

CONSENT AGENDA

FOR THE MEETING OF ST. LOUIS COUNTY BOARD OF COMMISSIONERS

May 28, 2013

Hibbing City Council Chambers, City Hall, 401 East 21st Street, Hibbing, Minnesota

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a commissioner requests or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

RESOLUTIONS FOR APPROVAL:

Minutes for May 7, 2013.

Minutes for May 14, 2013.

Environment & Natural Resources Committee – Commissioner Nelson, Chair

1. Cancellation of contracts for purchase of state tax forfeited land by Dennis Lindberg and Shelly Lindberg of Virginia, MN, and John Wright of Apple Valley, MN. (Resolutions numbered 1a and 1b.)
2. Cancellation of contract for repurchase of state tax forfeited land by the Estate of Nick Pocrnich c/o Marc Pocrnich of Hibbing, MN.
3. Utility easement across state tax forfeited land located at 45th Avenue East and Peabody Lane in Duluth, MN, granted to the City of Duluth to replace culverts damaged in the June 2012 flood, upon total payment of \$2,596.
4. Ratify an emergency purchase of the services of Max Gray Construction, Inc., Hibbing, MN, in the amount of \$44,450 for the demolition of a tax forfeited structure in the city of Aurora, including demolition, removal, and site restoration.
5. County Auditor authorized to grant a temporary construction easement across state tax forfeited land located in Gary New Duluth near the Becks Road (City of Duluth), to the Western Lake Superior Sanitary District (WLSSD) to construct or repair a wastewater pipeline, upon total payment of \$200.

Public Works & Transportation Committee - Commissioner Forsman, Chair

6. Purchase of one (1) truck mounted roadpatching unit (Schwarze Model RP006 Roadpatcher) from RCM Equipment, Inc., Cottage Grove, MN, for a total cost of \$118,631.25.
7. Authorize the rental of five (5) belly dump trailers from NUSS Truck and Equipment of Roseville, MN, for a total cost of \$66,796.88.

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8. Agreement authorized with the Minnesota Department of Transportation which accepts Minnesota State Transportation Flood Bond funds, and commit to the use of Federal Emergency Relief (ER) funds for costs which exceed the grant amount for the reconstruction of County State Aid Highway (CSAH) 91/Haines Road in Duluth and Hermantown, SP 69-691-027.
9. Agreement authorized with the Minnesota Department of Transportation which accepts Minnesota State Transportation Flood Bond funds, and commit to the use of Federal ER funds for costs of emergency bridge assessment needs, Storm Work Order 161821 (SP 69-030-024/SP 88-070-036), which exceed the grant amount; and further, rescind Resolution No. 12-557, dated October 23, 2012.
10. Award of bids:
 - a. **Ulland Brothers, Inc.**, Cloquet, MN, in the amount of **\$312,450.00** for two tied culvert replacement projects: County Road 898/Lindahl Road in Midway Township (CP 0898-155308(low) and on CSAH 14/Thompson Hill Road in Proctor, MN (CP 0014-159990(tied)).
 - b. **Fahrner Asphalt Sealers, Inc.**, Eau Claire, WI, in the amount of **\$317,880.96** for crack sealing on selected roads in various county locations (SAP 69-030-031, CP 0000-187650).

Finance & Budget Committee – Commissioner Raukar, Chair

11. Application to sell/serve liquor outside the designated serving area by Ash-Ka-Nam Resort & Lodge, LLC d/b/a Ash-Ka-Nam, Unorganized Township 68-19, for July 26 & 27, August 2 & 3, August 9 & 10, September 20 & 21, and October 4 & 5, 2013.
12. Worker's compensation report dated May 17, 2013.
13. Claims and accounts for April 2013.

Public Safety & Corrections Committee – Commissioner O'Neil, Chair

14. Amended contract authorized with Angie VanDeHey, Advance! Training and Consulting, for Northeast Minnesota Enforcement and Safety Information System (NEMESIS) training and development services for the period July 1, 2013 through December 31, 2013, at the hourly rate of \$60, not to exceed \$40,000.
15. Authorize the expenditure of \$114,469.54 of the 2010 Allied Radio Matrix for Emergency Response (ARMER) Integration Grant for the purchase of a microwave link from Microwave Networks, Inc., Stafford, TX, to be built from the Sax ARMER site to the Hibbing Maple Hill site.

**Official Proceedings of the County Board
of Commissioners**

BY COMMISSIONER _____

RESOLVED, That the official proceedings of the St. Louis County Board of Commissioners for the meeting of May 7, 2013, are hereby approved.

**Official Proceedings of the County Board
of Commissioners**

BY COMMISSIONER _____

RESOLVED, That the official proceedings of the St. Louis County Board of Commissioners for the meeting of May 14, 2013, are hereby approved.

Cancellation of Contract for Purchase of State Tax Forfeited Land - Lindberg

BY COMMISSIONER _____

WHEREAS, The contract with Dennis Lindberg and Shelly Lindberg of Virginia, MN, for the purchase of state tax forfeited land is in default for nonpayment of taxes and installments and failure to provide proof of insurance; and

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

CITY OF VIRGINIA
E 1/2 OF LOT 29 ALL LOT 30 AND W 5 FT OF LOT 31, BLOCK 29
VIRGINIA
Parcel Code: 090-0010-07070
C22080321

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

WHEREAS, The previous owners of the property will be notified by posting of 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.

Cancellation of Contract for Purchase of State Tax Forfeited Land - Wright

BY COMMISSIONER: _____

WHEREAS, The contract with John Wright of Apple Valley, MN, for the purchase of state tax forfeited land is in default for nonpayment of installments; 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:

CITY OF DULUTH
SLY 3 FT OF WLY 40 FT OF LOT 18 AND ALL OF LOT 19, N 2 FT of LOT 20,
and ALL EX NLY 2 FT of LOT 20 BLOCK 70
MYERS REARR BLK 70 DULUTH PROPER 2ND DIV
Parcel Codes: 010-1130-00370, 390, 400
C22060141

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

WHEREAS, The previous owner of the property will be notified by posting of 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.

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

BY COMMISSIONER _____

WHEREAS, The contract with the Estate of Nick Pocrnich c/o Marc Pocrnich of Hibbing, MN, for the repurchase of state tax forfeited land is in default for nonpayment of taxes and installments; 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:

CITY OF HIBBING
LOT 16 and LOT 25, BLOCK 1
TOWNSITE OF LEETONIA CITY OF HIBBING
Parcel Codes: 141-0175-00160, 250
C22100111

WHEREAS, Minn. Stat. §§ 282.04, Sub. 2(d) and 504B.271 authorize 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 repurchase 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 St. Louis County Auditor is authorized to dispose of abandoned personal property from the above described state tax forfeited property.

Utility Easement across State Tax Forfeited Land to City of Duluth

BY COMMISSIONER _____

WHEREAS, The City of Duluth has requested a utility easement across state tax forfeited land to replace twin 24" culverts damaged in the June 2012 flood for the public purpose of storm water improvements located at 45th Avenue East and Peabody Lane in Duluth, MN; and

WHEREAS, Exercising the easement will not conflict with public use of land; and

WHEREAS, Minn. Stat. § 282.04, Subd. 4, authorizes the St. Louis County Auditor to grant easements for such purposes;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the St. Louis County Auditor to grant a utility easement to the City of Duluth across state tax forfeited lands described as follows:

A permanent easement for drainage purposes over, under and across the northerly 100.00 feet of Lot 1, LONDON ADDITION TO DULUTH, City of Duluth, St. Louis County, MN

RESOLVED FURTHER, That the granting of this easement is conditioned upon payment of \$2500 easement fee, \$50 administration fee, and \$46 recording fee, for a total of \$2596, to be deposited into Fund 240 (Forfeited Tax Fund).

Emergency Purchase for Building Demolition - Aurora

BY COMMISSIONER _____

WHEREAS, A tax forfeited structure located in the city of Aurora was in danger of collapsing into an adjacent building and threatened the safety of its occupants thereby creating an emergency situation; and

WHEREAS, A report from Northland Consulting Engineers recommended that a professional contractor be hired immediately to demolish the building (attached as County Board File No.____); and

WHEREAS, Max Gray Construction, Inc., Hibbing, MN, was selected to remedy the situation for a charge of \$44,450 for demolition, removal and site restoration; and

WHEREAS, St. Louis County Purchasing Rules and Regulations specify that emergency purchases exceeding \$25,000 must be referred to the County Board for consideration and ratification;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board ratifies the emergency purchase of the services of Max Gray Construction, Inc., Hibbing, MN, for the remediation of a tax forfeited structure located in the city of Aurora, including the cost of demolition (\$5,900), removal and restoration (\$38,550), payable from Fund 240, Agency 240002, with funds transferred from fund balance, Fund 290, Agency 290001, Object 311135.

Construction Easement across State Tax Forfeited Land to WLSSD

BY COMMISSIONER _____

WHEREAS, The Western Lake Superior Sanitary District (WLSSD) has requested a temporary construction easement across state tax forfeited land located in Gary New Duluth near the Becks Road, to construct or repair a wastewater pipeline; and

WHEREAS, Exercising the easement will not conflict with public use of land; and

WHEREAS, Minn. Stat. § 282.04, Subd. 4, authorizes the St. Louis County Auditor to grant easements for such purposes;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the St. Louis County Auditor to grant a temporary construction easement to WLSSD across state tax forfeited lands located in Gary New Duluth near the Becks Road, described in County Board File No. _____;

RESOLVED FURTHER, That the granting of this easement is conditioned upon payment of \$150 land use fee and \$50 administration fee; for a total of \$200 to be deposited into Fund 240 (Forfeited Tax Fund).

Purchase of Truck Mounted Roadpatching Unit

BY COMMISSIONER _____

WHEREAS, The Public Works Department equipment budget includes the purchase of one truck mounted roadpatching unit; and

WHEREAS, RCM Equipment, Inc., of Cottage Grove, MN, responded with the low bid price for one truck mounted roadpatching unit for \$111,000; and

WHEREAS, The purchase is subject to State of Minnesota sales tax of \$7,631.25 for a total cost of \$118,631.25;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the purchase of one truck mounted roadpatching unit (Schwarze Model RP006 Roadpatcher) from RCM Equipment, Inc., of Cottage Grove, MN, for \$118,631.25, payable from Fund 407, Agency 407001, Object 666400.

Rental of Five Belly Dump Trailers

BY COMMISSIONER _____

WHEREAS, The Public Works Department budget includes rental of five belly dump trailers for gravel hauling operations; and

WHEREAS, The Public Works Department and Purchasing Division presented specifications and requested pricing for belly dump trailers, based on the department's needs; and

WHEREAS, NUSS Truck and Equipment of Roseville, MN, responded with the only price for five belly dump trailers of \$62,500, plus 6.875% state sales tax of \$4,296.88, for a total cost of \$66,796.88;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the rental of five belly dump trailers from NUSS Truck and Equipment of Roseville, MN, for a total cost of \$66,796.88, payable from Fund 202, Agency 202002, and Object 634100.

**Acceptance of Flood Grant for Storm Project – CSAH 91 Haines Road
(Duluth and Hermantown)**

BY COMMISSIONER _____

WHEREAS, St. Louis County has applied to the Minnesota Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for the road construction of project SP 69-691-020(Low)/SP 69-691-027 on County State Aid Highway 91 (Haines Road) in Duluth, MN; and

WHEREAS, The Commissioner of Transportation has given notice that funding for this project is available in the amount of \$1,072,562.50;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board agrees to the terms and conditions of the grant consistent with Minn. Stat. § 174.50, Subd. 5(3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the road reconstruction but not required;

RESOLVED FURTHER, That St. Louis County commits to the use of Federal Emergency Relief funds to pay costs of project SP-69-691-027 which exceed the Minnesota State Transportation Fund grant amount;

RESOLVED FURTHER, That the appropriate county officials are authorized to execute a grant agreement with the Minnesota Commissioner of Transportation concerning the above-referenced grant.

Acct 266 Flood Bond Funds	\$ 1,072,562.50	Construction
Federal ER Funds	\$ 4,290,250.00	
Total SP 69-691-027 portion	\$ 5,362,812.50	
Total Combined Project:	\$10,820,000.00	Construction

**Acceptance of Flood Grant for Storm Project Work Order 161821 and
Rescind Resolution No. 12-557**

BY COMMISSIONER _____

WHEREAS, St. Louis County has applied to the Minnesota Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for emergency bridge assessment needs (project SP 69-030-024/SP 88-070-036) in St. Louis, Carlton and Lake counties; and also for facilities in the city of Duluth; and

WHEREAS, The Commissioner of Transportation has given notice that grant funding for this project is available in the amount of \$103,694.04;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board agrees to the terms and conditions of the grant consistent with Minn. Stat. § 174.50, Subd. 5(3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the road reconstruction but not required;

RESOLVED FURTHER, That the appropriate county officials are authorized to execute a grant agreement with the Minnesota Commissioner of Transportation concerning the above-referenced grant with funds from the state to be receipted into Fund 225, Agency 161821, Object 530404.

Acct 266 Flood Bond Funds	\$103,694.04	Special Assessment
Federal ER Funds	\$51,847.02	
Total Combined Project:	\$155,541.06	Special Assessment

RESOLVED FURTHER, that County Board Resolution No. 12-557, dated October 23, 2012, is hereby rescinded.

Award of Bids: Culvert Replacement (Midway Township and Proctor)

BY COMMISSIONER _____

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

CP 0898-155308(Low) located on CR 898 (Lindahl Road) from CSAH 73 (Old Hwy. 61) to CSAH 19 (St. Louis River Road) in Midway Township,

CP 0014-159990(Tied) located on CSAH 14 (Thompson Hill Road) from 532' WSW of CR 898 (Lindahl Road) to CSAH 14 (West Skyline Parkway), in Proctor, MN;

and

WHEREAS, Bids were opened in the St. Louis County Courthouse, Duluth, MN, on May 9, 2013, and the low responsible bid determined;

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

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Ulland Brothers, Inc.	P.O. Box 340 Cloquet, MN 55720	\$312,450.00

RESOLVED FURTHER, That the appropriate county officials are authorized to approve the Contractor's Performance Bonds and to execute the bonds and contract for the above listed project payable from:

CP 0898-155308(low): Fund 200, Agency 203287, Object 652800 \$256,086.00

CP 0014-159990(tied): Fund 200, Agency 203288, Object 652800 \$ 56,364.00

Award of Bids: Crack Sealing

BY COMMISSIONER _____

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

SAP 69-030-031, CP 0000-187650 Crack Sealing located on selected roads in St. Louis County;

and

WHEREAS, Bids were opened in the St. Louis County Courthouse, Duluth, MN, on May 9, 2013, and the low responsible bid determined;

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

<u>LOW BIDDER</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Fahrner Asphalt Sealers, LLC	6615 US Hwy. 12 W. Eau Claire, WI 54702	\$317,880.96

RESOLVED FURTHER, That the appropriate county officials are authorized to approve the Contractor's Performance Bonds and to execute the bonds and contract for the above listed project payable from Fund 220, Agency 220294, Object 652700.

**Application to Sell/Serve Outside the Designated Serving Area
(Unorganized Township 68-19)**

BY COMMISSIONER _____

RESOLVED, That pursuant to Ordinance No. 28, Section 11, Subd. 11.06, authorization is hereby approved for the following applications to sell/serve outside the designated serving area of the County Liquor License, as per applications on file in the office of the County Auditor, identified as County Board File No. 59580:

Ash-Ka-Nam Resort & Lodge, LLC d/b/a Ash-Ka-Nam, Unorganized Township 68-19, July 26 & 27, 2013;

Ash-Ka-Nam Resort & Lodge, LLC d/b/a Ash-Ka-Nam, Unorganized Township 68-19, August 2 & 3, 2013;

Ash-Ka-Nam Resort & Lodge, LLC d/b/a Ash-Ka-Nam, Unorganized Township 68-19, August 9 & 10, 2013;

Ash-Ka-Nam Resort & Lodge, LLC d/b/a Ash-Ka-Nam, Unorganized Township 68-19, September 20 & 21, 2013;

Ash-Ka-Nam Resort & Lodge, LLC d/b/a Ash-Ka-Nam, Unorganized Township 68-19, October 4 & 5, 2013.

Workers' Compensation Report

BY COMMISSIONER _____

RESOLVED, That the workers' compensation report of claims by employees for work-related injuries, dated May 17, 2013, on file in the office of the County Auditor, identified as County Board File No. 59592, is hereby received and ratified as payable from Fund 730, Agency 730001.

Claims and Accounts for April 2013

BY COMMISSIONER _____

RESOLVED, That the recommendations of the Finance Committee for payment of claims and bills against the County of St. Louis, on file in the office of the County Auditor, identified as County Board File No. 59633, are hereby approved and the County Auditor shall issue checks in the following amounts:

April 2013

100	General Fund	\$6,104,988.39
149	Personnel Service Fund	303.04
150	Sheriff's Nemesis Fund Group	17,934.21
160	MN Trail Assistance	61,383.11
168	Sheriff's State Forfeitures	1,642.42
169	Attorney Trust Accounts-VW	1,211.97
173	Emergency Shelter Grant	991.99
179	Enhanced 9-1-1	10,163.46
180	Law Library	22,530.30
183	City/County Communications	301.70
184	Extension Service	78,428.51
200	Public Works	2,824,330.16
210	Road Maintenance – Unorg Townships	2,197.23
220	State Road Aid	735,452.95
225	PW – June 2012 Flood	202,029.80
230	Public Health & Human Services	7,307,020.02
240	Forfeited Tax	422,832.92
260	CDBG Grant	37,180.07
270	Home Grant	98,717.16
280	Federal Septic Loan – EPA Fund	1,047.98
290	Forest Resources	31,326.40
400	County Facilities	47,031.33
402	Depreciation Reserve Fund	19,351.50
405	Public Works Building Const	45,796.64
439	2010A Capital Improvement Bond	41.04
600	Environmental Services	474,456.66
616	On-Site Waste Water Division	36,765.31
715	County Garage	107,629.89
720	Property Casualty Liability	9,638.16
730	Workers Compensation	190,754.33
770	Retired Employees Health Ins	355.04
826	Taconite Production Tax	290,133.00
855	Human Service Conference Fund	3,101.48

900	State of Minnesota	1,239,524.09
902	Courts	264,892.79
907	Special Taxes	887.95
908	Cities and Towns Taxes	15,106.01
909	Tax Refunds	103,674.47
910	School Districts Taxes	38,991.56
911	Taxes and Penalties	19,770.26
925	Arrowhead Regional Corrections	1,490,302.59
955	Community Health Board	119,552.57
985	Collective Local Collaborative	69,717.93
989	Regional Railroad Authority	92,131.98
992	Permits to Carry – Firearms	2,253.47
994	Sheriff Forfeits/Evidence	373.00
998	MPL-DUL Train Alliance	23,491.43
		<u>\$22,667,738.27</u>

Amended NEMESIS Consulting Services Contract

BY COMMISSIONER _____

WHEREAS, The St. Louis County Board supports the sharing of criminal justice information and systems throughout the region and in sharing the costs of providing those systems among the subscribing public safety agencies in the region; and

WHEREAS, The Northeast Minnesota Enforcement and Safety Information System (NEMESIS) continues to be developed and implemented in support of these efforts; and

WHEREAS, Ms. Angie VanDeHey, Advance! Training and Consulting, is able to provide the training and development services needed as the NEMESIS system evolves;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes an amended contract with Angie VanDeHey, Advance! Training and Consulting, for the period July 1, 2013 through December 31, 2013 at the hourly rate of \$60, not to exceed \$40,000, with \$30,000 to be payable from NEMESIS Subscriber fees - Fund 150, Agency 150001, Object 629900, and \$10,000 to be payable from Fund 100, Agency 129003, Object 629900.

**Authorization to Expend the 2010 ARMER Integration Grant
for a Microwave Link from Sax ARMER Site to Hibbing Maple Hill Site**

BY COMMISSIONER _____

WHEREAS, On August 10, 2011, St. Louis County received an Allied Radio Matrix for Emergency Response (ARMER) Integration Grant from the Minnesota Department of Public Safety, Emergency Communication Networks Division, for the Northeast Regional Radio Board to switch to ARMER, which expires on June 30, 2013; and

WHEREAS, The purchase of a microwave link from Microwave Network, Inc., Stafford, TX, will be built from the Sax ARMER site to the Hibbing Maple Hill site;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the expenditure of \$114,469.54 (\$107,106 plus \$7,363.54 state use tax) for the purchase of a microwave link from Microwave Networks, Inc., Stafford, TX, from the Sax ARMER Site to the Hibbing Maple Hill site, to be accounted for in Fund 100 Agency 136999 Grant 13603; and

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