorganized Township 60-19. Commissioner Forsman said that the culverts would sit over the winter with a bituminous covering to allow for proper settling. The motion passed. (7-0)

Sweeney/Forsman moved to authorize an award of bid for crushing of materials for storm event projects in Solway Township. Commissioner Forsman said that the aggregate was storm related and that the pit would be depleted upon the completion of the project. Administrator Gray indicated that the funding would be from State Aid resources and that the bid was \$225,000 lower than the engineers estimate. Chair Nelson said that the savings from this project would translate into more crushing that will show up on gravel roads elsewhere. The motion passed. (7-0)

## Finance & Budget Committee

Raukar/Nelson moved without recommendation to approve the certification of the 2013 tax levy be moved to the September 11, 2012, County Board meeting. Commissioner Raukar said that the development of the levy was a very comprehensive process. Chair Nelson thanked Commissioner Raukar for his diligence on getting the budget and levy issue figured out. The motion passed. (7-0)

Forsman/Nelson moved without recommendation to approve the resolution certifying the levy for Unorganized Township Road Maintenance for tax year 2013. Commissioner Forsman made note that only the unorganized areas pay for this levy and that the money raised can only be spent in those unorganized areas. Commissioner Forsman said that towns and cities have the ability to raise their own road maintenance levy, but it was a function of their local elected officials to increase funding. After further discussion, the motion passed. (7-0)

Raukar/O'Neil moved without recommendation to approve the resolution certifying the HRA maximum property tax levy for tax year 2013. The motion passed. (7-0)

Jewell/O'Neil moved to approve a resolution authorizing a contract with Sinnott Contracting of Duluth, MN, for the repair of the roadway at the Joint Public Safety Campus in Duluth. Director Mancuso of Property Management said that the project would replace culverts and the sub-surface, but would not widen or change the alignment of the road. Chair Nelson asked if there was a project labor agreement (PLA) in place for this project and Director Mancuso confirmed that there was. Director Mancuso said that the project would create clear entrances and exits between the road and the parking lot and that the City of Duluth would be responsible for plowing the road. The motion passed. (7-0)

Jewell/O'Neil moved to approve the resolution authorizing the application and acceptance of Minnesota Board of Water and Soil Resources funding for SSTS Abatement Programming funding. Commissioner Jewell said that this was a good example of money finally flowing back to St. Louis County from Legacy funding. Chair Nelson said he had communicated concerns with Director Troolin and Commissioner Dahlberg regarding this funding. Chair Nelson said that he would like dollars to be tied to people and that there must be "skin in the game" or owner responsibility if they are receiving these funds. Chair Nelson said that he understands that there is a need for this type of assistance. Commissioner O'Neil agreed with Chair Nelson's points and that these funds should only be used for low-income families. Chair Raukar said that further education to loan recipients would be beneficial. After further discussion, the motion passed. (7-0)

Raukar/Nelson moved to approve a resolution authorizing the County Auditor to negotiate a lease with Simon Properties for a new service center location at the Miller Hill Mall. Auditor Dicklich said that the cancellation of their current lease was a surprise and that a new site at the Miller Hill Mall was identified for development. The current proposal is for a new ten-year lease at the same lease rate as the one that was cancelled. Auditor Dicklich indicated that Simon Properties would contribute \$75,000 for the development of a new location and asked that the County Board approve up to an additional \$75,000 for the project. Chair Nelson gave credit to Auditor Dicklich for the success of the Auditor Service Center. After further discussion, the motion passed. (7-0)

## **Central Management & Inter-Governmental Committee**

Jewell/Raukar moved to approve a resolution to fill one vacancy on the St. Louis County Planning Commission. Stephen Kucera was nominated to fill the position. The motion passed. (7-0)

Jewell/Raukar moved to approve a resolution to fill two vacancies on the Community Development Block Grant Citizen Advisory Committee and to advertise for an additional six members. Chair Nelson asked that Administration and the Communications Director be diligent on getting information out to the community to attract applicants. After further discussion, the motion passed. (7-0)

### **Commissioner Discussion Items and Reports**

Commissioner Forsman notified the Board that Julian Brzoznowski of the City of Orr had taken a vacancy on the Cook-Orr Healthcare District Board of Directors.

Commissioner Sweeney said that there would be a fundraiser for displaced families of the flood in the City of Brookston on September 8, 2012.

Commissioner O'Neil said that there would be a Flood Relief event at the Radisson Hotel in Duluth, MN, on September 6, 2012, at 5:00 p.m. Commissioner O'Neil said that Commissioners Jewell, Sweeney, and himself had attended a local Labor Day event and that it was a great celebration of organized labor.

Commissioner Jewell said that there would be a fundraiser for the Seitaniemi Housebarn in Embarrass on September 9, 2012, starting at 4:00 p.m.

Commissioner Dahlberg complimented Chair Nelson on the successful event in Virginia for the Veteran's Memorial and that he believes the memorial should be a place of education for students. Commissioner Dahlberg also said that Chair Nelson, Administrator Gray, Public Works Director Jim Foldesi and himself had attended the special session at the State capitol on August 24, 2012. Commissioner Dahlberg and others met with Representative Michael Beard, Chair of the Transportation Committee. Commissioner Dahlberg indicated that representation from St. Louis County was important at this session because the funding packets for Highland Road were being put together. Commissioner Dahlberg said that he was asked to speak at the Finance Committees for both the House and Senate and that he had talked about the effects of the storm event and the status of St. Louis County after the storm. Commissioner Dahlberg urged citizens to attend a public hearing regarding the Haines Road construction at Clyde Iron on September 6 at 7:00 p.m. Commissioner Dahlberg said that the final date for residents to apply for Small Business Administration (SBA) disaster loans is October 15, 2012, on the SBA website.

Chair Nelson thanked the St. Louis County Communications Director and his assistant for their great work on getting information out about the Veterans Memorial event in Virginia. Chair Nelson said that the Veteran's Memorial event was very inspiring and that it had received national news coverage. Chair Nelson thanked Commissioner Dahlberg for his great representation of St. Louis County at the State Capitol during the special session on August 24, 2012. Chair Nelson also thanked Governor Dayton for his work on moving storm aid dollars forward for approval. Chair Nelson said that the Wirtanen Farm Fall Festival would be held on

September 8, 2012 at 10:00 a.m. Chair Nelson also expressed his displeasure with the use of the County Board room for a debate for candidates for Commissioner on September 17, 2012.

At 12:10 p.m., Raukar/O'Neil moved to adjourn. (7-0)

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Keith Nelson, Chair of the County Board

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Brandon Larson, Clerk of County Board

# BOARD LETTER NO. 12 - 351

## ENVIRONMENT & NATURAL RESOURCES COMMITTEE CONSENT NO. 1

### BOARD AGENDA NO.

**DATE:** September 11, 2012

**RE:** Withdrawal of State Tax  
Forfeited Land from  
Memorial Forest Status

**FROM:** Kevin Z. Gray  
County Administrator

Robert Krepps, Land Commissioner  
Land and Minerals

#### **RELATED DEPARTMENT GOAL:**

Financial return to the county and taxing districts.

#### **ACTION REQUESTED:**

The St. Louis County Board is requested to withdraw state tax forfeited land from memorial forest status pursuant to Minn. Stat. § 459.06, Subd. 3.

#### **BACKGROUND:**

State tax forfeited land which has been included in an established memorial forest and found more suitable for other purposes may be withdrawn from the memorial forest if the Commissioner of Natural Resources approves the sale of such land. Land and Minerals Department staff have determined that it would be in the best interest of St. Louis County to sell the parcels described below because they are more suitable for purposes other than forest management. The Commissioner of Natural Resources has approved the sale of these parcels. The parcels are located adjacent to public waters; therefore, special legislation allowing for the sale of the parcels was sought and received in 2011.

#### **RECOMMENDATION:**

It is recommended that the St. Louis County Board approve the withdrawal of state tax forfeited land from memorial forest status.

## Withdrawal of State Tax Forfeited Land from Memorial Forest Status

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

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

1. N 1/2 OF SW 1/4 EX N 1/2 OF S 1/2 & EX N 1/2 & LOT 6, SEC 6, T52N, R19W  
TOWN OF NESS  
PARCEL CODE: 470-0010-00940  
LAKE UPHAM MEMORIAL FOREST
2. SW 1/4 OF SE 1/4, SEC 10, T52N, R17W  
TOWN OF NEW INDEPENDENCE  
PARCEL CODE: 475-0010-01630  
LAKE UPHAM MEMORIAL FOREST
3. GOV LOT 2, SEC 5, T53N, R16W  
UNORGANIZED 53-16  
PARCEL CODE: 673-0010-00700  
ISLAND LAKE MEMORIAL FOREST

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

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

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

JG  
**Tract# 24** LDKey:71212  
 C22120044

Town of Ness  
 Twp:52 Rng:19 Sec:6

Acres+/-51.03  
 Zoning:SMU-3a

CVT470 PLAT: 10  
 Parcel(s):940



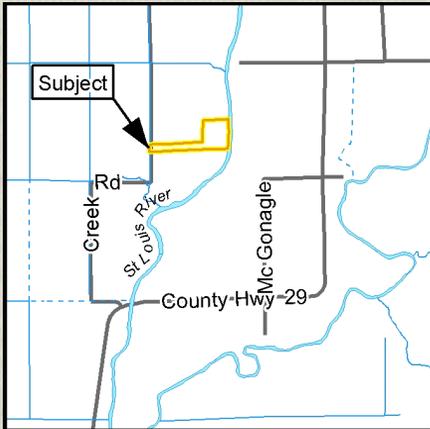
Land	<b>\$64,920.00</b>
Timber	<b>\$1,380.00</b>
Improvements	<b>\$0.00</b>
Certified Assessments	<b>\$0.00</b>
<b>Total</b>	<b>\$66,300.00</b>

Potential Future Assessments: \$0.00

County Assessor Duluth..... 218.726.2304  
 County Planning & Development...218.725.5000

**Legal Description:**

N1/2 OF SW1/4 EX N1/2 OF S1/2 & EX N1/2 & LOT 6, Sec 6 Twp 52N Rge 19W, NESS TOWN OF



**Comments:**

ST. LOUIS COUNTY MAKES NO REPRESENTATIONS, WARRANTIES, NOR GUARANTEES WITH RESPECT TO ACCESS TO TAX FORFEITED LANDS SOLD. SUBJECT TO ALL EXISTING EASEMENTS OF RECORD AND RIGHTS OF WAY.

The subject is a 51 acre tract of forest land along the St. Louis River in rural southwest St. Louis County. Meadowlands is the nearest incorporated community. Aspen was harvested in 2004 and is regenerating. There is 0.25 of a mile of river frontage with a high bank with mixed hardwood forest overlooking the river. There is a conservation easement 66 feet in width from the ordinary high water level, to provide riparian protection and angler access. This parcel is zoned SMU-3a (Shoreland Mixed Use district 3a), which requires a minimum lot width of 600 feet and 9 acres of total lot area to meet zoning standards. Check with the St. Louis County Assessor's office for any pending or future assessments that may be reinstated. Recording fee \$66.00. T#542067, T#458506.

**Driving Directions:**

From Floodwood, travel north on Highway #73 1.75 miles and turn east (right) onto Highway #29 for 5.5 miles. Before crossing the St. Louis River, turn west (left) on a gravel road, County Road #734 (Van Buren Rd.) for a short distance, then turn north (right) on County Road #196 (Creek Rd.). Follow Creek Rd. approximately 2 miles to the property. This is also about 0.25 of a mile north of the sharp corner where the road swings north again. Parcel is on the east (right) side of the Creek Rd.

JG Tract# 25 LDKey:44406  
C22120092

Town of New Independence  
Twp:52 Rng:17 Sec: 10

Acres+/-40  
Zoning:FAM-2

CVT 475 PLAT: 10  
Parcel(s):1630



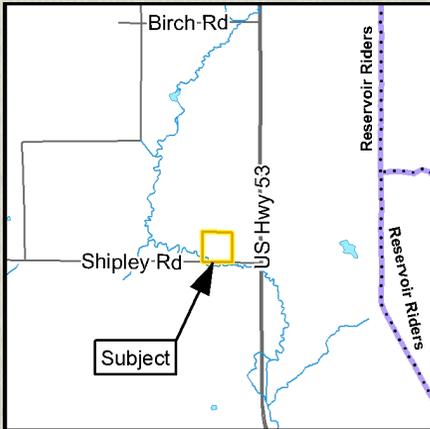
Land	<b>\$35,600.00</b>
Timber	<b>\$7,600.00</b>
Improvements	<b>\$0.00</b>
Certified Assessments	<b>\$0.00</b>
<b>Total</b>	<b>\$43,200.00</b>

Potential Future Assessments: \$0.00

Town of New Independence.....218.345.6461  
County Planning & Development...218.725.5000

**Legal Description:**

SW 1/4 OF SE 1/4, Sec 10 Twp 52N Rge 17W, NEW INDEPENDENCE TOWN OF



**Comments:**

ST. LOUIS COUNTY MAKES NO REPRESENTATIONS, WARRANTIES, NOR GUARANTEES WITH RESPECT TO ACCESS TO TAX FORFEITED LANDS SOLD. SUBJECT TO ALL EXISTING EASEMENTS OF RECORD AND RIGHTS OF WAY.

This 40 acre tract consists of low land conifers along the road frontage in the south and has a higher ridge of aspen, fir and spruce along the northern edge. Hellwig Creek flows through the southwest portion of the property. There is a conservation easement lying 66 feet on each side of the centerline of the stream to provide for riparian protection and angler access. This parcel is zoned FAM-2 (Forest Agricultural Management), which requires a minimum lot width of 600 feet and 17 acres of total lot area to meet zoning standards. Check with the Township of New Independence for any pending or future assessments that may be reinstated. Recording fee \$46.00.

**Driving Directions:**

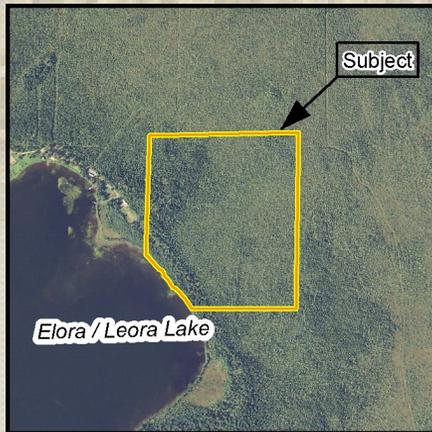
From the intersection of MN Highway #33 and U.S. Highway #53 at Independence, travel approximately 2.5 miles north, then turn west (left) on County Road #734 (Shipley Rd.). Parcel begins 0.25 of a mile west on the north (right) side of the Shipley Rd.

JG Tract# 32 LDKey:48810  
C22120090

Unorganized 53-16  
Twp:53 Rng:16 Sec:5

Acres+/-42  
Zoning:SMU-11

CVT 673 PLAT: 10  
Parcel(s):700



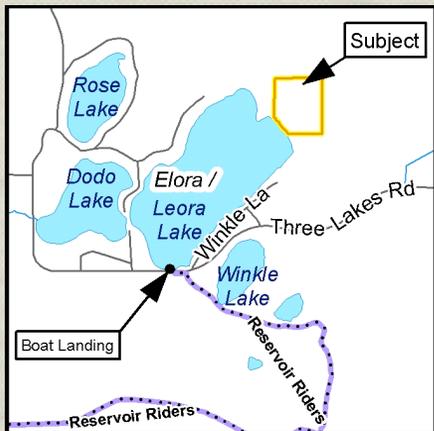
Land	\$16,900.00
Timber	\$1,600.00
Improvements	\$0.00
Certified Assessments	\$0.00
<b>Total</b>	<b>\$18,500.00</b>

Potential Future Assessments: \$0.00

County Assessor Duluth..... 218.726.2304  
County Planning & Development...218.725.5000

**Legal Description:**

LOT 2, Sec 5 Twp 53N Rge 16W, UNORGANIZED 53-16



**Comments:**

ST. LOUIS COUNTY MAKES NO REPRESENTATIONS, WARRANTIES, NOR GUARANTEES WITH RESPECT TO ACCESS TO TAX FORFEITED LANDS SOLD. SUBJECT TO ALL EXISTING EASEMENTS OF RECORD AND RIGHTS OF WAY.

The subject has about 640 feet of frontage on Lake Leora/Elora, located about 0.25 of a mile past the end of Lake Elora Dr. There is no known legal access other than by water from the public boat landing on the southern end of the lake off Three Lakes Rd. Most of the parcel is low land with black spruce, tamarack and open bog forest. There is a 15-20 foot wide strip of sandy ridge perpendicular to the lake and within about 100 feet of the lakeshore. The zoning is SMU-11 (Shoreland Mixed Use), which requires a minimum lot width of 100 feet and 0.5 of an acre of total lot area to meet zoning standards. Check with the St. Louis County Assessor's office for any pending or future assessments that may be reinstated. Recording fee \$46.00.

**Driving Directions:**

From the Town of Canyon, travel north on U.S. Highway #53 for 4.5 miles to County Road #49 (Three Lakes Rd.). Turn east (right) for 2.25 miles to a stop sign. Turn north (left) onto township road #5689 for about 0.25 of a mile then turn east (right) onto Rose Lake Dr. Stay to the right as it turns into Lake Elora Dr. and follow to the end. (You may also follow the signs toward the French Club. The subject property is beyond the club on a private road another 0.25 of a mile). Please respect private property and seek permission to view this parcel.

# BOARD LETTER NO. 12 - 352

## ENVIRONMENT & NATURAL RESOURCES COMMITTEE CONSENT NO. 2

### BOARD AGENDA NO.

**DATE:** September 11, 2012

**RE:** State Tax Forfeited Land  
Use Lease - Friends of  
Sax-Zim Bog

**FROM:** Kevin Z. Gray  
County Administrator

Robert Krepps, Land Commissioner  
Land and Minerals

Donald Dicklich  
County Auditor

#### **RELATED DEPARTMENTAL GOAL:**

Performing public services.

#### **ACTION REQUESTED:**

The St. Louis County Board is requested to authorize a land use lease with the Friends of Sax-Zim Bog for birding facilities located on state tax forfeited land in Section 22, Township 54 North, Range 19 West (Toivola East).

#### **BACKGROUND:**

The Sax-Zim Bog is prime habitat for several bird species and is a popular area for bird watching. The Friends of Sax-Zim Bog wishes to lease one acre of state tax forfeited land for a visitor center and parking area for informational and educational purposes and public access to birding areas. The lease will not affect forest management activities in the area.

#### **RECOMMENDATION:**

It is recommended that the St. Louis County Board authorize the County Auditor to enter into a lease agreement with the Friends of Sax-Zim Bog, at a lease fee of \$800 per year for a ten (10) year term, revenues to be deposited into Fund 240 (Forfeited Tax Fund).

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

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

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

WHEREAS, the Friends of Sax-Zim Bog has requested to lease one acre of state tax forfeited land in the SE1/4 of the NE1/4, Section 22, T54N, R19W, for a visitor center and parking lot for birding and recreational purposes; and

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

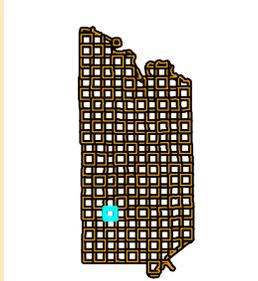
NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes the County Auditor to lease one acre of state tax forfeited land to the Friends of Sax-Zim Bog for a visitor center and parking lot under the terms and conditions set forth in a lease agreement, for a lease fee of \$800 per year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



1 - acre in the SE1/4 of the NE1/4, Section 22, T54N, R19W

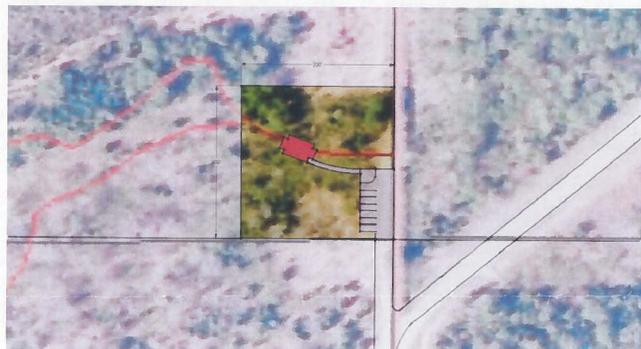
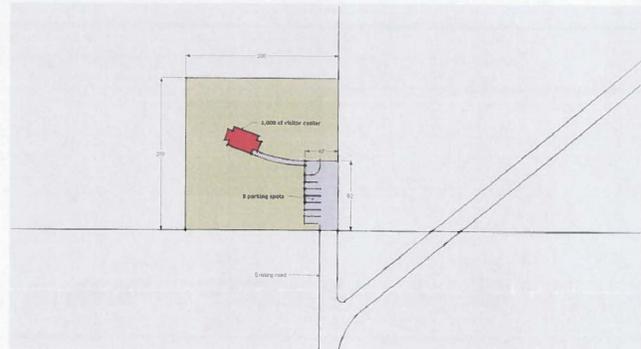
### 7th Commissioner District

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



St. Louis County, Minnesota

Exhibit A



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 and Minerals  
Department**





## Adjoining Owner Sale (Lavell Township)

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

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

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

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

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

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

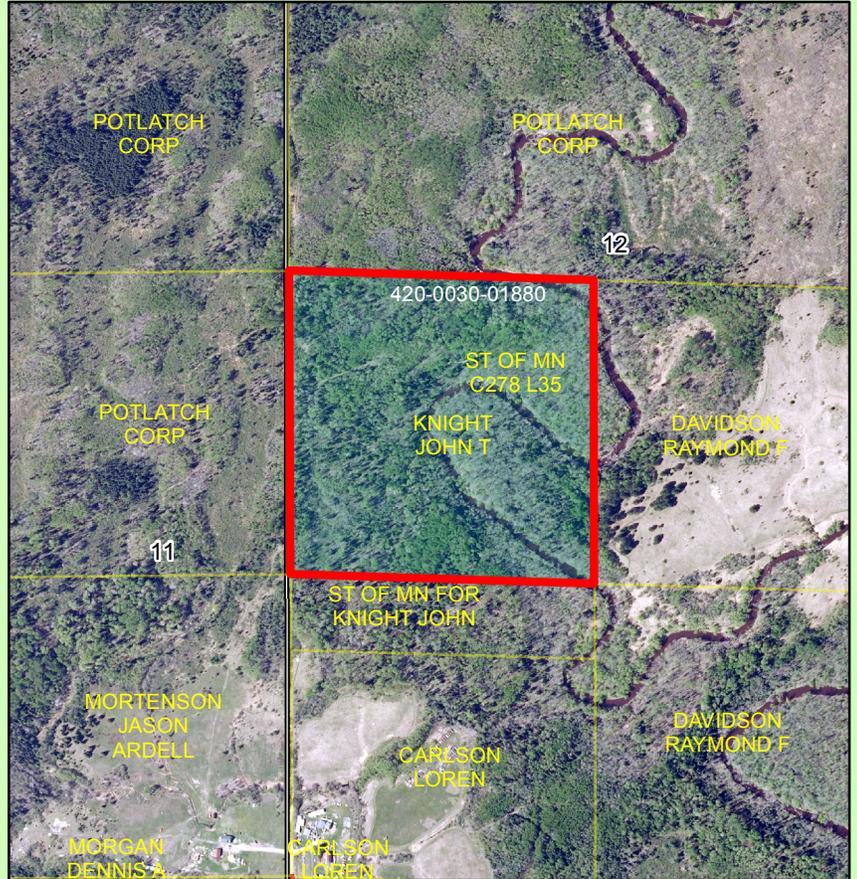
WHEREAS, the parcel of land which borders public waters has been approved for private sale pursuant to Laws of Minnesota 2011, Chapter 98, Section 26.

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

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



UND 1/2 INT OF SW1/4 OF NW1/4  
 SECTION 12, T55N, R20W  
 PARCEL CODE: 420-0030-01880



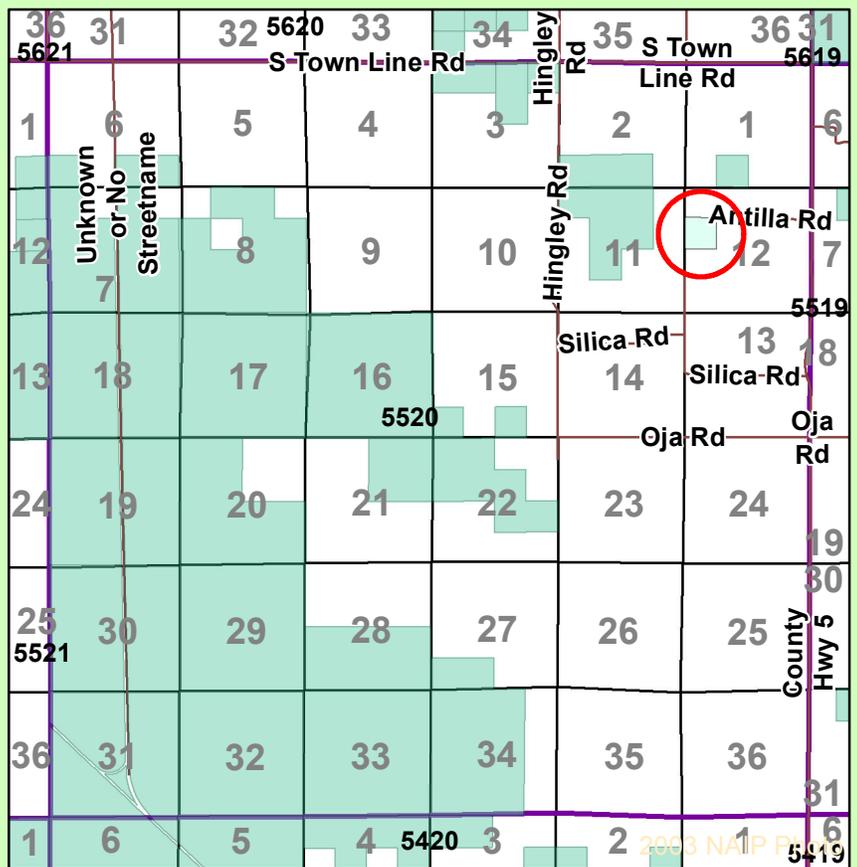
**Commissioner District # 7**

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

**St. Louis County, Minnesota**

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**St. Louis County Land and Minerals Department**



# BOARD LETTER NO. 12 - 354

FINANCE & BUDGET COMMITTEE CONSENT NO. 4

BOARD AGENDA NO.

**DATE:** September 11, 2012

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

**FROM:** Kevin Z. Gray  
County Administrator

**RELATED DEPARTMENT GOAL:**

Provide professional finance and accounting services in keeping with best practices, ensuring that public dollars are used exclusively for authorized public purposes.

**ACTION REQUESTED:**

The St. Louis County Board is requested to authorize an amendment/extension to the Federal Railroad Administration Grant Contract (Minnesota Department of Transportation [MnDOT] Contract No. 94577) which partially funded the environmental study and preliminary engineering for the Minneapolis-Duluth/Superior Passenger Rail Alliance's Northern Lights Express (NLX) project.

**BACKGROUND:**

On June 23, 2009 the County Board (Resolution No. 09-297) authorized MnDOT Agreement 94577 for partial Federal Railroad Administration Grant funding of the Alliance's Environmental Study and Preliminary Engineering for the NLX project. A time extension through September 30, 2012 was requested by MnDOT earlier this year and approved by the County Board on May 8, 2012 (Resolution No. 12-266).

MnDOT has communicated that additional time is necessary to provide for the required National Environmental Policy Act Clearance for this project and has requested an additional time extension through January 30, 2013.

**RECOMMENDATION:**

It is recommended that the St. Louis County Board authorize the appropriate county officials to execute a contract amendment to MnDOT contract 94577, extending the contract period to January 30, 2013.

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

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

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



*Resolution*  
*of the*  
***Board of County Commissioners***  
***St. Louis County, Minnesota***  
*Adopted on: May 8, 2012 Resolution No. 12-266*  
*Offered by Commissioner: Sweeney*

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

RESOLVED, that the St. Louis County Board authorizes the appropriate county officials to execute an amendment to Minnesota Department of Transportation Agreement No. 94577 extending the contract expiration date to September 30, 2012.

Commissioner Sweeney moved the adoption of the Resolution and it was declared adopted upon the following vote:  
Yeas – Commissioners Jewell, O’Neil, Dahlberg, Forsman, Sweeney, Raukar, and Chair Nelson - 7  
Nays – None

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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 8<sup>th</sup> day of May, A.D. 2012, and that this is a true and correct copy.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 8<sup>th</sup> day of May, A.D., 2012.

DONALD DICKLICH, COUNTY AUDITOR

By

Deputy Auditor/Clerk of the County Board



## Minnesota Department of Transportation

### Passenger Rail Office

Mail Stop 480  
395 John Ireland Blvd.  
St. Paul, MN 55155-1800

Tel: 651/366-3198  
Fax: 651/366-4248

August 29, 2012

Linnea Mirsch  
Deputy County Administrator  
St. Louis County  
100 North 5<sup>th</sup> Avenue West  
Duluth, MN 55802

Re: Amendment No. 4 for MnDOT Agreement No. 94577

Dear Ms. Mirsch:

Enclosed is Amendment No. 4 to Agreement No. 94577. The Federal Railroad Administration (FRA) is finalizing their legal sufficiency review of the Environmental Assessment (EA). Once all reviews are complete, the document will be finalized and we can move the project forward. This amendment is written to extend the term of the current contract from September 30, 2012 to January 30, 2013 to accommodate the additional time needed to finalize the document, conduct public meetings, compile comments and complete the process.

Please make three copies of the amendment for signature and have the appropriate people sign all three copies and return to me. Once the amendments are fully executed, one original will be sent for your records. Please contact me with any questions or concerns.

We look forward to completing this process on the Northern Lights Express corridor and thank you for your continued assistance on this project.

Best regards,

A handwritten signature in blue ink that reads 'Julie R. Carr'.

Julie R. Carr  
Project Manager

cc: Praveena Pidaparathi/Dan Krom, Passenger Rail Office  
Bob Manzoline/Steve Fecker, NLX

An Equal Opportunity Employer



**AMENDMENT #3 TO MnDOT GRANT Agreement # 94577**

Amendment #	<u>4</u>	MnDOT Contract #	<u>94577</u>
Contract Start Date:	<u>July 16, 2009</u>	Total Contract Amount:	<u>\$2,200,000</u>
Orig. Contract Exp. Date:	<u>September 30, 2012</u>	Prev. Amendment(s) Total:	<u>\$0.00</u>
Amended Exp. Date	<u>January 30, 2013</u>	Current Amendment Amount:	<u>\$0.00</u>

Project Identification : Capital Assistance to States-Intercity Passenger Rail Service Program  
 State Project (SP): \_\_\_\_\_ Trunk Highway #: \_\_\_\_\_

This amendment is by and between the State of Minnesota, through its Commissioner of Transportation (“State”) and St. Louis County (“Recipient”).

**Recitals**

1. The State has a contract with the Recipient identified as MnDOT Agreement Number 94577 (“Original Contract”) to provide funding for the preparation of an environmental analysis and an environmental document to secure National Environmental Policy Act (NEPA) clearance for the proposed high speed, intercity passenger rail service on the Minneapolis-Duluth corridor.
2. This contract is being amended to provide additional time for the NEPA clearance process, including the Environmental Assessment, Public Meetings and all work required to obtain a Finding of No Significant Impact (FONSI) from the Federal Railroad Administration (FRA).
3. The State and the Contractor are willing to amend the Original Contract as stated below.

**Contract Amendment**

In this Amendment deleted contract terms will be ~~struck out~~ and the added contract terms will be underlined.

**REVISION 1.** Article 1. “**Term of Contract**” is amended as follows:

**Term of Contract:** This Grant Contract will remain in effect through ~~September 30, 2012~~  
January 30, 2013.

The terms of the Original Contract are expressly reaffirmed and are incorporated by reference. Except as amended herein, the terms and conditions of the Original Contract and all previous amendments remain in full force and effect.

**STATE ENCUMBRANCE VERIFICATION**

Individual certifies that funds have been encumbered as required by Minnesota Statutes § 16A.15 and 16C.05.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

CFMS Contract No. \_\_\_\_\_

**DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_  
(With delegated authority)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**RECIPIENT**

The Recipient certifies that the appropriate person(s) have executed the contract on behalf of the Recipient as required by applicable articles, by laws, resolutions, or ordinances.

By: \_\_\_\_\_

Title: Chair of St. Louis County

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: Assistant County Attorney

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: St. Louis County Auditor

Date: \_\_\_\_\_

**MnDOT CONTRACT MANAGEMENT**

By: \_\_\_\_\_  
(With delegated authority)

Date: \_\_\_\_\_

# BOARD LETTER NO. 12 - 355

FINANCE & BUDGET COMMITTEE CONSENT NO. 5

BOARD AGENDA NO.

**DATE:** September 11, 2012                      **RE:** Abatement List for Board Approval

**FROM:** Kevin Z. Gray  
County Administrator

Mark Monacelli, Director  
Public Records & Property Valuation

David L. Sipila  
County Assessor

**RELATED DEPARTMENT GOAL:**

The County Assessor will meet all state mandates for classifying and valuing taxable parcels for property tax purposes as outlined in Minn. Stat. § 270 through 273.

**ACTION REQUESTED:**

The St. Louis County Board is requested to approve the attached abatements.

**BACKGROUND:**

The intent of abatements is to provide equitable treatment to individual taxpayers while at the same time exercising prudence with the tax monies due to the taxing authorities within St Louis County. Abatements are processed in conformance with St. Louis County Board Resolution No. 861, dated November 30, 1993, outlining the Board's policy on abatement of ad valorem taxes. This Policy provides direction for the abatement of: 1) Current year taxes; 2) Current year penalty and costs; 3) Past year taxes; and 4) Past year penalty, interest, and costs.

**RECOMMENDATION:**

It is recommended that the St. Louis County Board approve the attached list of abatements.

## Abatement List for Board Approval

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

RESOLVED, that the St. Louis County Board approves the applications for abatements, correction of assessed valuations and taxes plus penalty and interest, and any additional accrual, identified in County Board File No. 59401.

9/4/2012  
1:57:30PM

Abatements Submitted for Approval by the St. Louis County Board  
on 9/25/2012

<u>PARCEL CODE</u>	<u>AUD NBR</u>	<u>NAME</u>	<u>TYPE</u>	<u>LOCATION</u>	<u>APPRAISER</u>	<u>REASON</u>	<u>YEAR</u>	<u>REDUCTION</u>
395 10 6140	0 14559	AUGUSTINE, FAY	R	Hermantown	Cory Leinwander	CODE CHANGE	2012	1,906.96
295 16 32	0 14567	BANDELOW, FRED	R	Clinton		PENALTY & INTEREST	2012	18.45
10 660 40	0 14560	BERG, ERIC	R	City of Duluth	Diane Suomi	HOMESTEAD	2012	338.20
10 3480 1970	0 14570	HAALA, ASHLEY	R	City of Duluth	Diane Suomi	HOMESTEAD	2012	353.04
141 20 4580	02086 14569	HABERMAN, VALERIE	M	Hibbing	Carol Waselk	HOMESTEAD	2012	377.52
10 3850 8290	0 14571	LARSON, RANDALL	R	City of Duluth	Diane Suomi	HOMESTEAD	2012	350.96
10 3110 2300	0 14561	MASUMI, GOTO	R	City of Duluth	Diane Suomi	HOMESTEAD	2012	335.64
530 10 4980	0 14562	MCINTYRE, HOWARD	R	Solway	Jan Jackson	VALUATION	2012	873.18
10 2840 520	0 14563	PEDERSON, CORWIN	R	City of Duluth	Diane Suomi	HOMESTEAD	2012	334.38
10 2910 190	0 14564	VAN PUymbROUCK, CAS	R	City of Duluth	Diane Suomi	HOMESTEAD	2012	317.78
10 2850 320	0 14565	WILLIAMS, JAMES	R	City of Duluth	Diane Suomi	HOMESTEAD	2012	222.06
10 2826 40	0 14566	YOUNG, JAY	R	City of Duluth	Diane Suomi	HOMESTEAD	2012	218.22

# BOARD LETTER NO. 12 - 356

FINANCE & BUDGET COMMITTEE CONSENT NO. 6

BOARD AGENDA NO.

**DATE:** September 11, 2012

**RE:** Lawful Gambling Application  
(Gnesen Township)

**FROM:** Kevin Z. Gray  
County Administrator

Donald Dicklich  
County Auditor

**RELATED DEPARTMENT GOAL:**

Provide mandated and discretionary licensing services in a timely manner.

**BACKGROUND:**

The following Lawful Gambling Application has been reviewed by the members of the Liquor Licensing Committee and is recommended for approval.

Gnesen Volunteer Fire Department, Gnesen Township, 4504 Datka Road,  
Duluth, MN 55803

**RECOMMENDATION:**

It is recommended that the Board approve the Lawful Gambling application of Gnesen Volunteer Fire Department in Gnesen Township.

**Lawful Gambling Application (Gnesen Township)**

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

RESOLVED, that pursuant to Minn. Stat. 349.213, Subd. 2, the St. Louis County Board hereby approves the following Lawful Gambling License Application (raffle) on file in the office of the County Auditor, identified as County Board File No. 59219, for the following organization:

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

# BOARD LETTER NO. 12 - 357

FINANCE & BUDGET COMMITTEE CONSENT NO. 7

BOARD AGENDA NO.

**DATE:** September 11, 2012

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

**FROM:** Kevin Z. Gray  
County Administrator

Donald Dicklich  
County Auditor

Mark Rubin  
County Attorney

**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 penalties and/or suspension of the liquor licenses issued to Ballz Deep, Inc. d/b/a The Other Place Bar and Grill, Rice Lake Township, for alleged liquor law violation, sale to minor on July 27, 2012.

**BACKGROUND:**

Pursuant to St. Louis County Ordinance No. 28, Section 13.01, Any liquor license issued pursuant to this Ordinance may be suspended or revoked for up to sixty (60) days, a civil penalty of up to \$2,000 imposed for each violation, or a combination of any of these sanctions may be imposed by the County Board upon cause shown after a hearing. A hearing shall be held pursuant to the provisions of these subdivisions and any other uniform rules for hearings promulgated by the County Board. Cause for revocation or suspension or civil penalty or any combination of these sanctions includes, but is not limited to, the filing of false information on a license application, violation of any liquor laws, regulations or provisions of the Ordinance, or failure to maintain any licenses issued by the Minnesota Department of Health as may be required.

**RECOMMENDATION:**

It is recommended that a public hearing on the matter be scheduled for October 9, 2012, at 9:40 a.m. in the St. Louis County Courthouse, Duluth, Minnesota.

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

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

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

# BOARD LETTER NO. 12 - 358

FINANCE & BUDGET COMMITTEE CONSENT NO. 8

BOARD AGENDA NO.

**DATE:** September 11, 2012                      **RE:** Establish Public Hearing to  
Consider Allegations of Liquor  
Law Violation – Silver Fox Lodge  
(Gnesen Township)

**FROM:** Kevin Z. Gray  
County Administrator

Donald Dicklich  
County Auditor

Mark Rubin  
County Attorney

**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 penalties and/or suspension of the liquor licenses issued to Vernon Skoglund d/b/a Silver Fox Lodge, Gnesen Township, for alleged liquor law violation, sale to minor on July 27, 2012.

**BACKGROUND:**

Pursuant to St. Louis County Ordinance No. 28, Section 13.01, Any liquor license issued pursuant to this Ordinance may be suspended or revoked for up to sixty (60) days, a civil penalty of up to \$2,000 imposed for each violation, or a combination of any of these sanctions may be imposed by the County Board upon cause shown after a hearing. A hearing shall be held pursuant to the provisions of these subdivisions and any other uniform rules for hearings promulgated by the County Board. Cause for revocation or suspension or civil penalty or any combination of these sanctions includes, but is not limited to, the filing of false information on a license application, violation of any liquor laws, regulations or provisions of the Ordinance, or failure to maintain any licenses issued by the Minnesota Department of Health as may be required.

**RECOMMENDATION:**

It is recommended that a public hearing on the matter be scheduled for October 9, 2012, at 9:45 a.m. in the St. Louis County Courthouse, Duluth, Minnesota.

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

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

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

# BOARD LETTER NO. 12 - 360

FINANCE & BUDGET COMMITTEE NO. 1

BOARD AGENDA NO.

**DATE:** September 11, 2012                      **RE:** Phase II, Project Design  
Development – GSC Duluth  
Second through Seventh Floor  
Remodeling

**FROM:** Kevin Z. Gray  
County Administrator

Tony Mancuso, Director  
Property Management

**RELATED DEPARTMENT GOAL:**

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

**ACTION REQUESTED:**

The St. Louis County Board is requested to authorize the design-development phase (Phase II) of the infrastructure replacement and general remodeling of the Government Services Center (GSC) in Duluth.

**BACKGROUND:**

The St. Louis County master space plan for the Duluth area offices has been in place since 1995 with the GSC being the primary site for consolidation of county provided services. The county purchased the building in 2002, and the purchase agreement included a ten-year lease option for the State of Minnesota occupants. The building is structurally in excellent condition, but the mechanical, electrical, and HVAC infrastructure is in poor condition. Additionally, the layout and configuration of the office space is inefficient, as the building formerly housed several tenants from different governmental agencies.

The City of Duluth vacated the GSC basement vehicle storage area in February 2012, and the State of Minnesota vacated various office space areas in August 2012. Since 2002, the county has upgraded the elevators to meet current code requirements, relocated the 4<sup>th</sup> floor data center to the basement level, remodeled the 1<sup>st</sup> floor into a Public Health & Human Services central client intake area, and has completed a roof replacement.

The master space plan for downtown Duluth county offices is now ready for completion, with the consolidation of most county services in one location with the renewal of GSC infrastructure.

As documented in the current Capital Improvement Plan and presented to the Board at a workshop in late June, this project will be recommended for bond financing once the design-development phase (Phase II) has been completed and the final bond amount can be determined from completed bid and construction documents. It is advisable to enter into a Phase II architectural contract now to keep this project on schedule.

St. Louis County Purchasing solicited Request for Proposals (RFPs) for this project in December 2011. The consulting team proposing the best product/service at the best value was Perkins & Will, Krech-Ojard & Associate, and Gausman & Moore Engineers, with Perkins & Will being the lead. In order to develop the most accurate project cost estimate possible, it is necessary to engage the design team to complete the majority of its design-development work prior to the issuance of a project bond in the first quarter of 2013.

**RECOMMENDATION:**

It is recommended that the St. Louis County Board authorize a contract for design-development services for the Duluth GSC infrastructure replacement and general remodeling construction and bid documents with Perkins & Will of Minneapolis Minnesota, in partnership with Krech-Ojard & Associates of Duluth Minnesota, and Gausman & Moore Engineers of Duluth Minnesota in the amount of \$827,000, payable from Fund 100, Agency 104005, to be reimbursed by the associated bond sale proceeds.

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

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

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

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

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

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

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

# BOARD LETTER NO. 12 - 361

FINANCE & BUDGET COMMITTEE NO. 2

BOARD AGENDA NO.

**DATE:** September 11, 2012      **RE:** **Reduced Tort Liability  
Requirements for Timber Sale  
and Aggregate Contracts**

**FROM:** **Kevin Z. Gray  
County Administrator**

**Bob Krepps, Land Commissioner  
Land and Minerals**

**RELATED DEPARTMENT GOAL:**

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

**ACTION REQUESTED:**

The St. Louis County Board is requested to approve reduced tort liability insurance requirements for St. Louis County timber sale and aggregate contracts.

**BACKGROUND:**

Commissioner Raukar has requested that the County Board reconsider its policy on tort liability requirements for timber sale and aggregate contracts. This matter was addressed in County Board Resolution No. 09-313, dated July 7, 2009, which provided for a one year reduction in established maximum tort liability for claims arising after January 1, 2009. Minn. Stat. Chapter 466.04 set these requirements at \$500,000 per individual claim and \$1.5 million per occurrence for any number of claims arising out of a single occurrence.

The reduction was requested by the Associated Contract Loggers and Truckers of Minnesota (ACLT) because of the financial burden placed upon independent loggers in the 2009 economic environment. The ACLT asked that the County Board consider maintaining former liability limits of not less than \$300,000 per individual claim and \$1 million for any number of claims arising out of a single occurrence for timber sale contracts, until July 1, 2010. By that time, the ACLT believed the state legislature would exempt timber sale contracts from the higher insurance requirements. However, this initiative has not been successful at the legislature to date.

During the 2009 discussion on this matter, Land Commissioner Bob Krepps reported that, to his knowledge, there had not been a liability claim filed against St. Louis County

resulting from a timber sale contract. Additionally, he reported that other counties involved in timber sales are not consistent in their approach to the state's new liability limit. The County Board also heard testimony from timber industry representatives who indicated that current levels of insurance being offered by the insurance industry do not include policies with the state's \$1.5 million revised tort liability limits. Additionally, aggregate contracts were included in the insurance relief resolution by commissioner request and amendment.

**RECOMMENDATION:**

Should commissioners wish to adopt a policy for timber and aggregate sale contractors, a resolution is provided requiring they provide proof of tort liability insurance in an amount not less than \$300,000 per individual claim and \$1 million for any number of claims arising out of a single occurrence, effective immediately. This policy would be remain in place until such time as representatives of Minnesota timber industry contractors are successful in petitioning the state legislature for relief from the maximum tort liability insurance requirements.

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

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

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

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

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

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

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



*Resolution*  
*of the*  
***Board of County Commissioners***  
***St. Louis County, Minnesota***  
*Adopted on: July 7, 2009      Resolution No. 313*  
*Offered by Commissioner: Nelson*

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board establishes that all timber sales and aggregate contracts requiring tort liability insurance shall include proof of insurance in the amount currently purchased by the contractor but not less than \$300,000 per individual claim and \$1 million for any number of claims arising out of a single occurrence, effective immediately and until July 1, 2010.

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

Yeas – Commissioners O’Neil, Dahlberg, Forsman, Sweeney, Nelson, and Raukar - 6

Nays – None

Absent – Chair Fink - 1

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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 July, A.D. 2009, and that this is a true and correct copy.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 7th day of July, A.D., 2009

DONALD DICKLICH, COUNTY AUDITOR

By

Deputy Auditor/Clerk of County Board